



General Purposes Committee

Council Chambers, City Hall
6911 No. 3 Road

Monday, June 15, 2020
4:00 p.m.

Pg. # ITEM

MINUTES

GP-6 *Motion to adopt the minutes of the meetings of the Special General*
GP-10 *Purposes Committee held on May 25, 2020 and General Purposes*
Committee held on June 1, 2020.



COUNCILLOR HAROLD STEVES

1. **A NEW COASTAL STRATEGY**
(File Ref. No.) (REDMS No.)

GP-15

See Page **GP-15** for background materials

RECOMMENDATION

That Richmond request the BC Government to develop and enact a Coastal Strategy and Law to leverage and coordinate the work of provincial ministries, First nations, local communities, and stakeholders groups to preserve coastal and ocean health, halt coastal habitat loss, accelerate the completion of a network of marine protected areas to benefit fisheries, biodiversity and the economy, set marine environmental quality objectives, and help communities adopt ecosystem –based approaches to manage risk from flooding due to extreme weather events, sea level rise, climate change and ocean acidification.



COMMUNITY SAFETY DIVISION

2. **APPLICATION TO REQUEST A FOOD PRIMARY ENTERTAINMENT ENDORSEMENT FOR FOOD PRIMARY LIQUOR LICENCE # 303817 - WC HOTELS LLP (WESTIN WALL CENTRE, VANCOUVER AIRPORT) - 3099 CORVETTE WAY**
(File Ref. No. 12-8275-30-001) (REDMS No. 6463853)

GP-31

See Page GP-31 for full report

Designated Speaker: Carli Williams

STAFF RECOMMENDATION

- (1) *That the application from WC Hotels LLP (Westin Wall Centre, Vancouver Airport), doing business as, The Apron, operating at 3099 Corvette Way, requesting a Food-Primary Patron Participation Entertainment Endorsement to Food-Primary Liquor Licence No. 303817, to enable patrons to dance at the establishment, be supported with;*
- (a) *No change to person capacity currently in place; and*
- (b) *No change to service hours currently in place; and*
- (2) *That a letter be sent to the Liquor and Cannabis Regulation Branch, which includes the information attached as Appendix A, advising that Council supports the amendment for a Patron Participation Entertainment Endorsement on Food-Primary Liquor Licence No. 303817 as this request has been determined, following public consultation, to be acceptable in the area and community.*



PLANNING AND DEVELOPMENT DIVISION

3. **PROPOSED AMENDMENTS TO TRAFFIC BYLAW NO. 5870 - ENGINE BRAKE AND CYCLIST CROSSWALK REGULATIONS**
(File Ref. No. 12-8060-02-01) (REDMS No. 6457707 v. 7)

GP-40

See Page GP-40 for full report

Designated Speaker: Sonali Hingorani

STAFF RECOMMENDATION

- (1) *That Traffic Bylaw No. 5870, Amendment Bylaw No. 10184, to prohibit the use of engine brakes on municipal roads in Richmond and permit cyclists to ride in crosswalks with elephant's feet markings, be introduced and given first, second and third reading;*
- (2) *That Municipal Ticket Information Authorization No. 7321, Amendment Bylaw No. 10185, to assign a fine for the prohibited use of engine brakes on municipal roads in Richmond, be introduced and given first, second and third reading; and*
- (3) *That staff be directed to send a letter to the British Columbia Trucking Association advising of the proposed bylaw amendments with respect to the prohibited use of engine brakes.*



4. **APPLICATION BY YUANHENG SEASIDE DEVELOPMENTS LTD./YUANHENG SEAVIEW DEVELOPMENTS LTD. FOR A ZONING TEXT AMENDMENT TO THE “RESIDENTIAL/LIMITED COMMERCIAL AND COMMUNITY AMENITY (ZMU30) – CAPSTAN VILLAGE (CITY CENTRE)” ZONE AT 3399 CORVETTE WAY AND 3311 & 3331 NO. 3 ROAD**

(File Ref. No. 12-8060-20-010189; ZT 19-872212) (REDMS No. 6466184 v. 3)

GP-47

See Page GP-47 for full report

Designated Speaker: Wayne Craig

STAFF RECOMMENDATION

- (1) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 10189, for a Zoning Text Amendment to the “Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)” zone, a site-specific zone applicable at 3399 Corvette Way and 3311 & 3331 No. 3 Road, to:*
 - (a) *increase the maximum number of permitted dwelling units from 850 to 941 (without any increase in total residential floor area); and*
 - (b) *relocate 964 m² (10,371 ft²) of permitted (unbuilt) floor area from the development's first phase at 3331 No. 3 Road to its second phase at 3311 No. 3 Road and third phase at 3399 Corvette Way;**be introduced and given first reading; and*

- (2) *That the terms of the voluntary developer community amenity contribution secured through the original rezoning of 3399 Corvette Way and 3311 & 3331 No. 3 Road (RZ 12-603040) be amended to permit the completion of the proposed City Centre North Community Centre, at 3311 No. 3 Road, be deferred from December 31, 2021 to December 31, 2023.*



COMMUNITY SERVICES DIVISION

5. **PHOENIX NET LOFT PUBLIC CONSULTATION PROCESS**
(File Ref. No. 11-7000-01) (REDMS No. 6445923 v. 2)

GP-71

See Page GP-71 for full report

Designated Speaker: Marie Fenwick

STAFF RECOMMENDATION

That staff be authorized to proceed with Phase One of the Phoenix Net Loft Public Consultation Process as described in the staff report titled “Phoenix Net Loft Public Consultation Process”, dated May 22, 2020, from the Director, Arts, Culture and Heritage Services.



ENGINEERING AND PUBLIC WORKS DIVISION

6. **PHOENIX NET LOFT DECONSTRUCTION AND SALVAGE**
(File Ref. No. 06-2052-25-PNET1) (REDMS No. 6469794 v. 12)

GP-76

See Page GP-76 for full report

Designated Speaker: Martin Younis

STAFF RECOMMENDATION

That staff be authorized to proceed with the deconstruction and salvage of heritage elements of the Phoenix Net Loft as described under Option 1 on Page 3, in the staff report titled “Phoenix Net Loft Deconstruction and Salvage”, dated May 21, 2020, from the Director, Facilities and Project Development.



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ITEM

ADJOURNMENT





Special General Purposes Committee

Date: Monday, May 25, 2020

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair
Councillor Chak Au
Councillor Carol Day (attending via teleconference)
Councillor Kelly Greene (attending via teleconference)
Councillor Alexa Loo
Councillor Bill McNulty (attending via teleconference)
Councillor Linda McPhail (attending via teleconference)
Councillor Harold Steves (attending via teleconference)
Councillor Michael Wolfe (attending via teleconference)

Call to Order: The Chair called the meeting to order at 4:25 p.m.

COMMUNITY SAFETY DIVISION

1. AGRICULTURAL SIGNAGE REVIEW AND CONSULTATION

(File Ref. No. 12-8350-03) (REDMS No. 6469276)

In reply to queries from Committee, staff noted that (i) signs are addressed on a case by case basis, (ii) all signs are reviewed to ensure safety and compliance, (iii) legacy sign refers to signs that have been erected year after year predating the bylaw, (iv) the goal of the legacy signs is to ensure compliance and ensure individuals have adequate time to comply, (v) billboards are third party advertising and not permitted in Richmond, and (vi) updates can be provided on the various agri-tourism opportunities taking place.

It was moved and seconded

- (1) *That the staff report titled "Agricultural Signage Review and Consultation" from the General Manager, Community Safety, dated May 14, 2020, be received for information;*

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- (2) *That the Communication Plan described in the staff report titled “Agricultural Signage Review and Consultation” from the General Manager, Community Safety, dated May 14, 2020 be endorsed; and*
- (3) *That staff be directed to continue working with Richmond farmers to retain “legacy signs” that meet safety requirements to promote agricultural activities.*

CARRIED

It was moved and seconded

That staff examine the possibility of central signs on City, or other properties, and/or through technology, for the agricultural community to advertise crops in season.

CARRIED

2. EXPEDITED TEMPORARY PATIOS FOR RESTAURANTS, CAFES AND PUBS

(File Ref. No. 12-8275-00) (REDMS No. 6468957 v.4)

It was moved and seconded

- (1) *That Council endorse a program to facilitate the creation of temporary patios as described in the staff report titled “Expedited Temporary Patios for Restaurants, Cafes and Pubs”, dated May 22, 2020, from the General Manager of Community Safety, which would include:*
 - (a) *the delegation of authority to the General Manager of Engineering and Public Works to approve and execute temporary license agreements permitting the temporary use and occupation of City owned property including portions of sidewalks and highways for the purposes of operating a temporary patio;*
 - (b) *the temporary suspension of enforcement of the minimum on-site vehicle parking requirements specified in City of Richmond Zoning Bylaw No. 8500 to the extent any temporary patio created under the program impacts the ability to meet those requirements until the sooner of November 1, 2020 or until the a Council resolution to cancel; and*
 - (c) *the temporary suspension of enforcement of the requirements to obtain a Heritage Alteration Permit within the Steveston Village Heritage Conservation Area to the extent any temporary patio created under the program would otherwise require a Heritage Alteration Permit, until the sooner of November 1, 2020 or until a Council resolution to cancel.*

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- (2) *That one pre-approval is provided to the Liquor and Cannabis Regulation Branch for all individual requests for temporary patios for liquor primary and manufacturer establishments; and*
- (3) *That staff provide regular updates on the number of applications and report back to Council at the conclusion of the program.*

The question on the motion was not called as discussion took place on (i) extending the bylaw to include other businesses, (ii) the potential of closing some streets to allow for more foot traffic, (iii) ensuring surrounding businesses are not negatively affected, and (iv) angle parking on Chatham Street.

In reply to queries from Committee, staff advised that (i) awnings are not permitted as part of the proposed bylaw as they have a structural element to them and require a permit, (ii) there is a limit to the height of fences that are permitted, (iii) as all structures permitted in the proposed bylaw are temporary, no Heritage Alteration Permit is required, (iv) temporary ramps will be installed for accessibility, (v) in speaking with the businesses, they determined that November is the end of outside dining and aligns with the provinces plan, (vi) large tents require some sort of permitting and oversight and staff are not prepared to provide that; however, umbrellas are allowed, (vii) communication through the City's website and through the Economic Development Department should be sufficient to inform the community of the program, (viii) standing radiant heaters are allowed, and (ix) additional bike parking can be examined.

The question on the motion was then called and it was **CARRIED**.

It was moved and seconded

That staff examine other businesses that would benefit to a similar approach to the temporary patios program that is being provided for restaurants, and report back.

CARRIED

It was moved and seconded

That staff examine areas in Richmond that could be closed to traffic for a period of time during the summer and generally the expanded use of road space, and report back.

CARRIED

It was moved and seconded

That staff examine permanent angle parking on Chatham Street, and report back.

CARRIED

3.

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It was moved and seconded

That staff explore the adequacy of bike parking in Richmond, especially in Steveston, and report back.

CARRIED

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (5:08 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, May 25, 2020.

Mayor Malcolm D. Brodie
Chair

Sarah Goddard
Legislative Services Associate



General Purposes Committee

Date: Monday, June 1, 2020

Place: Council Chambers
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair
Councillor Chak Au
Councillor Carol Day (attending via teleconference)
Councillor Kelly Greene (attending via teleconference)
Councillor Alexa Loo (attending via teleconference)
Councillor Bill McNulty (attending via teleconference)
Councillor Linda McPhail (attending via teleconference)
Councillor Harold Steves (attending via teleconference)
Councillor Michael Wolfe (attending via teleconference)

Call to Order: The Chair called the meeting to order at 4:01 p.m.

MINUTES

It was moved and seconded

That the minutes of the meeting of the General Purposes Committee held on May 19, 2020, be adopted as circulated.

CARRIED

FINANCE AND CORPORATE SERVICES DIVISION

1. **AWARD OF REQUEST FOR QUOTATION (RFQ) 6867Q "SUPPLY & DELIVERY OF NETWORK EQUIPMENT" TO TELUS**
(File Ref. No. 04-1300-20-01/2020) (REDMS No. 6466332 v.5)

In response to a query from Committee, staff noted that the Award of Request for Quotation (RFQ) 6867Q "Supply & Delivery of Network Equipment" to Telus does not include 5G technology.

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It was moved and seconded

- (1) *That Request For Quotation (RFQ) 6867Q be awarded to TELUS Communications Inc. in the amount of \$1,659,552 over a 3-year term based on the public RFQ process; and*
- (2) *That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to execute the contract with TELUS Communications Inc.*

CARRIED

COMMUNITY SAFETY DIVISION

2. APPLICATION TO REQUEST A FOOD PRIMARY ENTERTAINMENT ENDORSEMENT FOR FOOD-PRIMARY LIQUOR LICENCE # 051872 - PACIFIC GATEWAY HOTEL AT VANCOUVER AIRPORT - 3500 CESSNA DR.

(File Ref. No. 12-8275-30-001/2020) (REDMS No. 6435323 v.3)

It was moved and seconded

- (1) *That the application from Van-Air Holdings Ltd., doing business as, Pacific Gateway Hotel at Vancouver Airport, operating at 3500 Cessna Drive, requesting a Food-Primary Patron Participation Entertainment Endorsement to Food-Primary Liquor Licence No. 051872, to enable patrons to dance at the establishment, be supported with;*
 - a) *No change to person capacity currently in place; and*
 - b) *No change to service hours currently in place.*
- (2) *That a letter be sent to the Liquor and Cannabis Regulation Branch, which includes the information attached as Appendix A, advising that Council supports the amendment for a Patron Participation Entertainment Endorsement on Food-Primary Liquor Licence No. 051872 as this request has been determined, following public consultation, to be acceptable in the area and community.*

The question on the motion was not called as discussion ensued regarding noise factors of the application.

In response to queries from Committee, staff noted that (i) karaoke will only be permitted indoors, (ii) the City sent out notification to parcels within City's jurisdiction, (iii) the application is in respect to the ballroom and does not apply to the deck, and (iv) food primary applications adding patron participation require Council approval.

The question on the motion was then called and it was **CARRIED**

2.

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3. **CONTRACT AWARD (REQUEST FOR PROPOSAL 6762P) – SUPPLY AND DELIVERY OF A QUINT AND ENGINE FOR RICHMOND FIRE RESCUE (RFR)**

(File Ref. No. 02-0775-50-6762) (REDMS No. 6456143 v.12)

In response to queries from Committee, staff noted that (i) the evaluation team looked at four vehicles and concluded that with the Safetek proponent one vehicle was more expensive, one did not meet the criteria and the other two vehicles were less money; however, the overall bid was of less quality, (ii) the relationship with Commercial Emergency Equipment Co. is well established, (iii) the Quint is at the end of life and the timeline to receive the replacement is 13 months, (iv) Richmond Fire-Rescue (RFR) can continue to operate safely and efficiently with the current Hazmat truck for a number of years, (v) as of December 31, 2019 there is approximately one million dollars in the Fire Vehicle reserve fund, (vi) the balance of the money will come from committed funds, (vii) the cost of maintenance of the HazMat Truck will be manageable, (viii) the Quint at 22 years will be at the end of life and the Engine will be used for additional staffing and as a reserve vehicle, (ix) it is typical to have two or three proponents for a bid, (x) the Engine provided by Commercial Engine has an ergonomic design in the cabin chassey, which from experience has reduced injuries to firefighters to nil.

It was moved and seconded

That contract 6762P be awarded for the supply and delivery of a Quint and Engine for Richmond Fire Rescue (RFR) to Commercial Emergency Equipment Co. for a total cost of \$2,417,373, exclusive of taxes.

CARRIED

PLANNING AND DEVELOPMENT DIVISION

4. **APPLICATION BY CDS-CHEN DESIGN STUDIO LTD. FOR REZONING AT 6560 GRANVILLE AVENUE FROM THE “SINGLE DETACHED (RS1/E)” ZONE TO THE “COMPACT SINGLE DETACHED (RC2)” ZONE**

(File Ref. No. RZ 18-825323) (REDMS No. 5981494 v.4)

Staff reviewed the application noting that (i) each lot will be providing a one bedroom secondary suite, (ii) Lot B requires a development variance permit for rear yard setback in order to retain the trees in the front yard, and (iii) due to the shift of building envelope, a variance will be required for the private outdoor space to provide parking for the secondary suite.

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In response to queries from Committee, staff noted that through the development variance permit, detailed architectural designs will be required as well as notification and through the arborist report, staff identified that the trees on the property were worthy of preservation.

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10109, for the rezoning of 6560 Granville Avenue from the “Single Detached (RS1/E)” zone to the “Compact Single Detached (RC2)” zone, be introduced and given first reading.

CARRIED

5. **APPLICATION BY ZHAO XD ARCHITECT LTD. FOR REZONING AT 8231 AND 8251 WILLIAMS ROAD FROM THE “SINGLE DETACHED (RS1/E)” ZONE TO THE “LOW DENSITY TOWNHOUSES (RTL4)” ZONE**

(File Ref. No. RZ 18-824503) (REDMS No. 6436354 v.3)

Staff reviewed the application noting that vehicle access will be provided from a neighbouring site.

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10173, for the rezoning of 8231 and 8251 Williams Road from the “Single Detached (RS1/E)” zone to the “Low Density Townhouses (RTL4)” zone to permit the development of ten townhouse units, be introduced and given first reading.

In response to queries from Committee, staff noted that a memo can be provided with the age of the property located at 8251 Williams Road and should the statutory right of way with the neighbouring site to the east stall, the application will come back to Council for redesign.

The motion was then called and it was **CARRIED**

LEGAL AND LEGISLATIVE SERVICES

6. **COUNCIL AND COMMITTEE 2020 AUGUST MEETING SCHEDULE**

(File Ref. No.: 01-0107-08-01) (REDMS No.6473567)

In response to a query from Committee, the Mayor noted that the Chair or two Councillors can call a special meeting on 24 hours notice.

Discussion ensued regarding the September Committee meeting schedule and the Union of B.C. Municipalities Convention dates and as a result:

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It was moved and seconded

That the General Purposes Committee and Public Works and Transportation Committee meetings scheduled for Tuesday, September 15, 2020, be rescheduled to September 21, 2020 and September 22, 2020, respectively.

CARRIED

Opposed: Cllrs Day
Greene
Wolfe

It was moved and seconded

That the report titled "Council and Committee 2020 August Meeting Schedule" dated May 27, 2020, from the Director, City Clerk's Office be received for information.

CARRIED

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (4:43 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Monday, June 1, 2020.

Mayor Malcolm D. Brodie
Chair

Stephanie Walrond
Legislative Services Associate

To: Mayor and Councillors

Date: June 2, 2020

From: Councillor Harold Steves,

Re: A New Coastal Strategy

In 1968 Imperial Oil acquired over 100 acres beyond Richmond's west dyke from Steveston Highway to Garry Point for a super tanker port. The Lower Mainland Regional Planning Board, precursor to the GVRD, had designated Sturgeon Banks as "Undetermined Reserve" in the Official Regional Plan. Coincidentally, the LMRPB prepared a report, "Our Southwestern shores", that outlined conflicting uses for the Fraser River Estuary, and recommended some industry on Sturgeon Banks. Richmond Council opposed the oil port and industrial development on Sturgeon Banks. Eventually the Official Regional Plan designation for Sturgeon Banks was changed to Conservation.

In 1972 a report, "A Commitment To The Future", drafted by DR Halladay, BC Fish and Wildlife Branch, and RD Harris, Canadian Wildlife Service, called for the identification and protection of critical areas in the Fraser River Estuary.

In 1973 the incoming BC Government introduced the "Land Commission Act" that protected agricultural land, estuaries, and parkland. With opposition to such widespread provincial planning the protection of estuaries and parkland was removed from the legislation and only farmland was protected with the ALR. The newly formed GVRD was given the role of determining the final ALR boundaries and protected farmland adjacent to the river but estuaries remained unprotected. As Richmond MLA I introduced a Private Members' Bill, "The BC Coastal Zone Act", but it was not adopted before there was a change in government.

In 1977 the Fraser River Coalition was formed and held a major conference in Richmond to specifically request protection of the Fraser River Estuary. Consequently, in 1978, the BC and Canadian governments initiated the Fraser River Estuary Study. Richmond Council endorsed the plan in June 1980. Subsequently, the Fraser River Estuary Management Program, FREMP, was established, similar to the Agricultural Land Reserve. It determined zones where industry could be located and red zones where industry could not be located. It also established zones where new habitat could be created to compensate for habitat loss elsewhere.

Recently, FREMP was disbanded and their responsibilities turned over to Port Vancouver. Port Vancouver subsequently approved a Jet Fuel Terminal in Richmond and attempted to convert City owned land, boat launching ramp, and related water lot, at Gilbert Beach to habitat as compensation for their developments elsewhere. Richmond was unsuccessful in opposing the Jet Fuel Terminal but the City was successful in preventing the Port from taking over the City land and water lot.

Clearly there is a need for an independent authority to protect the Fraser River Estuary.

At the same time the main west coast port for the BC Fishing Industry is located at Steveston. Unlike the Maritime Provinces, BC has no comprehensive, marine, Coastal Strategy and Law. There is no marine counterpart to the ALR. A new Law is needed to protect coastal and ocean health, enhance wild salmon and other fisheries, and halt coastal habitat and marine species loss.

Recommendation:

That Richmond request the BC Government to develop and enact a Coastal Strategy and Law to leverage and coordinate the work of provincial ministries, First nations, local communities, and stakeholders groups to preserve coastal and ocean health, halt coastal habitat loss, accelerate the completion of a network of marine protected areas to benefit fisheries, biodiversity and the economy, set marine environmental quality objectives, and help communities adopt ecosystem –based approaches to manage risk from flooding due to extreme weather events, sea level rise, climate change and ocean acidification.

And That Richmond endorse a similar resolution sent to the UBCM by Port Moody.

Protect the Coast

A New Coastal Strategy and Law for British Columbia

British Columbia needs a coastal strategy and law to leverage and coordinate the work of provincial ministries, First Nations, local communities, and stakeholder groups.

Why do we need a B.C. Coastal Strategy and Law?

To assert jurisdiction and leverage engagement from other orders of government

B.C. exercises considerable jurisdiction in the marine and coastal realm, and works closely with other levels of government who share this jurisdiction. Yet unlike all the Atlantic provinces, B.C. has no comprehensive coastal and marine strategy. A B.C. coastal strategy will clearly articulate provincial jurisdiction and enable the province to better engage with other governments and communities.

To better advance and integrate provincial policy objectives

A coherent B.C. coastal strategy will enable provincial agencies to find opportunities for greater integration and increase the impact of diverse programs on environmental protection, coastal infrastructure, training and capacity-building, economic development, and technology and innovation.

To advance reconciliation

A B.C. Coastal strategy will support reconciliation with coastal First Nations by recognizing First Nations' rights and title and upholding the province's commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples.

To signal to the world the importance of B.C.'s ocean and coastlines

A B.C. Coastal strategy will provide a vision and objectives to guide actions in the increasingly crowded coastal zone and highlight the importance the government places on these vital areas. In addition to protecting B.C.'s coast, sensitive marine ecosystems, and vulnerable species, a strategy will also protect our coastal communities and economies.

To provide a comprehensive legal response to a broad suite of cross-cutting issues

B.C. does not have a comprehensive coastal protection law. No marine counterpart to the B.C. *Land Act* exists, and piecemeal legislation and policy govern numerous coastal marine activities.

To establish a home for coastal issues within the government

The province of B.C. used to have a provincial Ministry of Fisheries, which became a division, then a branch. Now coastal and marine responsibilities are scattered throughout various Ministries. A law could establish a new governance body such as a B.C. Coastal Management Council or Authority.

¹G.S. Gislason and Associates. 2007. Economic Contribution of the Oceans Sector in British Columbia. (numbers updated to 2018 dollars)

To keep wild places wild

A new law will preserve coastal and ocean health, and halt coastal habitat loss. It will accelerate the completion of a network of marine protected areas to benefit fisheries, biodiversity and the economy. A law can better regulate clean water: it can set marine environmental quality objectives from upland activities. It will help communities adopt ecosystem-based approaches to manage risks from flooding due to extreme weather events, sea level rise, climate change, and ocean acidification.

To implement enforceable coastal and marine zone plans, similar to land use plans

The notable plans from the Marine Planning Partnership for the North Pacific Coast (MaPP) developed collaboratively with First Nations contain zoning and management directions for a wide range of marine uses and activities under provincial jurisdiction like monitoring and enforcement, pollution, and tenured activities. A new law can provide a clear pathway for legislative implementation of these plans.

To enhance food security by ensuring local access to marine food resources.

A new law will support the implementation of the Wild Salmon Strategy as well as a comprehensive approach to sustainable aquaculture.

A new B.C. Coastal Strategy and Law will ensure that the government of B.C. has the right tools in place to protect the coast and keep our ocean healthy for the future.

Why have we reached out to you?

The idea of a coastal strategy and law has been contemplated at various times in B.C. since the elimination of the B.C. Ministry of Fisheries. With the government's numerous commitments to coastal communities, the time is right to provide a legislative framework to support their implementation. We hope that you see the value that this initiative can contribute to your own coastal and ocean work.

We hope that you are interested to learn more about this campaign, available to provide feedback and able to join our growing wave of allies as we continue to advocate for a B.C. Coastal Strategy and Law. If you are interested in learning more about this campaign and how you can support our initiative please contact:

Kate MacMillan,
CPAWS Provincial Ocean and Coastal Coordinator, 778-886-0870, kmacmillan@cpaws.org

Michael Bissonnette,
WCEL Marine Program Staff Lawyer, 604-684-7378 x 233, mbissonnette@wcel.org

Caring for our Coast:

Lessons for BC from Coastal Management Laws around the World

January 2020

British Columbia's iconic coast extends for tens of thousands of kilometers and is relied upon by millions of people. It is one of the largest coastal jurisdictions in the world. And the future of the coast is in peril - declining biodiversity, intensifying climate change impacts, and increasing conflicts over resources are a few challenges BC is currently facing. Yet, despite the importance of the coast to BC's culture and economy, many are surprised to learn that we don't have a comprehensive provincial coastal strategy or law to care for the coast.

By contrast, most other coastal provinces¹, states², and many other countries have coastal management strategies and laws. In the US, 34 of 35 coastal states have Coastal Zone Management programs. If they can do it, why can't we?

BC can benefit from the experience of other jurisdictions as it develops a coastal strategy and law. What follows below is a short, selective look at coastal strategies and laws developed by other jurisdictions to address challenges similar to those currently facing BC. We have focused on six issues in particular that a coastal strategy and law could address in BC: 1) implementing coastal and marine plans, 2) rules to direct climate adaptation, 3) reducing shoreline hardening, 4) prevention of coastal habitat loss, 5) intergovernmental coordination, and 6) maintaining public access. However, this list is in no way exhaustive; there are many other coastal issues that could benefit from a coastal strategy and law.

1. Implementing Coastal and Marine Plans

In BC, no provincial law requires collaborative planning along the coast. As a result, some of the province's busiest coastal and ocean areas have no guiding plan whatsoever. Nonetheless, BC has made considerable progress in developing coastal and marine plans. For example, the provincial government co-led the Marine Plan Partnership (MaPP) with 17 First Nations along the coast and produced Canada's first marine spatial plans with ocean zoning, involving stakeholders in a collaborative process. The MaPP marine plans provide spatial solutions to prevent user conflict, implement ecosystem-based management, and clarify complex jurisdictions. However, in the absence of legislation to ensure these plans are followed, the plans do not have any teeth, and risk being ignored, both by third parties and government decision-makers. Other jurisdictions require legally binding coastal and marine plans.

¹ East Coast Environmental Law Association, "Protecting the Coast: A Multi-Jurisdictional Legislative Review" (August 2018) at 11, online (pdf): *East Coast Environmental Law* <https://www.ecelaw.ca/media/k2/attachments/ECELAW_Protecting_the_Coast_Report.pdf>.

² 34 of the 35 coastal states and territories in the US have coastal zone management laws. For a recent review of the US *Coastal Zone Management Act*, how it works, and how it has been implemented, see: Congressional Research Service, "Coastal Zone Management Act (CZMA): Overview and Issues for Congress" (15 January 2019), online (pdf): *Federation of American Scientists* <<https://fas.org/sgp/crs/misc/R45460.pdf>>.

Examples:

Washington State – *Washington Marine Waters Planning and Management Act*

Washington State has completed an impressive marine spatial plan for its entire coast line.³ The *Washington Marine Waters Planning and Management Act*⁴ requires all state decisions to be consistent with the final marine spatial plan.

California – *Coastal Act*

This Act is widely considered to be a model for the US. The Act requires local governments to develop local coastal programs (LCPs) that are approved by the California Coastal Commission.⁵ All public agencies, including most federal agencies, must comply with the Act.

Scotland – *Marine (Scotland) Act 2010*

In Scotland, the *Marine (Scotland) Act 2010* requires the development of a national marine plan, as well as supplementary marine plans at the regional level. Decision-makers are required to “take any authorisation or enforcement decision in accordance with the appropriate marine plans, unless relevant considerations indicate otherwise” and “have regard to” the plan in making any other decisions.⁶

2. Rules to Direct Climate Change Adaptation

When it comes to sea level rise, BC’s own assessments have identified many stretches of coastline⁷ that are particularly vulnerable to climate impacts.⁸ Scientists are now projecting an acceleration of the rate of sea level rise, with unknown consequences for marine and coastal life.⁹ Some potential impacts include loss of property due to erosion and permanent inundation, saltwater intrusion into coastal aquifers, and loss of cultural and historical sites. In addition to this, rising temperatures, changes in the geographic range of key species, increased frequency and severity of coastal storms and acidification will all have significant impacts on coastal communities and ecosystems. Strategies are needed to support adaptation to a climate change future.

BC has developed sea level rise guidance to assist local planning, but more needs to be done to ensure that all communities are safe, to guard against property damage, and to protect and manage coastal ecosystems. Other jurisdictions have enacted coastal management laws that set clear rules for coastal development, ensure new developments are safe in a changing climate, and protect sensitive coastal ecosystems.

³ Washington State Department of Ecology, “Marine Spatial Plan for Washington’s Pacific Coast” (October 2017), online (pdf): *Washington Marine Spatial Planning* <https://msp.wa.gov/wp-content/uploads/2018/06/WA_final_MSP.pdf>

⁴ *Marine Waters Planning and Management*, 43 Wash Rev Code § 372 (Statute Law Committee 2019).

⁵ California Coastal Commission, “Description of California’s Coastal Management Program (CCMP)” (last visited 14 January 2020), online (pdf): *State of California – Natural Resource Agency* <https://www.coastal.ca.gov/fedcd/ccmp_description.pdf>.

⁶ *Marine (Scotland) Act 2010* (Scot), ASP 5, s 15(1) and 15(3).

⁷ Doug Biffard et al, “Report: BC Parks Shoreline Sensitivity Model” (June 2014), online (pdf): *Ministry of Environment* <<http://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=42825>>.

⁸ West Coast Environmental Law, “Protecting the Coast in the Face of Climate Change” (25 September 2019), online (pdf): *WCEL* <<https://www.wcel.org/blog/protecting-coast-in-face-climate-change>>.

⁹ Scott A Kulp & Benjamin H Strauss, “New elevation data triple estimates of global vulnerability to sea-level rise and coastal flooding.” (2003) 10:4844 *Nature communications* 1–12.

Examples:

Nova Scotia – Coastal Protection Act

The Act recognizes that the coastline provides valuable services to the health and well-being of Nova Scotians, and that, in a changing climate, long-term economic prosperity depends upon sound environmental management.¹⁰ The Act also recognizes that sea level rise, coastal flooding, storm surges and coastal erosion pose significant threats to coastal areas. The Act sets clear rules to ensure new developments are located in places safe from sea level rise and coastal flooding. Regulations to implement the legislation are currently being developed.

New South Wales – State Environmental Planning Policy (Coastal Management) 2018

This policy, established under the *Coastal Management Act*, defines different types of coastal areas and supports coordinated and integrated management by state and local authorities, taking into account “environments, hazards, pressures and interests.”¹¹ It provides guidance to local governments on controlling development and establishes approval pathways for coastal protection works to support adaptation to climate change impacts.

3. Reducing Shoreline Hardening

The negative effects of hardened shorelines on ecosystems and coastal communities has been extensively documented around the world.¹² On the south coast of BC in particular, shoreline hardening with sea walls, dikes and other structures has had negative impacts on coastal ecosystems and has exacerbated storm damage and flooding. Beaches have disappeared, as well as wildlife, plants and fish. A recent local study explains the links between shoreline hardening and negative impacts on southern resident killer whales. The destruction of coastal habitat for forage fish reduces their availability as a food source for Chinook salmon, which in turn reduces the availability of the salmon as a food source for orcas.¹³ Hard shorelines also place coastal infrastructure at risk of damage by amplifying wave energy and the consequences of flooding. Rising sea levels will exacerbate these impacts. Some municipalities, like West Vancouver have taken great steps, at considerable expense, to address these risks.¹⁴

Other jurisdictions have recognized the costly threats of shoreline hardening and have implemented policies and legislation that encourage soft shore approaches to protect both coastal habitat and development. But in BC, there are significant gaps in existing provincial legislation that make it difficult to implement these approaches, even where coastal property owners and local governments are supportive.

¹⁰ Bill 106, *An Act Respecting Coastal Protection in Nova Scotia*, 2nd Sess, 63rd GA, NS, (assented to 12 April 2019).

¹¹ *State Environmental Planning Policy (Coastal Wetlands)* (NSW), 2018/106

¹² See, for example, Gittman, R., Fodrie, F., Popowich, A., Keller, D., Bruno, J., Currin, C. A., et al. (2015). Engineering away our natural defenses: an analysis of shoreline hardening in the US. *Front. Ecol. Environ.* 13:301–307. doi: 10.1890/150065 and Rangel-Buitrago, N., Williams, A., and Anfuso, G. (2017). Hard protection structures as a principal coastal erosion management strategy along the Caribbean coast of Colombia. A chronicle of pitfalls. *Ocean Coast. Manag.* 156, 58–75. doi: 10.1016/j.ocecoaman.2017.04.006

¹³ Environmental Law Centre, University of Victoria, "Saving Orcas by Protecting Fish Spawning Beaches" (October 2019) online (pdf): <http://www.elc.uvic.ca/wordpress/wp-content/uploads/2019/11/2019-01-11-Saving-Orcas-by-Protecting-Fish-Spawning-Beaches.pdf>.

¹⁴ District of West Vancouver, "Shoreline Protection Plan 2012-2015" (last visited 14 January 2020), online (pdf): <https://westvancouver.ca/sites/default/files/shoreline-protection-plan.2012-2015.pdf>.

Examples:

Washington State – *Shoreline Management Act*

This Act delegates responsibility to local governments to develop Shoreline Master Programs (SMPs), while retaining an oversight role for the State through SMP guidelines.¹⁵ The Act recognizes that shoreline armoring (i.e. building physical structures to prevent coastal erosion) can adversely impact shoreline ecology. New developments must be designed to avoid future shoreline armoring and property owners are required to consider soft alternatives to protect their properties.¹⁶

Oregon – *Oregon Beach Bill*

This legislation gives Oregon a consistent, statutory basis to regulate structures along the shoreline to meet a state land-use planning goal that limits shoreline hardening and protects coastal habitat.¹⁷

Nova Scotia – *Coastal Protection Act*

The Act was created to protect the coast for future generations by preventing development that: 1) may damage the coastal environment; and 2) may be at risk from sea level rise, coastal flooding, storm surges and coastal erosion.¹⁸ It prohibits any activity that “interferes with the natural dynamic and shifting nature of the coast” unless it complies with the Act.¹⁹ Specific regulations on “shore-stabilizing structures” will be developed in the future.²⁰

4. Prevention of Coastal Habitat Loss

In the absence of legislation that prioritizes ecological protection, coastal habitat along BC coasts is being lost at ever increasing rates. For example, by 1978, diking, drainage and development in the Lower Mainland had destroyed more than 80% of salt marshes in the area.²¹ Estuaries, eelgrass beds, and marshes are highly productive areas that provide habitats for a host of ecologically and economically important species including herring and salmon. They are also important sites of carbon sequestration and potential climate change adaptation. Unfortunately, these ecosystems are particularly vulnerable to coastal development pressure.²²

¹⁵ *Shoreline Management Act*, 90 Wash Rev Code § 58 (Statute Law Committee 1971); Department of Ecology, “Shoreline Master Programs” (last visited 14 January 2020), online: *Department of Ecology – State of Washington* <<https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-Master-Programs>>; Department of Ecology, “Shoreline Master Programs Handbook” (revised December 2017), online: *Department of Ecology – State of Washington* <<https://fortress.wa.gov/ecy/publications/SummaryPages/1106010.html>>; *State Master Program Approval/Amendment Procedures and Master Program Guidelines*, 173 WAC § 26 (2017).

¹⁶ Washington Department of Fish and Wildlife, “Your Marine Waterfront: A Guide to Protecting your Property While Promoting Healthy Shorelines” (2016) online (pdf): *Washington Department of Fish and Wildlife* <<https://wdfw.wa.gov/sites/default/files/publications/01791/wdfw01791.pdf>>.

¹⁷ Oregon Beach Bill, HR Res 1601, OR Leg (1967).

¹⁸ Bill 106, *An Act Respecting Coastal Protection in Nova Scotia*, 2nd Sess, 63rd GA, NS, (assented to 12 April 2019) s 2.

¹⁹ Bill 106, *An Act Respecting Coastal Protection in Nova Scotia*, 2nd Sess, 63rd GA, NS, (assented to 12 April 2019) s 10.

²⁰ Bill 106, *An Act Respecting Coastal Protection in Nova Scotia*, 2nd Sess, 63rd GA, NS, (assented to 12 April 2019) s 28(1).

²¹ Province of British Columbia, “Fraser River Estuary Study– Summary” (1978) online (pdf): *Government of Canada – Province of British Columbia* <<https://www.for.gov.bc.ca/hfd/library/documents/Bib68894.pdf>>.

²² “Seventy percent of the Fraser River estuary wetlands have been diked, drained, and filled to reclaim land for development (the greatest cause of estuary loss in the past), and this has likely had an impact on the size of the Fraser River fisheries. Similarly, on Vancouver Island, about half of both the Nanaimo and Cowichan estuary wetlands have been lost.” – Samantha Flynn, Carmen Cadrin

Intense and inappropriate coastal development at the ocean's edge carries urban sprawl into the marine environment as well as other issues including pollution and erosion.

Many jurisdictions have enacted coastal laws that set clear priorities for ecological protection and protect key sensitive coastal and shoreline areas. In BC, it is the province's responsibility to protect these vulnerable areas where land and sea interact. BC has adopted legislation that protects freshwater shorelines,²³ but does not have similar protection for marine shorelines, despite the fact that much of the foreshore along BC's coast is legally under provincial control.

Examples:

Nova Scotia – *Beaches Act*

The Atlantic provinces have legislated provisions to protect sensitive coastal areas. For example, the Nova Scotia *Beaches Act* prohibits development on listed beaches unless provincial approval is obtained.

Washington – *Shoreline Management Act*

The Act requires any use of the shoreline to be "consistent with the control of pollution and prevention of damage to the natural environment"²⁴ and prioritizes environmental protection when determining how the coast can be used.²⁵ The Department of Ecology reviews and approves shoreline development permits to ensure compliance with the Act.²⁶ The Act also requires local governments to put in place policies to achieve "no net loss of ecological function."²⁷

California – *Coastal Act*

In the face of significant population growth, California's iconic *Coastal Act* has successfully protected its coast from overdevelopment.²⁸ A main goal of the Act is to "protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources."²⁹ The Act requires "any person," including a state or local agency, to obtain a permit before undertaking development, defined broadly, in the coastal zone.

& Deepa Filatow, "Estuaries in British Columbia" (March 2006) online (pdf): *British Columbia – Ministry of Environment* <http://www.env.gov.bc.ca/wld/documents/Estuaries06_20.pdf>

²³ *Riparian Areas Protection Act* [SBC 1997] c. 21

²⁴ *State Master Program Approval/Amendment Procedures and Master Program Guidelines*, 173 WAC § 26-176 (2017).

²⁵ Department of Ecology, "Shoreline Master Programs Handbook" (revised December 2017) at 22 (supra note xxiii), online: *Department of Ecology – State of Washington* <<https://fortress.wa.gov/ecy/publications/SummaryPages/1106010.html>>.

²⁶ Washington Department of Ecology reviews the locally approved variance permit and either approves, approves with conditions, or denies it within 30 days of receiving the permit package. Department of Ecology, "Shoreline Permitting Manual- Guidance for local governments" (revised November 2019), online (pdf): *Department of Ecology – State of Washington* <<https://fortress.wa.gov/ecy/publications/documents/1706029.pdf>>

²⁷ *State Master Program Approval/Amendment Procedures and Master Program Guidelines*, 173 WAC § 26-186(8)(b) (2017); See also: Department of Ecology, "Shoreline Master Programs Handbook" (revised December 2017), online: *Department of Ecology – State of Washington* <<https://fortress.wa.gov/ecy/publications/SummaryPages/1106010.html>>.

²⁸ "Although California's population has doubled again since 1970, the urban footprint along the coast is largely the same today as it was in 1972." – Gary Griggs & Charles Lester, "Coastal protection on the edge: The challenge of preserving California's legacy", *The Conversation* (10 October 2017), online: <<https://theconversation.com/coastal-protection-on-the-edge-the-challenge-of-preserving-californias-legacy-76927>>

²⁹ *California Coastal Act*, 20 CA PRC § 30230–30240 (1976).

5. Intergovernmental Coordination

Effective coastal management requires coordination among several provincial ministries, as well as Indigenous, federal and municipal governments. A coastal management law can clarify the responsibilities of the provincial and local governments and ensure improved cooperation and coordination among all orders of government. Without coordinated governance, gaps and overlaps in jurisdiction arise resulting in piecemeal and patchwork management of the coast and inefficient decision-making. The lack of clarity also creates confusion and conflict between users and governing bodies, and results in cumulative impacts that are not adequately measured or addressed.

The new BC *Declaration on the Rights of Indigenous Peoples Act* requires that all provincial laws be in harmony with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This requires the Province to effectively engage with Indigenous governments in a coordinated manner. A coastal management strategy and law can proactively ensure provincial decision-making along the coast complies with UNDRIP.

Other jurisdictions have established through law a specialized agency as a ‘one-stop shop’ for coastal management. Internally, this ensures government resources and capacity are allocated efficiently, and that policy and decision-making are coordinated instead of being spread across different ministries and working groups. Externally, this supports communication, cooperation and action with other orders of government and ensures the public knows where to go with coastal issues.

Examples:

Washington – Department of Ecology under the *Shoreline Management Act*

The *Shoreline Management Act* was created to prevent the “inherent harm in an uncoordinated and piecemeal development of the state’s shorelines”³⁰ and to meet federally mandated state obligations to implement coastal management laws. Under the Act, the Department of Ecology (DOE) is the lead coastal management agency which provides a “single point of contact for Federal agencies”³¹ and users. The DOE has the authority to cooperate with the federal government, receive any benefits available through federal statutes, and represent Washington’s interests. The DOE also coordinates coastal policy at the state level by setting requirements for local governments in regards to planning and regulation.

California – Coastal Commission under the *Coastal Act*

In California, coastal management is overseen by the Coastal Commission, which has rule making authority over land and water use within the coastal zone. The Coastal Commission was set up in 1972 to help control development and maintain the character of the coast. It provides an integrated, ‘one-stop shop’, approach to coastal management.³²

³⁰ *Shoreline Management Act*, 90 Wash Rev Code § 58.020 (Statute Law Committee 1971).

³¹ *Federal Consistency with Approved Coastal Management Programs*, 15 CFR § 930.6 (2019)

³² “The Coastal Commission approves local coastal plans, hears appeals of certain local decisions, regulates development from the high tide line out to the three-nautical mile boundary of state waters, and reviews federal actions to ensure they are consistent with the Act’s policies.” – Jordan Diamond et al, “The Past, Present, and Future of California’s Coastal Act – Overcoming Division to Comprehensively Manage the Coast” (August 2017), online (pdf): *Berkeley Law* <<https://www.law.berkeley.edu/wp-content/uploads/2017/08/Coastal-Act-Issue-Brief.pdf>>.

Louisiana – Coastal Protection and Restoration Authority

The Louisiana Coastal Protection and Restoration Authority³³ was created after Hurricanes Katrina and Rita devastated the coast in 2005 and painfully demonstrated the need to coordinate state-level policy. The Authority carries out strategic planning for the coast, bringing together resources from across different government departments, and develops a master plan of projects for protection and restoration.

6. Maintaining Public Access

Public access to the coast is a contentious issue in BC.³⁴ Public shoreline access is not only important for local residents but is critical for a growing tourism sector. As the population grows, concern over coastal access will only increase. In BC, while there are common law rights to land boats on and embark from the foreshore in cases of emergency, riparian rights for coastal property owners, and rights of navigation, anchoring, mooring, and fishing over lands covered by water, there are no general public rights of access to the coastline or provincial standards. In contrast, in the US, coastal access is a highly protected and valued legal right.

Example:

California – Coastal Act

The Act guarantees public access to the coast and prohibits development from interfering with that access. It also requires “conspicuously posted” signage to encourage access.³⁵ The Act requires appropriate and feasible public facilities (including parking) to be distributed throughout an area to mitigate against impacts of overcrowding or overuse, and provides safeguards to prevent visitor and recreational facilities from becoming unaffordable.³⁶



California coast (Photo: Alejandro De La Cruz).

³³ Coastal Protection and Restoration Authority, <https://coastal.la.gov>

³⁴ See for example: S Gorkoff and W Kelowna, "Common law protects public and private rights on foreshore", *The Daily Courier* (27 April 2017), online: <http://www.kelownadailycourier.ca/opinion/letters_to_editor/article_26896c14-2ada-11e7-87e3-4321fdef42b5.html>.

³⁵ Jordan Diamond et al, "The Past, Present, and Future of California's Coastal Act – Overcoming Division to Comprehensively Manage the Coast" (August 2017), online (pdf): *Berkeley Law* <<https://www.law.berkeley.edu/wp-content/uploads/2017/08/Coastal-Act-Issue-Brief.pdf>>.

³⁶ *California Coastal Act*, 20 CA PRC §§ 30210, 30211, 30212, 30212.5, 30213, 30214 (1976).

Conclusion

A brief look around the world shows that BC is an outlier in not having a coastal management strategy and law and that there is much more the BC government can do to address the challenges faced along the coast.

As West Coast Environmental Law has detailed elsewhere, the [BC government has considerable jurisdiction](#) to regulate the coast.³⁷ A provincial coastal management strategy and law could address many other coastal issues not mentioned in this brief including: oil spill response, marine debris, land-based marine pollution, moorage, blue carbon, coastal habitat restoration, ocean renewable energy, community-based fisheries, aquatic plant harvest and protection, provincial contributions to orca recovery, and aquaculture. Without such a strategy and law, BC puts the ecological integrity of the coast as well as the economic and cultural future of coastal communities in jeopardy.

We encourage you to contact WCEL with any questions about coastal management and law.

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³⁷ West Coast Environmental Law, "Frequently Asked Questions: Provincial Jurisdiction of British Columbia over Coastal and Ocean Matters" (Accessed 14 January 2020), online (pdf): <<https://www.wcel.org/sites/default/files/publications/2019-10-08-faq-provincialjurisdiction-coastal-final.pdf>>



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Frequently Asked Questions:

Provincial Jurisdiction of British Columbia over Coastal and Ocean Matters

Which order of government is responsible for regulating coasts and marine areas in British Columbia?

All orders of government (federal, First Nations, provincial and local) have jurisdiction in coastal and marine areas in Canadian law, and each has an important role to play in coastal and marine planning, protection management, and enforcement. Indigenous peoples also have sovereign powers over their territories and Indigenous laws apply to those territories as well as Canadian laws.

In Canadian law, how far seaward does provincial jurisdiction extend?

The boundaries for coastal provinces typically include all land to the “low tide mark” (the level reached by the tide at low water), as well as all “inland waters,” meaning the area between headlands such as bays, harbours, and coves (historically referred to as *inter fauces terrae*, “within the jaws of the land”), including the seabed in those areas.

What gives the Province of BC relatively expansive coastal jurisdiction?

The waters between Vancouver Island and the Lower Mainland have been interpreted to be “inland waters” within the Province of BC by the Supreme Court of Canada, following a reference case brought by the Province that was decided in 1984.ⁱ

This includes the Strait of Juan de Fuca, the Strait of Georgia, Johnstone Strait and Queen Charlotte Strait. This gives the province the power to legislate over the seabed and waters in these areas, on subject matters within its jurisdiction.



Ownership of the seabed further north along the coast of BC remains unresolved. In practice, the provincial and federal governments effectively share jurisdiction over the waters of Dixon Entrance, Hecate Strait and Queen Charlotte Sound. In these regions, the province has designated marine protected areas adjacent to terrestrial parks. On the North and Central Coast, joint federal-provincial-Indigenous ocean management and protected area planning processes are underway.

What coastal and ocean activities does BC currently regulate?

The long list of provincially regulated activities includes: environmental assessments, tourism and recreation, aquaculture (marine plants, shellfish and finfish), marinas and yacht clubs, log handling, renewable energy projects, conservation and scientific research, commercial harvest of vegetation, ferries and heritage conservation. However, BC lacks a coastal management strategy and legal framework that would address the cumulative effects of these activities

Which levels of government have jurisdiction over major ocean-based activities?

- **Fishing:** The federal government has exclusive jurisdiction over fisheries in tidal waters, subject to s. 35(1) of the Canadian Constitution.ⁱⁱ
- **Shipping:** The federal government has exclusive jurisdiction on navigation in all navigable waters, including interior waters, “no matter who owns the land underneath.”ⁱⁱⁱ Provincial laws do apply to some aspects of shipping, however, including shipping that is strictly within the province.^{iv}
- **Mineral and hydrocarbon resources:** The federal and provincial government each have jurisdiction over resource extraction in British Columbia's marine waters, depending on where the resources are located. The province owns undersea hydrocarbons and minerals as part of its ownership of the province's inland waters and submerged lands beneath them, which includes the area between the mainland and Vancouver Island. The federal government has authority over offshore oil and gas regulation and any undersea mining in the seabed and subsoil of the territorial sea zone, and the exclusive economic zone (EEZ).^v There are, however, longstanding federal and provincial moratoriums on offshore oil and gas on the Pacific Coast.
- **Marine finfish and shellfish aquaculture:** These operations require a provincial Crown land tenure under the *Land Act* to authorize the use of the site, federal approval under the *Navigation Protection Act* and an aquaculture license under the Pacific Aquaculture Regulations of the *Fisheries Act*.^{vi}



Photo: Gord McKenna via Flickr Creative Commons



Photo: Mike Gabelmann via Flickr Creative Commons

- **Protected areas:** All levels of government have the authority to establish protected areas in the marine and coastal areas under their jurisdiction. In BC, there are a few federal marine protected areas as well as approximately 150 provincially designated marine protected areas (although the province cannot restrict federally regulated activities like fishing in these areas). This shared jurisdiction can be harnessed to work collaboratively on marine protection planning processes, as is presently occurring with the federal, provincial and many Indigenous governments in BC's Northern Shelf Bioregion.^{vii}
- **Permits and Authorizations:** Many marine activities and uses require provincial authorization, including tenures for wharves, marinas and renewable energy.^{viii} While the province shares authority over many of these marine activities with the federal government, this shared jurisdiction does not prevent the province from regulating activities that are within its jurisdiction, such as the management and use of land and natural resources, and developing legal objectives for coastal and marine areas in its extensive marine "inland waters"
- **Environmental assessments:** Both levels of government have laws requiring environmental assessments for projects, related to their legislative and proprietary jurisdiction.^{ix}
- **Marine Pollution:** Both the federal and provincial governments have the authority to regulate marine pollution, though the province's jurisdiction is restricted to the area it owns.^x

What order of government manages sea level rise and coastal flood risks to communities?

The provincial government has provided guidance about the rates of expected sea level rise (0.5 m by 2050 and 1.0 m by 2100), but most local governments own and operate their own flood management infrastructure. This infrastructure, such as dikes and pumping stations, is usually located at or above the high water mark (natural boundary). As sea level rises, existing coastal habitat seaward of dikes in developed areas like the South Coast will be lost because it can't migrate landward. Nature-based approaches to flood management that could protect both ecosystems and communities usually require nearshore and foreshore elements that are outside the jurisdiction of local governments.

Do federal laws apply on provincial lands and waters?

Yes, the federal government can exercise jurisdiction established by the Constitution over activities such as fishing or shipping, and federal laws will apply on provincial lands and waters.

Do provincial laws apply on federal land and land belonging to federal Port authorities within the province?

The Province's ability to regulate activities on federal land, including Port land, is quite restricted. Some provincial laws may apply on federal land, but only to the extent that they do not interfere or conflict with federally-regulated activities on those lands.

What jurisdictional zones exist in the ocean?

Both the *UN Convention on the Law of the Sea* and the federal *Oceans Act* divide the ocean into six maritime zones: a state's inland waters, its territorial sea, its contiguous zone, its exclusive economic zone ("EEZ"), the continental shelf, and the high seas.ⁱ The federal government has jurisdiction over the seabed and subsoil of the territorial sea, which begins at the low tide mark on western Vancouver Island and extends to 12 nautical miles (nm) offshore, and the EEZ, which extends from 12nm to 200nm off shore. The province owns the lands and waters in inland waters, which includes the area between the mainland and Vancouver Island. The foreshore/coastal waters/intertidal zone and the internal waters are most relevant for provincial jurisdiction.

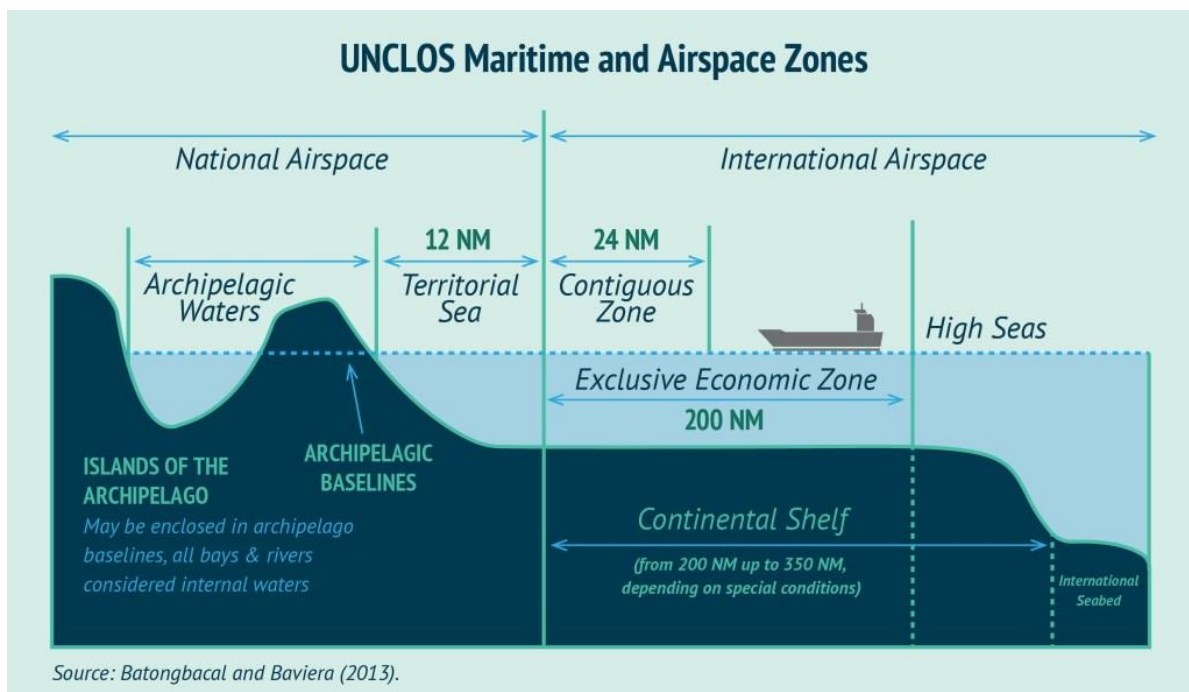


Diagram from the Asia Maritime Transparency Initiative (adapted from the original).^{xi}

ⁱ Reference re: *Ownership of the Bed of the Strait of Georgia and Related Areas*, [1984] 1 SCR 388 at 2.

ⁱⁱ *British Columbia (Attorney General) v. Canada (Attorney General)* (1913), 15 D.L.R. 308 (Jud. Com. of Privy Coun.), affirming (1913) 47 S.C.R. 493.

ⁱⁱⁱ *St-Denis de Brompton (Municipality) v Filteau*, [1986] RJQ 2400 (QC Court of Appeal) at para 31.

^{iv} *Island Tug & Barge Ltd v Communication, Energy and Paperworkers Union*, Local 601 2003 BCCA 247.

^v Reference re *Offshore Mineral Rights (British Columbia)*, [1967] SCR 792.

^{vi} R.S.B.C. 1996, c. 245, and BC-FLNRO, Land Use Operational Policy-- Aquaculture, June 2011; R.S.C. 1985, c. N-22; SOR/2010-270. See Alexander Ross Clarkson, "The jurisdiction to regulate aquaculture in Canada" (2014); <https://aptnnews.ca/2018/06/02/b-c-first-nation-files-aboriginal-title-claim-challenging-fish-farms-in-their-territory/>

^{vii} <https://mpanetwork.ca/bcnorthernshelf/whats-happening/>

^{viii} <http://www.dfo-mpo.gc.ca/oceans/publications/pg-gp/page02-eng.html>

^{ix} BC *Environmental Assessment Act*, S.B.C. 2002, c. 43; *Canadian Environmental Assessment Act 2012*, S.C. 2012, c. 19, s. 52.

^x *R v Crown Zellerbach Canada Ltd*, [1988] 1 SCR 401; *Constitution Act, 1867*, ss 92(5), (13).

^{xi} <https://amti.csis.org/maritime-zones/>



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** May 7, 2020
From: Cecilia Achiam **File:** 12-8275-30-001/2020-
General Manager, Community Safety Vol 01
Re: **Application to Request a Food Primary Entertainment Endorsement For Food
Primary Liquor Licence # 303817 - WC Hotels LLP (Westin Wall Centre,
Vancouver Airport) - 3099 Corvette Way**

Staff Recommendation

1. That the application from WC Hotels LLP (Westin Wall Centre, Vancouver Airport), doing business as, The Apron, operating at 3099 Corvette Way, requesting a Food-Primary Patron Participation Entertainment Endorsement to Food-Primary Liquor Licence No. 303817, to enable patrons to dance at the establishment, be supported with;
 - a) No change to person capacity currently in place; and
 - b) No change to service hours currently in place.
2. That a letter be sent to the Liquor and Cannabis Regulation Branch, which includes the information attached as Appendix A, advising that Council supports the amendment for a Patron Participation Entertainment Endorsement on Food-Primary Liquor Licence No. 303817 as this request has been determined, following public consultation, to be acceptable in the area and community.

Cecilia Achiam,
General Manager, Community Safety
(604-276-4122)

Att. 4

REPORT CONCURRENCE	
SENIOR STAFF REPORT REVIEW	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

The Provincial Liquor and Cannabis Regulation Branch (LCRB) issues licences in accordance with the *Liquor Control and Licensing Act* (the Act) and the Regulations made pursuant to the Act. This report deals with an application to the LCRB and the City of Richmond by WC Hotels LLP (Westin Wall Centre, Vancouver Airport), doing business as The Apron, (hereinafter referred to as “Westin Wall Centre”) for an amendment to its Food-Primary Liquor Licence No. 303817 to: add patron participation entertainment endorsement which must end by midnight;

- maintain the current hours of liquor service; and
- maintain the current total person capacity.

The City of Richmond is given the opportunity to provide written comments by way of a resolution to the LCRB with respect to the liquor licence applications and amendments. For an amendment to a Food-Primary Liquor Licence, the process requires the local government to provide comments with respect to the following criteria:

- the potential for noise;
- the impact on the community; and
- whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

This report supports Council’s Strategic Plan 2018-2022 Strategy #7 A Supported Economic Sector:

Facilitate diversified economic growth through innovative and sustainable policies, practices and partnerships.

Analysis

With the current measures in place to prevent the spread of COVID-19, The Provincial Health Officer is now implementing limited partial openings of certain sectors of businesses with measures for example of no gatherings in excess of 50 participants and social distancing of 2m (6Ft.) to be maintained. Staff are bringing this report forward at this time because the City is obligated to proceed with the licencing process dictated by the LCRB, given that there are mandated timelines and the public notification process has been completed.

Westin Wall Centre has operated the establishment since 2009. The property is zoned Residential/Hotel (ZMU5) Capstan Village (City Centre) and the use of a hotel with restaurant, banquet rooms and meeting rooms is consistent with the permitted uses in this zoning district.

Westin Wall Centre is requesting a permanent change to add patron participation, which initiates a process to seek local government approval. The current licencing for total person capacity will remain unchanged and is set at 786 occupants, including staff and patrons.

Westin Wall Centre’s request for a patron participation entertainment endorsement is to enable patrons to dance when hosting events such as weddings, grads and galas in the food primary

licenced area of the hotel. This would add a greater operational flexibility to Westin Wall Centre and an added amenity for patrons

Impact of Noise on the Community

The location of this establishment is such that there should be no noise impact on the community. The patron participation entertainment endorsement must end by midnight and the establishment should not operate contrary to its primary purpose as a food primary establishment.

Impact on the Community

The community consultation process for reviewing applications for liquor related licences is prescribed by the Development Application Fees Bylaw 8951 which under Section 1.8.1 calls for:

- 1.8.1 Every **applicant** seeking approval from the **City** in connection with:
 - (a) a licence to serve liquor under the *Liquor Control and Licensing Act and Regulations*; must proceed in accordance with subsection 1.8.2.
- 1.8.2 Pursuant to an application under subsection 1.8.1, every **applicant** must:
 - (a) post and maintain on the subject property a clearly visible sign which indicates:
 - (i) type of licence or amendment application;
 - (ii) proposed person capacity;
 - (iii) type of entertainment (if application is for patron participation entertainment); and
 - (iv) proposed hours of liquor service; and
 - (c) publish a notice in at least three consecutive editions of a newspaper that is distributed at least weekly in the area affected by the application, providing the same information required in subsection 1.8.2(b) above.

The required signage was posted on March 20, 2020 and three advertisements were published in the local newspaper on March 26, 2020, April 2, 2020 and April 9, 2020.

In addition to the advertised signage and public notice requirements, staff sent letters to businesses, residents and property owners within a 50 meter radius of the establishment. On March 23, 2020, 781 letters were sent to residents, businesses and property owners. The letter provided information on the proposed liquor licence application and contained instructions to comment on the application. The period for commenting for all public notifications ended April 22, 2020.

As a result of the community consultative process described, the City has not received any responses opposed to this application.

Other Agency Comments

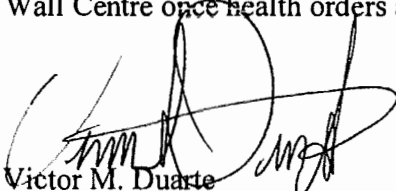
As part of the review process, staff requested comments from other agencies and departments such as Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue, Building Approvals Department and the Business Licence Department. These agencies and departments generally provide comments on the compliance history of the applicant's operations and premises. No concerns were raised by Vancouver Coastal Health, Richmond RCMP, or the Building Approvals Department. Richmond Fire-Rescue was unable to complete a final inspection but confirmed that the fire panel and sprinkler systems are in good working order and have no objections to the approval of this application.

Financial Impact


None.

Conclusion

The results of the community consultation process of Westin Wall Centre's application for patron participation entertainment endorsement was reviewed based on LCRB criteria. This process began before the regulations were introduced to prevent the spread of COVID-19. The analysis concluded there should be no noticeable potential impact from noise, no significant impact to the community and there were no concerns raised by City departments. With this in place, staff recommend that Council approve the application from Westin Wall Centre to permit a patron participation entertainment endorsement with no changes to the seating capacity or the hours of liquor service permitted. If approved, this endorsement would be available to Westin Wall Centre once health orders allow them to host patrons on site.



Victor M. Duarte
Supervisor, Business Licences
(604-276-4389)



Carli Williams, P. Eng.
Manager, Business Licence and Bylaws
(604-276-4136)

VMD:vmd

- Att. 1: Letter of Intent
2: Appendix A
3: Arial Map with 50 metre buffer area
4: Email From Chief Fire Prevention Officer

Westin Wall Centre Airport Hotel Application for Food-Primary Entertainment
Endorsement

As a hotel, we hold many events with dancing such as wedding, grads and gala events and therefore we need to add the food-primary entertainment endorsement to our license. We usually hold these events in one of our 3 ballrooms but on occasion we have smaller events in our other meetings rooms, all of which are covered under our food primary license, #1345038.

Appendix A

Re: Application For A Permanent Change To Food Primary Licence For Patron Participation Entertainment Endorsement – Westin Wall Centre - 3099 Corvette Way, Richmond BC

1. That the application from WC Hotels LLP (Westin Wall Centre), doing business as, The Apron, operating at 3099 Corvette Way, requesting a permanent change to Food Primary Liquor Licence number 303817 for patron participation entertainment endorsement to enable patrons to dance in the food primary licenced areas of the Hotel, be supported, and;
2. That a letter be sent to Liquor and Cannabis Regulation Branch advising that:
 - a) Council supports the amendment for a Patron Participation Entertainment Endorsement on Food Primary Liquor Licence number 303817 as the endorsement will not have a significant impact on the community;
 - b) The hours of liquor sales will remain the same at, Monday to Sunday, 9:00 AM to 2:00 AM;
 - c) The seating capacity will remain the same, set at 786 occupants, including staff and patrons.
3. Council's comments on the prescribed criteria (Section 71 of the Liquor Control and Licencing Regulations) are as follows:
 - a) The impact of additional noise and traffic in the area of the establishment was considered;
 - b) The potential impact on the community was assessed through a community consultation process; and
 - c) Given that there has been no history of non-compliance with the operation, the amendment to permit patron participation entertainment endorsement under the Food Primary Liquor Licence should not change the establishment such that it is operated contrary to its primary purpose;
 - d) As the operation of a licenced establishment may affect nearby residents, businesses and property owners, the City gathered the views of the community through a community consultation process as follows:
 - i) Residents, businesses and property owners within a 50 meter radius of the establishment were notified by letter. The letter provided information on the application with instructions on how to submit comments or concerns; and

- ii) Signage was posted at the subject property and three public notices were published in a local newspaper. The signage and public notice provided information on the application with instructions on how to submit comments and concerns.
- e) Council's comments on the general impact of the views of residents, businesses and property owners are as follows:
 - i) The community consultation process was completed within 90 days of the application process; and
 - ii) The community consultation process did not generate any comments and views of residents, businesses and property owners.
- f) Council recommends the approval of the permanent change to add patron participation entertainment endorsement to the Food Primary Licence for reasons that the addition of the endorsement proposed is acceptable to the majority of the residents, businesses and property owners in the area and the community.



5/7/2020, 2:16:36 PM

1:4,514

Lines

— Override 1

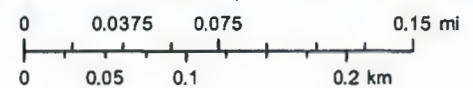
Points

● Override 1

■ Select properties based on spatial relation to a layer _Query result

3099 Corvette Way

City Hall



Duarte,Victor

From: Jansen, Sandra
Sent: April 15, 2020 11:59
To: Duarte,Victor
Subject: RE: WWC Hotels LLP (Westin Wall Centre, Vancouver Airport) dba: - Amendment to Food Primary Liquor Licence - For Patron Participation Entertainment Endorsement- 3099 Corvette Way

Hi Victor,

This property currently has an overdue inspection by us, with some outstanding deficiencies in the past.

We are currently, due to COVID-19 protocol, not able to do a full inspection; however, we have attended and confirmed that their Sprinkler System and Fire Panel are in good working order.

Sandra.

Sandra Jansen
Chief Fire Prevention Officer | Richmond Fire-Rescue
6960 Granville Ave. | Richmond, BC | V7C 3V4
O 604.303.2758 | C 778.836.9362

From: Duarte,Victor <VDuarte@richmond.ca>
Sent: April 9, 2020 2:12 PM
To: 'Stephanie ASHTON' <stephanie.ashton@rcmp-grc.gc.ca>; Jansen, Sandra <SJansen@richmond.ca>; 'Health Protection [RH]' <HealthProtectionRH@vch.ca>; Chiang, Paul <PChiang@richmond.ca>
Subject: RE: WWC Hotels LLP (Westin Wall Centre, Vancouver Airport) dba: - Amendment to Food Primary Liquor Licence - For Patron Participation Entertainment Endorsement- 3099 Corvette Way

Hello Group,

just a reminder if you can let me know of any concerns or no concerns with this. Much appreciated. I will be starting a Report To Council shortly.



City of Richmond

Report to Committee

To: General Purposes Committee
From: Lloyd Bie, P.Eng.
Director, Transportation
Date: May 14, 2020
File: 12-8060-02-01/2020-
Vol 01
Re: Proposed Amendments to Traffic Bylaw No. 5870 - Engine Brake and Cyclist
Crosswalk Regulations

Staff Recommendation

1. That Traffic Bylaw No. 5870, Amendment Bylaw No. 10184, to prohibit the use of engine brakes on municipal roads in Richmond and permit cyclists to ride in crosswalks with elephant's feet markings, be introduced and given first, second and third reading;
2. That Municipal Ticket Information Authorization No. 7321, Amendment Bylaw No. 10185, to assign a fine for the prohibited use of engine brakes on municipal roads in Richmond, be introduced and given first, second and third reading; and
3. That staff be directed to send a letter to the British Columbia Trucking Association advising of the proposed bylaw amendments with respect to the prohibited use of engine brakes.

Lloyd Bie, P.Eng.
Director, Transportation
(604-276-4131)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Community Bylaws	<input checked="" type="checkbox"/>	
RCMP	<input checked="" type="checkbox"/>	
Parks Services	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

In response to recent complaints received by the City particularly from the Hamilton area, this report proposes amendments to Traffic Bylaw No. 5870 and Municipal Ticket Information Authorization No. 7321 to prohibit and establish a fine for the use of engine brakes on municipal roads in Richmond. The use of engine-assisted braking can cause the emission of loud and unnecessary noise that can disturb the peace and comfort of adjacent residents, especially on local roads. A further amendment to Traffic Bylaw No. 5870 is proposed to permit cyclists to ride in crosswalks marked with two lines of intermittent squares (elephant's feet).

This report supports Council's Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

Enhance and protect the safety and well-being of Richmond.

1.4 Foster a safe, caring and resilient environment.

Analysis

Regulation of Noise from Motor Vehicle Braking Systems

The *British Columbia Motor Vehicle Act* (MVA) outlines the laws that govern the operation and equipment of motor vehicles including the vehicle braking system specifications and requirements. MVA regulations prohibit driving a vehicle that causes "any loud and unnecessary noise" from the braking system. The fine for unnecessary noise is \$109 plus three driver penalty points.

The Insurance Corporation of British Columbia (ICBC) guide for driving commercial vehicles references the use of engine brakes (also referred to as engine retarders) to help save the main braking system for emergency stopping. The guide describes engine brakes as useful for providing auxiliary slowing of vehicles, such as for controlling the speed on long downgrades without the use of the main braking system.

The loud sound associated with use of an engine brake occurs as compressed air is forced through the exhaust valve in the engine's cylinder. The ICBC guide states that modern trucks are manufactured to meet safety standards including noise levels and that a well-engineered truck with an engine brake and properly maintained muffler system should not be noisy. Wear and tear on the system, especially the muffler, can increase the noise levels when used. The guide alerts drivers to restrictions in many municipalities regarding the use of engine brakes (Figure 1).

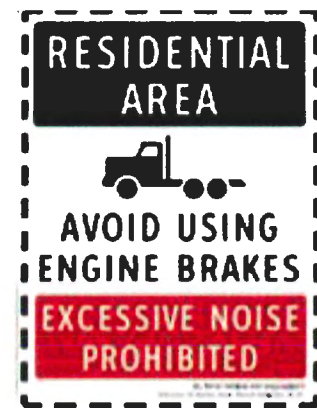


Figure 1: Sample Municipal Signage

Local governments (typically those with steeper road grades) have enacted engine brake restrictions through municipal bylaws and signage to supplement the MVA and *Commercial Vehicle Transport Act* regulations. A municipal bylaw allows for the complete prohibition of engine brakes and increased enforcement by local bylaw officers.

To ensure consistency in the region of the proposed bylaw amendments, staff reviewed the bylaw language and fine amounts of other Metro Vancouver municipalities with respect to the prohibition of the use of engine brakes (Table 1). The proposed bylaw amendment wording and fine amount of \$250 are consistent with that of the City of Vancouver.

Table 1: Engine Brake Bylaws of Metro Vancouver Municipalities

Municipality	Bylaw Wording	Fine Amount
City of Vancouver	A person must not use or operate a "Jacobs" brake or other type of engine brake on a motor vehicle for any purpose other than as an emergency braking device incidental to the safe operation of the motor vehicle.	\$250.00
City of New Westminster	No person shall, except in the case of an emergency, use an engine brake of any kind to slow or Stop a Vehicle in the City.	\$320.00
City of North Vancouver	Objectionable Sounds: The sound made through the operation of a "Jacobs or Jake" brake or other type of engine brake on a motor vehicle for any purpose other than as an emergency braking device for the safe operation of the motor vehicle.	\$150.00
City of Surrey	No person shall, except in the case of an emergency, use an engine brake of any kind (including a brake commonly known as a Jacob's Brake or Jake Brake) to slow or stop a vehicle.	\$200.00
City of Delta	Unnecessary use of engine brake in residential district.	\$150.00

Regulation of Cyclists in Crosswalks

Section 183 (Rights and duties of operator of cycle) of the British Columbia MVA prohibits cyclists from riding in a crosswalk unless authorized to do so by a municipal bylaw or unless otherwise directed by a sign.

The City's active transportation network includes a number of off-street multi-use pathways that continue through intersections where cyclists share the crosswalk with pedestrians (e.g., Railway Greenway). To permit cyclists on these pathways to ride within the crosswalk at each intersection, the City has:

- installed signage (Figure 2) as required by the MVA;
- installed signage to reinforce the right-of-way of through bicycle movements (Figure 3) as recommended by the BC Active Transportation Design Guidelines; and
- added pavement markings comprised of two lines of intermittent squares known as elephant's feet that are placed outside the painted white lines that mark pedestrian crosswalks (Figure 4).

Elephant's feet markings are defined within national guidelines of the Transportation Association of Canada (TAC) to provide better awareness to motorists where cyclists cross a roadway, but are not defined in the MVA. The markings help to reinforce the right-of-way of bicycle through movements over turning motor vehicles and over the person on the cross road.



Fig. 2: Signage for Crosswalk Users

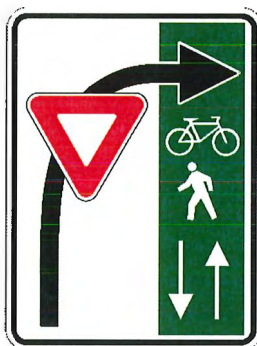


Fig. 3: Signage for Motorists

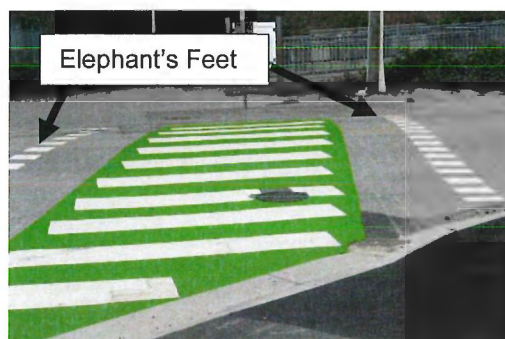


Figure 4: Elephant's Feet Markings

With the on-going expansion of the active transportation network (e.g., recent construction of off-street multi-use pathways on Alderbridge Way and No. 2 Road), staff propose an amendment to Traffic Bylaw No. 5870 to define elephant's feet markings and remove the requirement to add "cyclists may use crosswalk" signs at every cyclist crossing location.

The proposed amendments will reduce sign clutter at intersections as well as eliminate City costs for the production, installation and maintenance of the signage. For regional consistency, the proposed bylaw wording reflects that used by the City of Vancouver and the City of North Vancouver. As recommended by the BC Active Transportation Design Guidelines, the wording requires that people cycling yield right-of-way to pedestrians when using a combined crosswalk.

Housekeeping Item

The proposed amendments to Traffic Bylaw No. 5870 include one housekeeping item to provide consistency of language throughout the bylaw by replacing "disabled persons" with "persons with disabilities."

Financial Impact

None. The installation of any required signage to prohibit the use of engine brakes can be accommodated within existing approved budgets.

Conclusion

The proposed bylaw amendment to prohibit the use of engine brakes on municipal roads in Richmond will reduce vehicle noise, enhance community liveability and provide the City with the ability to enforce violations. The proposed bylaw amendment to permit cyclists to ride in a crosswalk marked with elephant's feet will reduce sign clutter at intersections as well as eliminate City costs for the signage.

Sonali Hingorani, P.Eng.
Transportation Engineer
(604-276-4049)

Joan Caravan
Transportation Planner
(604-276-4035)



**Traffic Bylaw No. 5870
Amendment Bylaw No. 10184**

The Council of the City of Richmond enacts as follows:

1. **Traffic Bylaw No. 5870**, as amended, is further amended by adding a new Section 8.3 as follows:
 - 8.3 A person must not use or operate a “Jacobs” brake or other type of engine brake on a motor vehicle for any purpose other than as an emergency braking device incidental to the safe operation of the motor vehicle.
2. **Traffic Bylaw No. 5870**, as amended, is further amended by deleting Section 12.13 and replacing it with the following:
 - 12.13 No person shall stop a vehicle in any parking space designated or reserved by a traffic control device for persons with disabilities unless the vehicle displays an accessible parking permit indicating that the vehicle is operated by or transporting a person with disabilities.
3. **Traffic Bylaw No. 5870**, as amended, is further amended by adding a new Section 29.5 as follows:
 - 29.5 No person shall ride a bicycle in a marked crosswalk, unless it is also marked by two lines of intermittent squares (elephant’s feet) on one or both sides of the crosswalk, or it is otherwise signed to permit cycling.
4. **Traffic Bylaw No. 5870**, as amended, is further amended by adding a new Section 29.6 as follows:
 - 29.6 Any person riding a bicycle in a marked crosswalk also marked by two lines of intermittent squares (elephant’s feet) on one or both sides of the crosswalk, or otherwise signed to permit cycling, must yield the right-of-way to any pedestrians in the marked crosswalk.
5. This Bylaw is cited as “**Traffic Bylaw No. 5870, Amendment Bylaw No. 10184.**”

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept. LB
APPROVED for legality by Solicitor LB



**Municipal Ticket Information Authorization Bylaw No. 7321
Amendment Bylaw No. 10185**

The Council of the City of Richmond enacts as follows:

1. **Municipal Ticket Information Authorization Bylaw No. 7321**, as amended, is further amended by deleting SCHEDULE B 12A and replacing it with the following:

SCHEDULE B 12A

TRAFFIC BYLAW NO. 5870

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Use of engine brakes on municipal street	8.3	\$250
Failure to drive or operate a Neighbourhood Zero emission Vehicle in lane closest to right hand curb or shoulder	10.7(b)	\$100
Jaywalking	30.1	\$50
Pedestrian crossing a street in a crosswalk in contravention of a traffic control device	30.3	\$50
Failure of vehicle to yield to a pedestrian in a crosswalk	30.5	\$150

2. This Bylaw is cited as "**Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10185.**"

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER





City of Richmond

Report to Committee

To: General Purposes Committee

Date: May 25, 2020

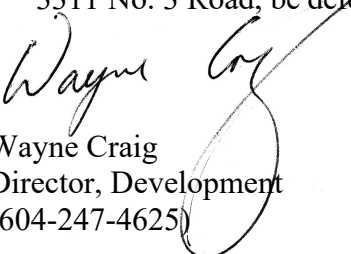
From: Wayne Craig
Director, Development

File: ZT 19-872212

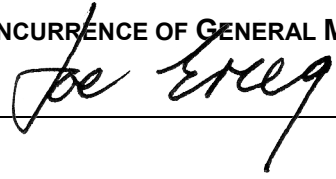
Re: **Application by Yuanheng Seaside Developments Ltd./Yuanheng Seaview Developments Ltd. for a Zoning Text Amendment to the “Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)” Zone at 3399 Corvette Way and 3311 & 3331 No. 3 Road**

Staff Recommendation

1. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10189, for a Zoning Text Amendment to the “Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)” zone, a site-specific zone applicable at 3399 Corvette Way and 3311 & 3331 No. 3 Road, to:
 - a) Increase the maximum number of permitted dwelling units from 850 to 941 (without any increase in total residential floor area); and
 - b) Relocate 964 m² (10,371 ft²) of permitted (unbuilt) floor area from the development’s first phase at 3331 No. 3 Road to its second phase at 3311 No. 3 Road and third phase at 3399 Corvette Way;be introduced and given first reading.
2. That the terms of the voluntary developer community amenity contribution secured through the original rezoning of 3399 Corvette Way and 3311 & 3331 No. 3 Road (RZ 12-603040) be amended to permit the completion of the proposed City Centre North Community Centre, at 3311 No. 3 Road, be deferred from December 31, 2021 to December 31, 2023.


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

WC:sch
Att. 6

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Affordable Housing	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
Project Development	<input checked="" type="checkbox"/>	
Recreation Services	<input checked="" type="checkbox"/>	

Staff Report

Origin

Yuanheng Seaside Developments Ltd. and Yuanheng Seaview Developments Ltd. have applied for a Zoning Text Amendment with respect to a three-lot, high-rise, mixed use development at 3399 Corvette Way (Lot C), 3311 No. 3 Road (Lot B), and 3331 No. 3 Road (Lot A) (Attachments 1 and 2) to:

1. Amend the “Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)” zone, for the purpose of increasing the subject site’s maximum permitted number of units from 850 to 941 and relocating 964 m² (10,371 ft²) of permitted (unbuilt) floor area from the development’s first phase at 3331 No. 3 Road (Lot A) to its second phase at 3311 No. 3 Road (Lot B) and third phase at 3399 Corvette Way (Lot C); and
2. Make changes to the terms of the voluntary developer community amenity contribution secured through rezoning (RZ 12-603040), for the purpose of deferring completion of the community centre at 3311 No. 3 Road (Lot B) from December 31, 2021 to December 31, 2023

On May 4, 2020, the General Purposes Committee considered the subject application and referred it back to staff. It was moved and seconded:

That the staff report titled “Application by Yuanheng Seaside Developments Ltd. / Yuanheng Seaview Developments Ltd. for a Zoning Text Amendment to the “Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)” Zone at 3399 Corvette Way and 3311 and 3331 No. 3 Road”, dated April 23, 2020, from the Director, Development, be referred back to staff to provide more information on the following:

- 1. the proposed changes to the dwelling unit sizes compared to the original proposal;***
- 2. the proposed number of rental units;***
- 3. options to increase the affordable housing contribution;***
- 4. rationale for waiving the Public Hearing;***
- 5. the proposed amount of amenity space;***
- 6. the rationale for the deferral of the proposed City Centre North Community Centre and the proposed construction timeline; and***
- 7. the proposed governance model of the City Centre North Community Centre.***

The purpose of this report is to respond to this referral motion and present the applicant’s revised development proposal for consideration. Details are included in the Analysis section of the report. Key changes to the developer’s original proposal include:

1. A maximum of 941 dwelling units (i.e. reduced from the developer’s previous proposal for 960), which is 91 units more than the current limit of 850 units under the “Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)” zone;
2. Four additional two-bedroom affordable LEMR units, which increases the development’s total number of affordable units to 63 (from a rezoning target of 59), including 41 currently under

construction at 3331 No. 3 Road (Lot A) and 22 (instead of 18) in the project's second phase at 3311 No. 3 Road (Lot B);

3. 165 m² (1,773 ft²) of additional affordable low-end-of-market-rental (LEMR) housing floor area, which represents 17% of the 964 m² (10,371 ft²) of permitted (unbuilt) floor area that the developer proposes to relocate from the project's first phase at 3331 No. 3 Road (Lot A) to its second phase at 3311 No. 3 Road (Lot B) and third phase at 3399 Corvette Way (Lot C), together with a corresponding decrease in the floor area of market ownership units (i.e. no change in total permitted residential floor area); and
4. Refinements to the form of the developer's additional Capstan Station Bonus (CSB) public open space contribution (i.e. required with respect to the increase in number of units) to better respond to CSB objectives for the provision of park-like open spaces.

In light of the concerns raised by the General Purposes Committee on May 4, 2020, regarding staff's recommendation that the Public Hearing be waived for the subject application, this recommendation has been withdrawn and, if endorsed, the application will be subject to the City's standard Public Hearing process.

The governance model for the community centre will be addressed through a separate report.

Findings of Fact

A Development Application Data Sheet with details of the development is provided in Attachment 3.

Analysis

1. Proposed Changes in Dwelling Unit Sizes (Referral item 1)

On May 4, 2020, the General Purposes Committee questioned whether increasing the subject development's maximum number of permitted dwelling units would negatively affect minimum unit size or unit mix (i.e. resulting very small units or too few family-friendly, two-bedroom and larger units). In brief, the subject development includes the following:

- a) 63 affordable LEMR housing units are proposed, including 41 under construction in the first phase and 22 proposed for the second phase. The minimum sizes of the proposed LEMR units complies with the City's Affordable Housing Strategy, and the proposed percentage of two-bedroom and larger LEMR units exceeds the Strategy's minimum requirement (i.e. 63% versus 60%).
- b) 878 market ownership housing units are proposed, including 536 under construction in the first phase and 405 proposed for the second and third phases. The following table summarizes the minimum sizes of the proposed market ownership housing units, broken down by unit type and phase. The proposed minimum unit sizes (which vary slightly between the three phases) are consistent with that of other market residential developments under construction in Richmond. Of the total proposed market units, 67% have two or more bedrooms, which exceeds the Official Community Plan target for family-friendly housing (i.e. 40%).

MARKET OWNERSHIP UNITS							
Unit Type	Phase 1 (Lot A) Under Construction		Phase 2 (Lot B)		Phase 3 (Lot C)		Total Market Ownership # Units
	#	Min. Unit Size	#	Min. Unit Size	#	Min. Unit Size	
Studio	0	N/A	0	N/A	0	N/A	0
1-BR	162	48 m ² (515 ft ²)	129	57 m ² (608 ft ²)	0	N/A	291 (33%)
2-BR	251	73 m ² (781 ft ²)	113	74 m ² (801 ft ²)	34	74 m ² (796 ft ²)	398 (45%)
3-BR	113	98 m ² (1,059 ft ²)	11	109 m ² (1,172 ft ²)	40	101 m ² (1,082 ft ²)	164 (19%)
4-BR+	10	145 m ² (1,558 ft ²)	0	N/A	15	142 m ² (1,523 ft ²)	25 (3%)
Total	536	Varies	253	Varies	89	Varies	878 (100%)

2. Increased Affordable Housing (Referral items 2 & 3)

The developer proposes to provide four additional two-bedroom affordable LEMR units, which will increase the development's total number of LEMR units from 59 to 63. Of the total, 41 LEMR units are currently under construction in the development's first phase and 22 are proposed for the second phase. The addition of four two-bedroom affordable housing units brings the development's overall percentage of family-friendly (two-bedroom and larger) units to 63%, which slightly exceeds the target identified at rezoning stage (i.e. 60%).

LOT	PHASE	REZONING (TARGET)			PROPOSED		
		Bachelor & 1-BR	2-BR & Larger	Total	Bachelor & 1-BR	2-BR & Larger	Total
A	1	12	29	41	12	29	41
B	2	11	7	18	11	11	22
C	3	0	0	0	0	0	0
Total		23 (40%)	36 (60%)	59 (100%)	23 (37%)	40 (63%)	63 (100%)

To help achieve the proposed increase in the number of affordable housing units, the developer proposes to increase the floor area of affordable housing in the development's second phase, at 3331 No. 3 Road (Lot B), by 165 m² (1,773 ft²), as indicated in the table below. This additional affordable housing area:

- Represents 17% of the 964 m² (10,371 ft²) of permitted (unbuilt) floor area that the developer proposes to relocate from the project's first phase to its second and third phases;
- Shall be provided in addition to the voluntary developer affordable housing contribution secured through rezoning, based on the City's Affordable Housing Strategy in effect at that time (i.e. 5% of total residential floor area);
- Will increase the percentage of affordable housing floor area in the development's second phase from 6% to 7% (relative to the total residential floor area in the second phase); and
- Reduces the developer's maximum buildable floor area of market ownership housing by 165 m² (1,773 ft²) (i.e. equal to the area of additional affordable housing), such that there is no increase in total permitted residential floor area.

Prior to rezoning adoption, a housing agreement and covenant were registered on 3331 No. 3 Road (Lot A) and 3311 No. 3 Road (Lot B) to secure the developer's voluntary 5% affordable housing contribution. Prior to adoption of the subject zoning text amendment bylaw (as set out in the Zoning Text Considerations, Attachment 4), the housing covenant registered on 3311 No. 3 Road (Lot B) will be revised to include the developer's additional 165 m² (1,773 ft²) affordable housing contribution.

LOT	PHASE	AS APPROVED THROUGH REZONING (RZ 12-603040) & PHASE 1 DP (DP 16-745853)	REVISED PROPOSAL
A	1	3,093 m ² (33,287 ft ²) (Under construction)	3,093 m ² (33,287 ft ²) (Under construction)
B	2	1,349 m ² (14,524 ft ²)	1,514 m ² (16,297 ft ²) (2)
C	3	0	0
Total		4,442 m² (47,811 ft²) (1)	4,607 m² (49,584 ft²) (2)

(1) At rezoning stage, the minimum total affordable housing contribution was based on 5% of total residential floor area.

(2) Minimum affordable housing increased by 165 m² (1,773 ft²). (Market housing reduced by an equal amount).

3. Public Hearing (Referral item 4)

In light of the concerns raised by the General Purposes Committee on May 4, 2020, regarding staff's recommendation that the Public Hearing be waived for the subject application, this recommendation has been withdrawn and, if endorsed, the application will be subject to the City's standard Public Hearing process.

Zoning Text Amendment informational signage has been installed on the subject property. At the time of writing the subject report, staff have not received any comments from the public about the application in response to the placement of the information signage on the property.

Should the General Purposes Committee endorse this application and Council grant first reading to the zoning text amendment bylaw, the bylaw will be forwarded to the Public Hearing scheduled for July 20, 2020, where any area resident or interested party will have an opportunity to comment.

Public notification for the Public Hearing will be provided as per the *Local Government Act*.

4. Capstan Station Bonus (CSB) Publicly Accessible Open Space (Referral item 5)

The Capstan Station Bonus requires that developments making use of CSB bonus density (including the subject development) must contribute publicly accessible open space at a rate of 5 m² (54 ft²) per dwelling unit. If the developer's proposal is approved, such that the maximum permitted number of units on the site is increased to 941, the "Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)" zone will be amended to require a minimum CSB public open space contribution of 4,705 m² (1.16 ac.). Prior to rezoning adoption, the developer contributed 4,308 m² (1.06 ac.) of CSB public open space (i.e. riverfront park, community centre plaza, and Capstan Way greenway). To satisfy the amended ZMU30 zone, prior to adoption of the zoning text amendment bylaw, the developer will be required to contribute an additional 397 m² (0.10 ac.) of CSB public open space, secured with statutory rights-of-ways registered on title. The conceptual design of the additional CSB open space comprises three locations (Attachment 5), including:

- a) Expansion of the riverfront park (secured through the developer's rezoning application) at the north end of 3399 Corvette Way (Lot C), including improvements to the stair and universally-accessible ramp required to gain access to the crest of the dike, together with a covered area for individual or small group activities (e.g., tai chi), planting, seating, lighting, signage, and related features, which will enhance the park's amenity and visibility from Corvette Way and improve access for the general public and users of the nearby community centre;
- b) Expansion of the community centre plaza (secured through the developer's rezoning application), on 3311 No. 3 Road (Lot B), to better meet the needs of the community centre, including roughly doubling the size of the plaza's programmable area (as compared to what was approved through rezoning) and opening the plaza to the sky (by shifting the adjacent residential tower northward to reduce building overhangs); and
- c) A new public open space near the corner of Corvette Way and McMyn Way, on 3311 No. 3 Road (Lot B), in the form of a neighbourhood pocket park, including seating, planting, trees, lighting, a covered area (e.g., to play board games and eat outdoors), and other features that will provide for an intimately-scaled place to socialize and relax.

Staff are supportive of the developer's proposal on the basis that:

- a) The developer's proposed public open space contribution complies with Capstan Station Bonus requirements for 941 units;
- b) Two of the proposed public open space locations will enhance key City Centre amenities secured through the original rezoning (i.e. riverfront park and community centre), while the third is a new neighbourhood pocket park that will enhance livability for local residents and employees; and
- c) As set out in the Zoning Text Amendment Considerations (Attachment 4), all three public open spaces will be secured with statutory rights-of-ways prior to adoption of the zoning text amendment bylaw, and their design, construction, and maintenance shall be the responsibility of the developer, at the developer's sole cost, as determined to the City's satisfaction through the Development Permit processes for the project's second and third phases (DP 17-794169).

5. City Centre North Community Centre Construction Timeline and Rationale (Referral item 6)

The delivery of the proposed community centre, as approved through rezoning, is tied to the development's second phase of construction, proposed for 3311 No. 3 Road (Lot B). More specifically, legal agreements registered on title to the subject site restrict Development Permit and Building Permit issuance for the second phase unless those permits include the community centre, and restrict occupancy of the second phase (and third phase) until the community centre has been completed to the City's satisfaction. In addition, among other things, legal agreements registered on title also restrict occupancy of the development's first phase, in part or in whole, prior to Building Permit issuance for the community centre and require completion of the community centre by December 31, 2021.

The table below provides the developer's key dates for completion of the community centre and the development's first phase. The community centre schedule allocates approximately nine months for permit approvals (i.e. Development Permit, Building Permit, and Servicing Agreements, including City approval as the future owner of the facility) and 33 months for construction (which is generally consistent with industry standards for a complex development project).

KEY DATES	COMMUNITY CENTRE	RESIDENTIAL/COMMERCIAL USES
Present (June 2020)	Review & approval of the Development Permit, Building Permit, Servicing Agreements (for utilities, roads, dike & park) & related City requirements as the future owner of the community centre	Phase 1 (Lot A) under construction
October 2020		Phase 1 (Lot A) – Occupancy of first 1/3 (190 units, including 21 affordable housing units) NOTE: Requires occupancy hold to be lifted
January 2021		Phase 1 (Lot A) – Occupancy of second 1/3 (203 units, including 7 affordable housing units) NOTE: Requires occupancy hold to be lifted
March 2021	Building Permit (BP) issuance & construction starts	Phase 2 (Lot B) & Phase 3 (Lot C) Building Permit issuance & construction starts
July 2021	Under construction	Phase 1 (Lot A) – Occupancy of final 1/3 (184 units, including 13 affordable housing units) NOTE: Occupancy hold shall remain in effect
December 31, 2023	Completion & occupancy NOTE: Requires completion to be deferred from Dec. 31, 2021	Phase 2 (Lot B) 1 st occupancy

The developer has indicated that, due to the complexity of constructing the community centre as an integral part of a high-rise, mixed use development, it cannot be completed earlier than December 31, 2023. In light of this, as described in the staff report from the Director, Development, dated April 23, 2020, the developer proposes to:

- Submit voluntary cash contributions to cover City costs arising from deferring completion of the community centre to December 31, 2023 (\$136,000) and reduce projected City costs for the community centre's furnishings, fixtures, and equipment (FFE) (\$800,000);
- Provide for refinements and enhancements to the conceptual design approved through the rezoning, at no cost to the City, to improve the facility's functionality and amenity, as determined to the City's satisfaction; and
- Amend the existing occupancy hold registered by legal agreement on the development's first phase to permit occupancy of two-thirds of the first phase's units (i.e. 393 of 577, including 28 affordable LEMR units), which are already under construction, in advance of Building Permit issuance for the community centre. (Note that existing restrictions on occupancy of the first phase's final 184 units, including 13 affordable LEMR units, would remain in effect; as would existing legal agreements requiring completion of the community centre prior to occupancy of residential and commercial uses proposed for the development's second and third phases).

Denial of the developer's proposal will not result in the community centre being completed earlier than December 31, 2023. Moreover, if the developer's proposal was to be denied, the City would forego the voluntary developer contributions outlined above and occupancy of 393 units in the development's first phase (including 28 LEMR units) would be delayed by up to six months (i.e. from October 2020 to March 2021, when Building Permit issuance for the community centre is targeted).

As described in the previous staff report and memorandum from the Director, Recreation and Sports Services (Attachment 6), deferral of the community centre's completion to December 31, 2023, is supported on the basis that:

- a) The later completion date is expected to improve initial community centre attendance, as the number of local residents will be greater and the Capstan Canada Line Station will be complete (i.e. targeted for mid-2022);
- b) The needs of Capstan Village residents can be adequately served in the interim by existing facilities, including the City Centre Community Centre, Minoru Centre for Active Living, and Richmond Olympic Oval;
- c) Refinements to the community centre's original conceptual design, including expansion of the plaza (to enhance its role as a community gathering place and venue for programs and events) and improved interior daylighting, will serve to enhance the facility's vibrancy, livability, and overall customer experience (at no cost to the City); and
- d) The proposed voluntary developer cash-in-lieu contribution towards furnishing, fixtures, and equipment (\$800,000) will reduce projected City costs by 50% (i.e. \$1.6M in 2023 dollars).

The developer's proposal, as described above, was presented to and endorsed by the Senior Management Team and Chief Administrative Officer.

6. City Centre North Community Centre Governance Model (Referral item 7)

The anticipated governance model for the community centre will be addressed through a separate report from the Director, Recreation and Sport Services.

Zoning Bylaw

In light of the developer's revised proposal, Zoning Amendment Bylaw 10189 provides for the following key changes to the site-specific "Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)" zone, including:

1. Increasing the maximum number of permitted dwellings from 850 to 941;
2. Relocating 964 m² (10,371 ft²) of permitted (unbuilt) floor area from the development's first phase to its second and third phases; and
3. Increasing the minimum size of the developer's Capstan Station Bonus public open space contribution to reflect the increase in the development's permitted number of dwelling units.

Site Servicing and Frontage Improvements

Off-site Engineering, Transportation, and Parks requirements were identified via rezoning of the subject site (RZ 12-603040). Legal agreements are registered on title requiring that all necessary improvements are designed and constructed, at the developer's sole cost, on a phase-by-phase basis, via the City's Standard Servicing Agreement processes.

Existing Legal Encumbrances

The Zoning Text Amendment Considerations (Attachment 4) set out the changes required to various existing legal agreements to facilitate the developer's proposed changes in floor area distribution, number of units, affordable housing, public open space, and completion of the community centre.

Financial Impact or Economic Impact

The developer proposes to submit voluntary cash-in-lieu contributions to offset costs incurred by the City due to deferring completion of the community centre to December 31, 2023 (\$136,000) and for the facility's furniture, fixtures, and equipment (FFE) (\$800,000). Acceptance of the developer's voluntary cash-in-lieu contributions would fully cover City cost arising from the proposed schedule change and reduce future City costs by 50% for FFE (based on an estimated total FFE cost of \$1.6M, 2023 dollars).

Conclusion

Yuanheng Seaside Developments Ltd. and Yuanheng Seaview Developments Ltd. have applied for a Zoning Text Amendment to make changes to the "Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)" zone and defer completion of the City Centre North Community Centre from December 31, 2021 to December 31, 2023. In response to the referral from the General Purposes Committee on May 4, 2020, the development proposal has been revised to include a maximum of 941 units (reduced from the previous proposal for 960), increase the developer's affordable housing contribution, including 165 m² (1,773 ft²) of additional floor area and four more two-bedroom units, and improve the design of the developer's expanded Capstan Station Bonus public open space contribution. In addition, as previously presented, the developer proposes to refine the community centre design, as requested by the City, and submit additional voluntary cash-in-lieu contributions to the City for cost recovery and furnishings, fixtures, and equipment. Legal agreements registered on title to the subject site shall ensure that a Building Permit will be issued for the community centre prior to occupancy of the final third of units under construction in the project's first phase, and the community centre will be completed prior to any occupancy of the project's second or third phases.

It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10189 be introduced and given first reading.



Suzanne Carter-Huffman
Senior Planner / Urban Design

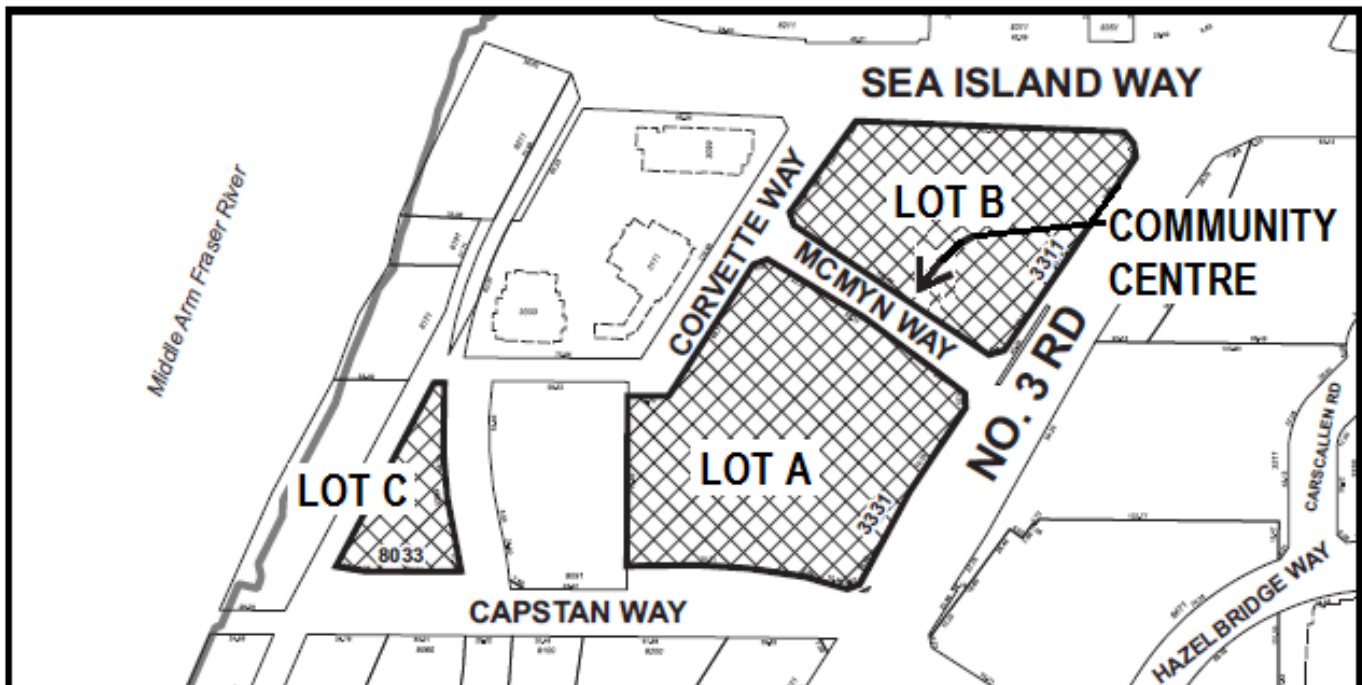
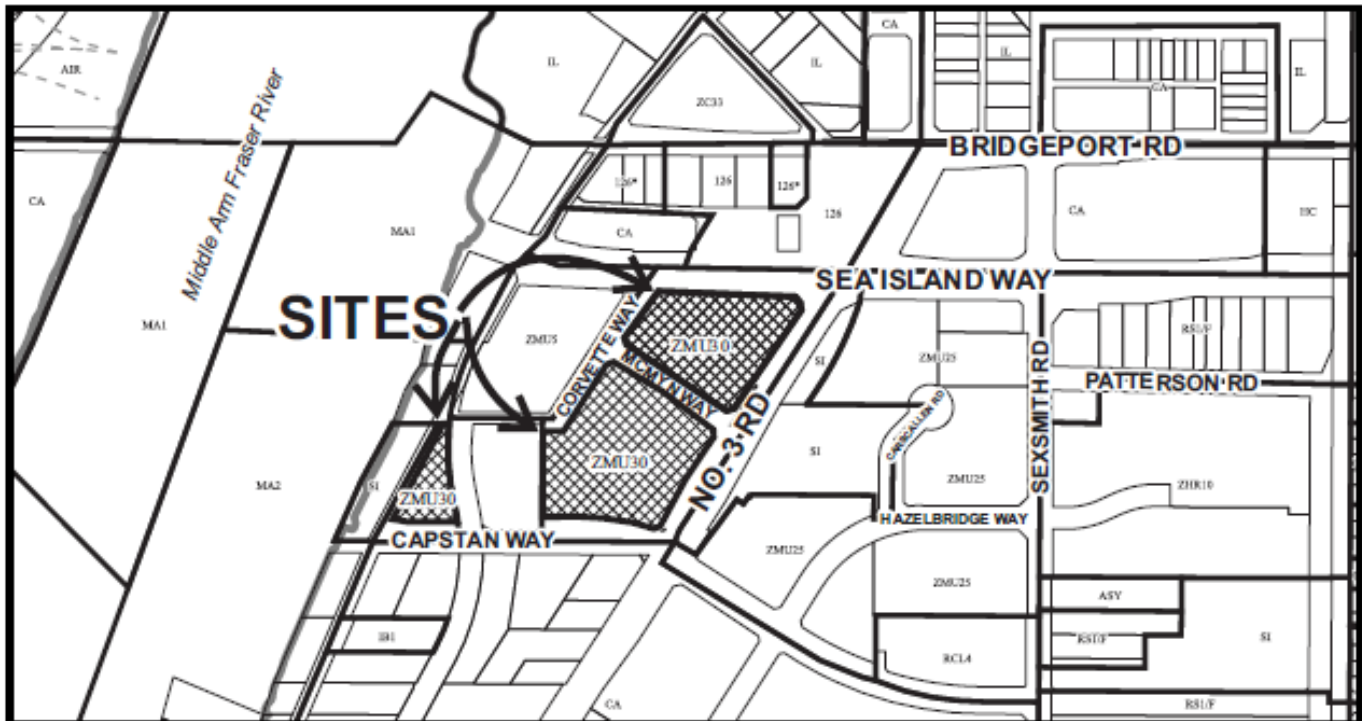
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Attachments:

1. Location Map
2. Site Plan
3. Development Application Data Sheet
4. Zoning Text Amendment Considerations
5. Capstan Station Bonus (CSB) – Additional Publicly Accessible Open Space
6. Memorandum – Director, Recreation and Sports Services



City of
Richmond



ZT 19-872212

Original Date: 09/12/19

Revision Date:

Note: Dimensions are in METRES

“VIEWSTAR” Site Plan

3331 No. 3 Rd (Lot A/Phase 1/under construction), 3311 No. 3 Rd (Lot B/Phase 2) & 3399 Corvette Way (Lot C/Phase 3)





City of Richmond

Development Application Data Sheet

Development Applications Department

ZT 19-872212

Address: 3399 Corvette Way (**Lot C**), 3311 No. 3 Road (**Lot B**), and 3331 No. 3 Road (**Lot A**)

Applicant: Yuanheng Seaside Developments Ltd. / Yuanheng Seaview Developments Ltd.

Planning Area(s): City Centre (Capstan Village)

	Existing	Proposed
Owner	Yuanheng Seaside & Seaview Developments	No change
Site Size	3 lots comprising 24,643 m ² (265,255 ft ²)	No change
Land Uses	Vacant (under construction)	Mixed residential & commercial uses
OCP Designation	Mixed Use & Park	No change
CCAP Designation	Institution (i.e. community centre), Urban Centre (T5), Capstan Station Bonus & Park	No change
Zoning	Residential/Limited Commercial and Community Amenity (ZMU30) – Capstan Village (City Centre)	No change
Aircraft Noise Sensitive Development	Moderate (Area 3) – All uses may be considered	No change

NOTE: Lot references (below) mean 3399 Corvette Way (**Lot C**), 3311 No. 3 Road (**Lot B**), and 3331 No. 3 Road (**Lot A**)

	Existing ZMU30 Zone	Proposed	Variance
Buildable Floor Area* (Max): • Total	113,131.8 m ² including: • Lot A: 57,108.8 m ² • Lot B: 43,179.8 m ² • Lot C: 12,843.2 m ²	113,131.8 m ² including: • Lot A: 56,145.2 m ² • Lot B: 43,937.0 m ² • Lot C: 13,049.6 m ²	None permitted
Buildable Floor Area* (Max): • Residential	88,836.0 m ² including: • Lot A: 54,977.8 m ² (1) • Lot B: 21,015.0 m ² (1) • Lot C: 12,843.2 m ² (1) All affordable housing (4,441.8 m ²) must be located on Lots A & B	88,804.0 m ² including: • Lot A: 54,014.2 m ² (1) • Lot B: 21,740.2 m ² (1) • Lot C: 13,049.6 m ² (1) Additional 164.7 m ² of affordable housing on Lots A & B (Total = 4,606.5 m ²)	None permitted
Buildable Floor Area* (Max): • Non-Residential	24,295.8 m ² including: • Lot A: 2,131.0 m ² • Lot B: 22,164.8 m ² (2) • Lot C: Nil (2) Lot B incl. at least 3,106.6 m ² for community centre use	24,327.8 m ² including: • Lot A: 2,131.0 m ² • Lot B: 22,196.8 m ² (2) • Lot C: Nil (2) Lot B incl. at least 3,106.6 m ² for community centre use	None permitted
No. of Dwellings	850 units max., including: • Market ownership units: 791 • Affordable units: 59 (RZ target), including: a) Lot A: 41 units (under construction) b) Lot B: 18 units c) Lot C: Nil (All units are required to be located on Lots A & B)	941 units max., including: • Market ownership units: 878 • Affordable units: 63, including: a) Lot A: 41 units (under construction) b) Lot B: 22 units (i.e. 4 additional units) c) Lot C: Nil (All affordable housing units must be located on Lots A & B)	None permitted
Capstan Station Bonus Open Space	Min. public open space: 4,250 m ² , based on 850 units @ 5 m ² /unit	Min. public open space: 4,705 m ² , based on 941 units @ 5 m ² /unit	None permitted
Lot Coverage	90% max	No change	None
Height	47.0 m max.	No change	None

* Preliminary estimate (not inclusive of garage). Actual building size to be confirmed lot-by-lot at Building Permit stage.



City of
Richmond

Zoning Text Amendment Considerations

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

Address: 3399 Corvette Way and 3331 and 3311 No. 3 Road

File No.: ZT 19-872212

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10189, the developer is required to complete the following:

1. Ministry of Transportation & Infrastructure (MOTI): Final MOTI approval is required.
2. Community Centre Agreement (CA5970496 – CA5970503): Registration of modifications to or replacement of the existing legal agreement registered on title to Lot B with respect to the developer's commitment to the proposed City Centre North Community Centre on the lot:
 - 2.1. To defer the "Deadline" date for completion of the community centre from December 31, 2021 to December 31, 2023.

The City acknowledges that the Deadline date (December 31, 2023) is based on a 33-month construction schedule (April 2021 to December 2023) that assumes Development Permit issuance for Lot B in October 2020 and Building Permit issuance for Lot B in March 2021. The City will use all reasonable efforts to achieve these permit issuance dates, on the understanding that the developer shall satisfy, fulfil, and comply with all bylaw, Building Code, and related requirements as needed to facilitate the timely issuance of the required permits.

- 2.2. To increase the "Cash-in-Lieu Contributions" specified in the agreement for:
 - (i) Project management from \$300,000 to \$406,000, to include \$75,000 for cost recovery and \$31,000 for cost escalation;
 - (ii) Construction management from \$150,000 to \$165,000, to include \$15,000 for cost escalation;
 - (iii) ICT infrastructure from \$150,000 to \$165,000, to include \$15,000 for cost escalation; and
 - (iv) Furniture, fixtures, or other equipment ("FF&E") from nil to \$800,000.

Prior to Building Permit* issuance for Lot B, the developer shall submit:

- (i) \$136,000 in cash to the City, based on the combined total value of the additional cash-in-lieu contributions specified in 2.2(i), (ii), and (iii); and
- (ii) \$800,000 in the form of a Letter of Credit, based on the value of the additional cash-in-lieu contribution specified in 2.2(iv).

On December 31, 2022 (i.e. one year ahead of the "Deadline" date for completion of the community centre), the developer shall replace the Letter of Credit with a cash contribution (\$800,000) or the City shall cash the Letter of Credit.

- 2.3. To amend the "City Centre Conceptual Plan" and "Terms of Reference" (i.e. Schedules A and B respectively to the agreement), to:
 - (i) Provide for minor interior changes that do not impact overall construction costs;
 - (ii) Improve interior daylighting, including additional lobby windows fronting the plaza and clerestory windows at the second storey; and
 - (iii) Coordinate the community centre design with the expanded the programmable outdoor plaza area secured through the modification or replacement of the existing Community Centre Plaza – North (Statutory Rights-of-Way) agreement (CA5970406 – CA5970409); and
- 2.4. To make related changes to the terms of the existing agreement as required for consistency and clarity.
3. Additional Capstan Station Bonus (CSB) Publicly-Accessible Open Space: Registration of additional Statutory Rights-of-Way (SRW) areas on title to Lot B and Lot C to facilitate public access, together with related landscaping and amenities, in order that the public may have use and enjoyment of the areas as if they were City

park, as required to satisfy CSB publicly-accessible open space bylaw requirements, based on 941 dwelling units, as generally set out in Schedule A.

The required additional CSB open space SRW area shall be provided in a combination of new and expanded (existing) locations. The actual size of each SRW area shall be determined through the Lots B and C Development Permit* (DP 17-794169), to the satisfaction of the City. The sizes and configurations of the new and expanded SRW areas, together with their uses, program elements, landscape and infrastructure features (e.g., lighting, water, electrical), and related aspects shall take into account, among other things, coordination with the City-owned riverfront park fronting Lot C and community centre public access and program objectives on Lot B. Design and construction of the SRW areas shall be at the sole cost and responsibility of the developer, as determined to the City's satisfaction. Maintenance shall be at the sole cost and responsibility of the developer/owner (except for any City-owned sidewalk, utilities, streetlights, traffic signals, and related equipment, street trees, and furnishings, as determined to the City's sole satisfaction through an approved Servicing Agreement*). The developer's construction of the SRW areas shall be secured with the Lots B and C Development Permit* (DP 17-794169) landscape security (Letter of Credit), unless otherwise determined through DP 17-794169. Other terms of the SRW agreements shall generally be consistent with those SRW agreements registered on title to the lots to satisfy CSB open space requirements through "Viewstar's" original rezoning application (RZ 12-603040), unless otherwise determined to the satisfaction of the City through DP 17-794169 and/or the related community centre and Servicing Agreement (e.g., riverfront park) review and approval processes.

Required changes to existing CSB SRW agreements shall include the following:

3.1. "Community Centre Plaza – North" Statutory Rights-of-Way (CA5970406 – CA5970409): Registration of modifications to or replacement of the existing legal agreement registered on title to Lot B with respect to the plaza secured for the shared use of the community centre on the lot:

- (i) To increase the existing SRW area by approximately 141.9 m², from 125.4 m² to approximately 267.3 m² or as otherwise determined to the satisfaction of the City through the Lot B Development Permit* (DP 17-794169) and related community centre approval processes, which increase in SRW area shall be secured for the purpose of satisfying the developer's required Capstan Station Bonus publicly-accessible open space contribution;
- (ii) To increase the programmable area of the plaza to roughly double that originally approved through RZ 12-603040;
- (iii) Make related changes to the agreement, as required, to accurately reflect the approved plaza design, public use and program objectives, permitted permanent and temporary plaza features and encroachments, building interface considerations (e.g., residential lobby and fronting commercial uses), and related factors; and
- (iv) Make related changes to the terms of the existing agreement as required for consistency and clarity.

3.2. "River Road Park Entrance" Statutory Rights-of-Way (CA5970416 – CA5970419): Registration of modifications to or replacement of the existing legal agreement registered on title to Lot C with respect to the publicly-accessible open space secured at the north end of the lot:

- (i) To replace the existing 66.8 m² SRW area (which, for clarity, was not eligible for use as Capstan Station Bonus publicly-accessible open space) with an expanded SRW area, approximately 78.2 m² in size or as determined to the satisfaction of the City through the Lot C Development Permit* (DP 17-794169), which expanded SRW area shall be secured for the purpose of satisfying the developer's required Capstan Station Bonus publicly-accessible open space contribution;
- (ii) To remove provisions in the existing agreement that permit the owner to use the SRW area for loading vehicles and related purposes;
- (iii) Make related changes to the agreement, as required, to accurately reflect the approved plaza design, intended public use and access to/from the adjacent City-owned riverfront park and dike, permitted permanent and temporary plaza features and encroachments, building interface considerations, and related factors; and
- (iv) Make related changes to the terms of the existing agreement as required for consistency and clarity.

4. “Driveway Crossings” Covenant (CA5970432 – CA5970433): Registration of modifications to or replacement of the existing legal agreement registered on title to Lot C to remove the “River Road Driveway”, for the purpose of restricting vehicle access by the owner to the “River Road Park Entrance” plaza SRW (CA5970416 – CA5970419), which agreement shall be modified or replaced, as described above, to remove the owner’s ability to use the plaza for loading and related purposes, and make related changes to the terms of the existing Driveway Crossing agreement as required for consistency and clarity.
5. “Phasing” Covenant (CA5970452 – CA5970453): Registration of modifications to or replacement of the existing legal agreement registered on title to Lots A, B, and C with respect to the phased development and occupancy of the lands to:
 - 5.1. For Lot A: Amend the “Specific Lot A/Phase 1 Restrictions” regarding the prior-to-occupancy requirements with respect to Building Permit issuance for Lot B and the community centre such that those prior-to-occupancy requirements shall only apply to “Stage 3” (i.e. Buildings D & E as set out in the “Phase 1/Lot A Staging” covenant registered on Lot A, CA5970512 – CA5970513 / CA6833328 – CA6833329), and not to “Stage 1” or “Stage 2” (i.e. Buildings B & C and Buildings A & J, respectively);
 - 5.2. Clarify that for the purpose of the agreement, “occupancy” or “final Building Permit inspection granting occupancy” shall mean using, possessing, taking up, keeping, holding, utilizing, moving into or, living in, taking possession of premises and any other actions resulting in the foregoing, except to the extent that such is permitted by the City for the limited purposes of improving such premises (e.g., constructing tenant improvements) prior to fully taking occupancy; and
 - 5.3. Make related changes to the terms of the existing agreement as required for clarity and consistency.
6. “Unit Allocation” Covenant (CA5970464 – CA5970465 / CA6833325 – CA6833327): Registration of modifications to or replacement of the existing legal agreement registered on title to Lots A, B, and C with respect to the maximum permitted number of units on the lots:
 - 6.1. To increase the maximum permitted combined total number of units on Lots A, B, and C from 850 to 941;
 - 6.2. To increase the maximum permitted number of units on Lot B to 275 and on Lot C to 89, unless otherwise approved through the Development Permit* for Lots B & C (DP 17-794169); and
 - 6.3. Make related changes to the terms of the existing agreement as required for consistency and clarity.
7. Affordable Housing Covenant for Lot B (CA5970492 – CA5970503): Registration of modifications to or replacement of the existing legal agreement registered on title to Lot B to accurately reflect the development proposal approved through ZT 19-872212 and the Development Permit for Lot B, which shall include:
 - 7.1. A voluntary developer contribution comprising 164.7 m² of additional affordable low-end-of-market-rental housing (i.e. over and above the minimum area required by the amended ZMU30 zone); and
 - 7.2. At least 22 affordable housing units (including 11 family-friendly, 2-bedroom or larger units) and related parking, bike storage, amenities, and other features, as determined to the satisfaction of the Director of Community Social Development and Director of Development.
8. Development Permit: Processing of a Development Permit* for Lots B and C (DP 17-794169) to a level deemed acceptable by the Director of Development.

Prior to Development Permit for 3311 No. 3 Road and 3399 Corvette Way (DP 17-794169), among other things, the developer is required to complete the following:

1. Sea Island Way Greenway (CA5970410): Registration of modifications to or replacement of the existing legal agreement registered on title to Lot B to amend the boundaries of the SRW area and provide for related changes, as determined to the satisfaction of the City, to accommodate Ministry of Transportation & Infrastructure (MOTI) design requirements for Sea Island Way.

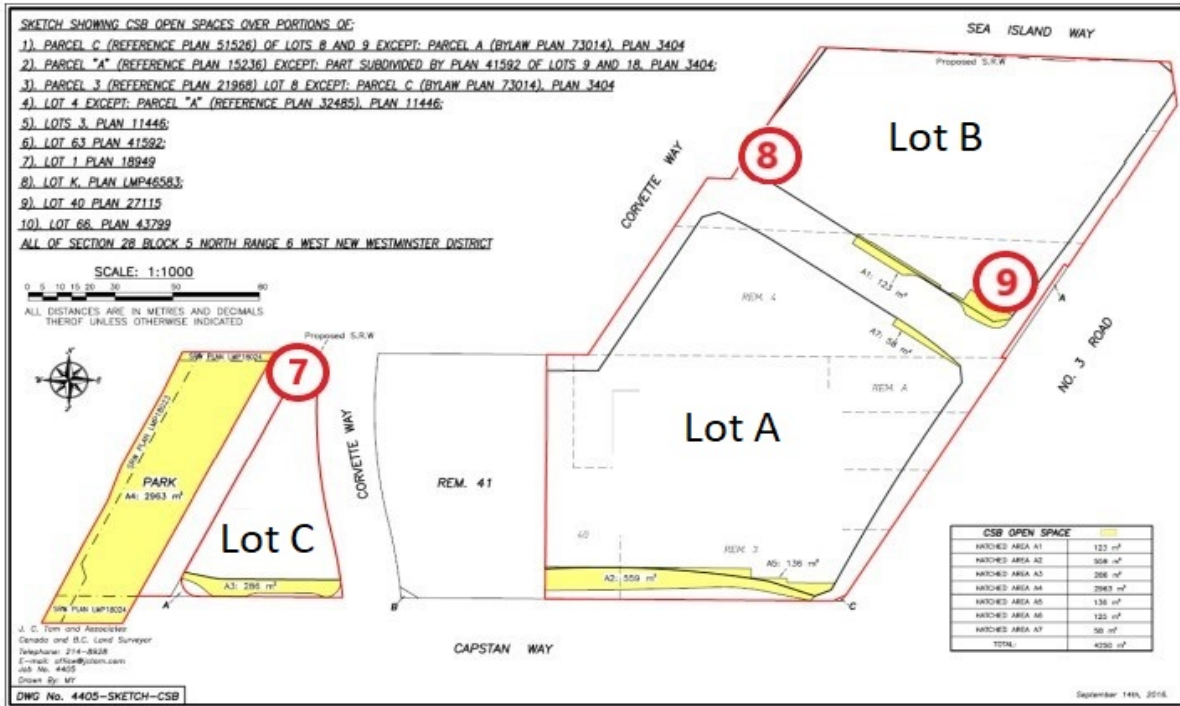
2. Community Centre Agreement (CA5970496 – CA5970503): Submission and approval of the Development Design Plans for the community centre, including refinements and enhancements to the conceptual design originally approved through rezoning (e.g., improved daylighting and expansion of the plaza), as determined to the satisfaction of the City as the future owner of the facility.

Note:

- An asterisk (*) indicates that a separate application is required.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.
All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.
The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.
- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

SIGNED COPY ON FILE

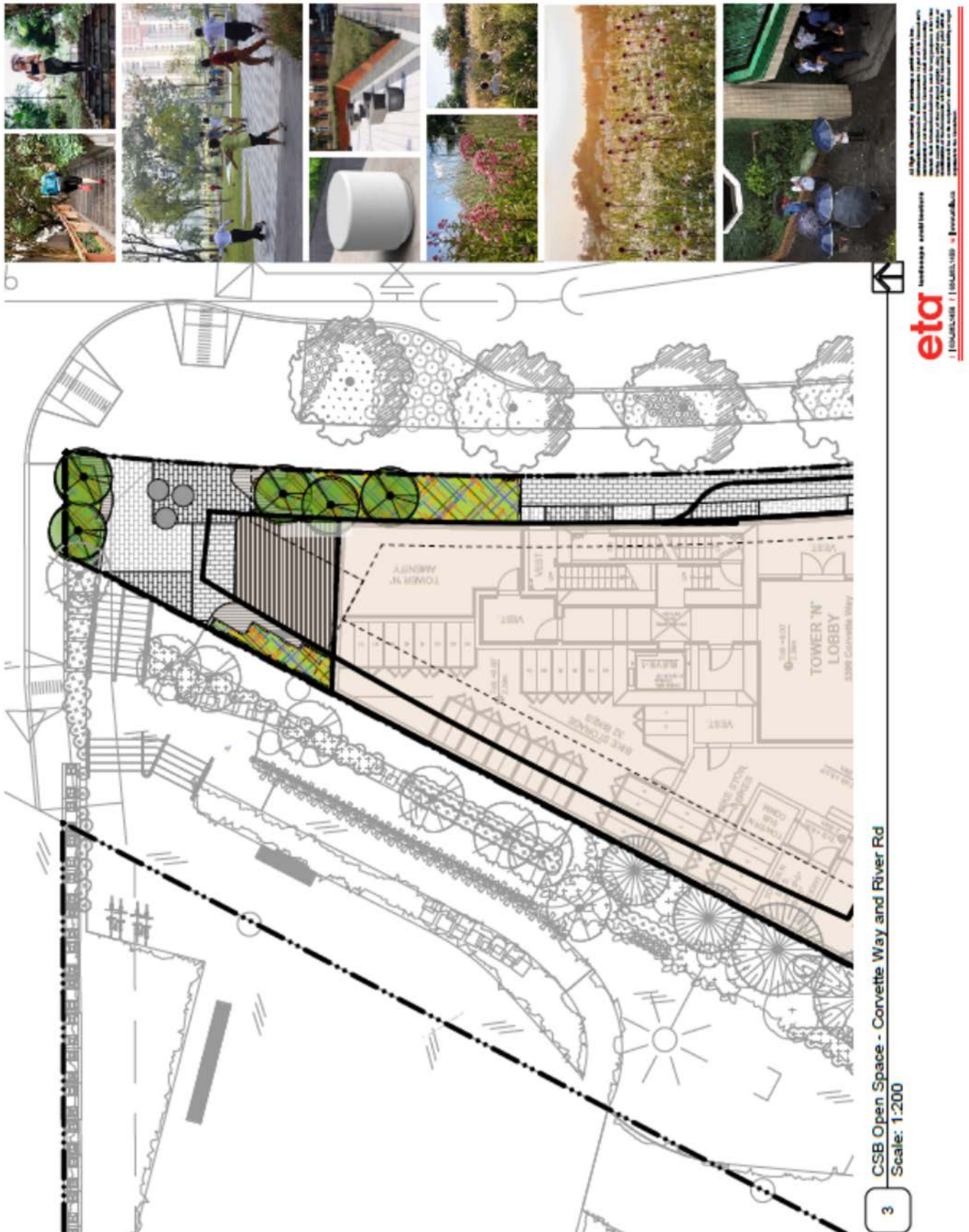
Capstan Station Bonus (CSB) – Additional Publicly Accessible Open Space Requirements



CSB PUBLIC OPEN SPACE FEATURES (1)		CSB Voluntary Public Open Space Contribution		
		Fee Simple	Dedication	SRW
1.	Riverfront Park	2,963.0 m²	Nil	Nil
2.	McMyn Way – Sidewalk widening	Nil	123.0 m²	Nil
3.	Capstan Way – Sidewalk widening	Nil	845.0 m²	Nil
4.	Capstan Way Plaza (Lot A)	Nil	Nil	136.0 m²
5.	Community Centre Plaza – South (Lot A)	Nil	Nil	116.0 m²
6.	Community Centre Plaza – North (Lot B)	Nil	Nil	125.4 m²
SUB-TOTAL (Secured through RZ 12-603040)		2,963.0 m²	968.0 m²	377.4 m²
<ul style="list-style-type: none"> Min. 4,250.0 m² required for 850 units Actual area exceeds minimum by 58.4 m² 		4,308.4 m² (1.06 acres)		
7.	River Road Park Entrance – New (Lot C)	Nil	Nil	78.2 m² (2)
8.	McMyn Neighbourhood Pocket Park – New (Lot B)	Nil	Nil	176.5 m² (2)
9.	Community Centre Plaza (North) – Expansion (Lot B)	Nil	Nil	141.9 m² (2)
SUB-TOTAL (ZT 19-872212)		Nil	Nil	396.6 m²
<ul style="list-style-type: none"> Area required for 91 additional units = 455.0 m² LESS 58.4 m² excess secured via RZ 12-603040 		Additional 396.6 m² (0.10 acres)		
MINIMUM CSB PUBLIC OPEN SPACE AREA		4,705.0 m² (1.16 acres)		
<ul style="list-style-type: none"> Based on a maximum of 941 units (3) 				

- 1) CSB public open space features are NOT eligible for Development Cost Charge credits (for park or road acquisition or construction), but, as per the ZMU30 zone, the developer may use the area of CSB public open space features for density calculation purposes.
- 2) The areas shown in the table are preliminary. The actual size of each individual public open space will be determined, to the City's satisfaction, prior to Zoning Text Amendment bylaw adoption, through the Lot B and C Development Permit (DP 17-794169). For the community centre plaza, the plaza's size and design shall be subject to all applicable City reviews and Council approvals, and the additional SRW area shall serve to roughly double the plaza's programmable space (as compared to that approved via RZ 12-603040).
- 3) The combined total number of dwellings on Lots A, B, and C shall not exceed 941. If the combined total number of dwellings is less than 941, there shall be no reduction in the MINIMUM CSB PUBLIC OPEN SPACE AREA.

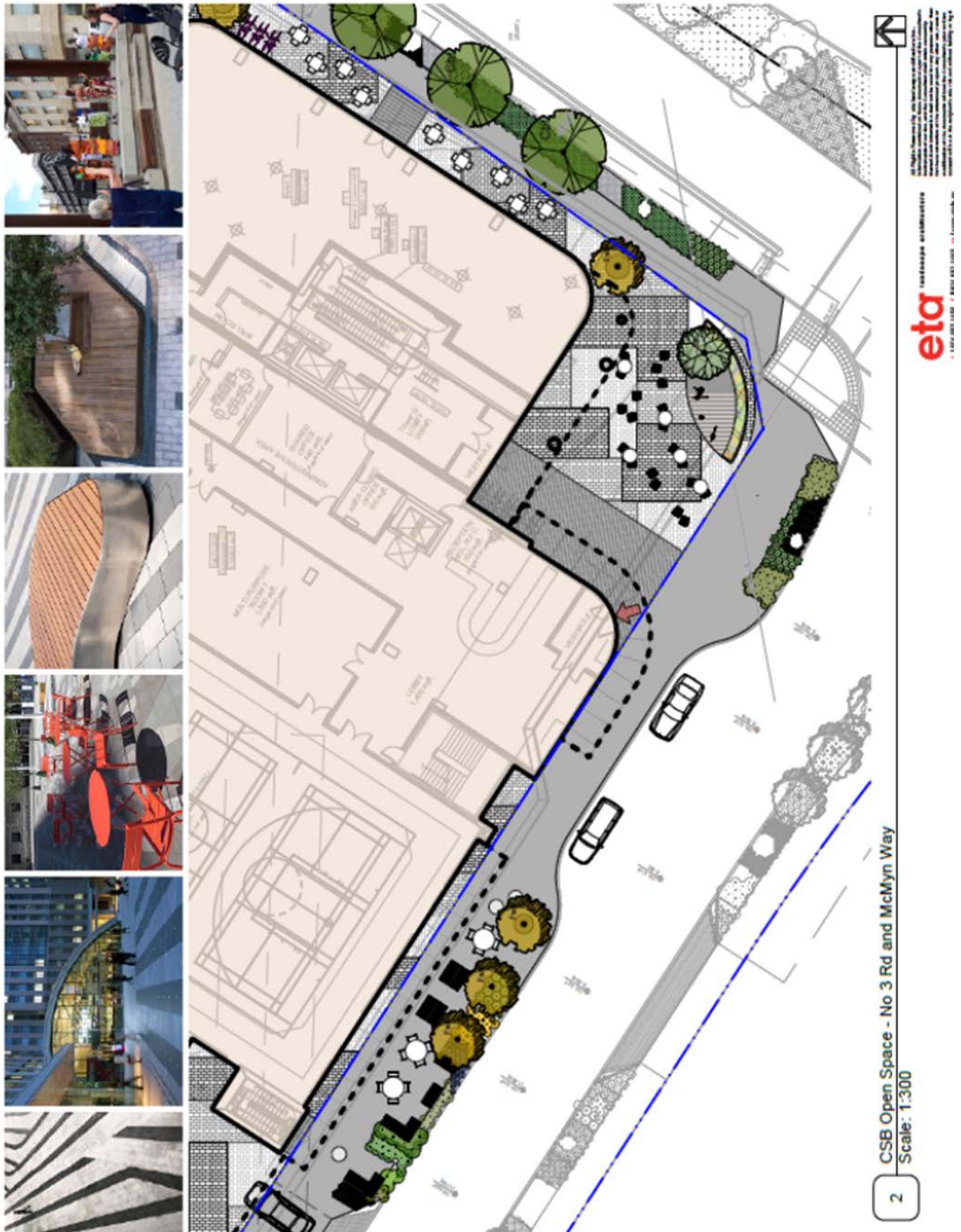
Riverfront Park Expansion (River Road Park Entrance) – Preliminary Conceptual Design



McMyn Neighbourhood Pocket Park – Preliminary Conceptual Design



Community Centre Plaza Expansion – Preliminary Conceptual Design





**City of
Richmond**

Memorandum
Community Services Division
Recreation Services

To: Wayne Craig
Director, Development

Date: April 21, 2020

From: Elizabeth Ayers
Director, Recreation and Sport Services

File: 06-2052-25-CCNO1/Vol 01

Re: **Application by Yuanheng Seaside Developments Ltd. – Deferral of Community Centre Completion**

The purpose of this memo is to confirm Community Recreation Services' support of the proposal from Yuanheng Seaside Developments Ltd. to defer completion of the community centre in the Capstan Village area from December 31, 2021 to December 31, 2023, as proposed in Zoning Text Amendment application (ZT-19-872212).

Although, the City Centre is identified as the area with the greatest projected population growth in Richmond, the Capstan Village population can adequately be accommodated at the City's other community services facilities, in particular the City Centre Community Centre, the new Minoru Centre for Active Living and the Richmond Olympic Oval, until the new community centre is completed in December 2023. By this time, the number of dwellings in Capstan Village are projected to increase by 60 per cent, or from approximately 2,700 to 4,400 units, compared to December 2020. The Capstan Station will also be operational, bringing even more people to the Capstan Village area. Aligning the community centre's completion with this population surge will ensure increased attendance and access to community recreation services for a larger number of the local population starting from opening day.

As a result of the delay the Developer has agreed to provide additional benefits that will significantly enhance the community centre. The benefits negotiated are:

1. Expanded Public Plaza – An expanded outdoor community centre plaza of approximately 2,000 sq. ft. which will serve as a public gathering space as well as an area for enhanced programs and events. These opportunities will provide improved service to the community and build a sense of belonging for the new residents;
2. Design Modifications – The Developer has agreed to allow flexibility to modify and fine-tune the previously approved community centre conceptual design and Terms of Reference to better meet anticipated community needs and interests. These changes will provide enhanced customer experiences without impacting overall construction costs;
3. Improved Interior Daylighting – The Developer has identified opportunities to provide additional natural daylight, particularly to interior spaces that were previously without windows. This will provide a more vibrant facility with increased program flexibility; and

April 21, 2020

- 2 -

4. Cash contribution of \$800,000 – The Developer will provide an additional cash-in-lieu contribution of \$800,000 towards the Furnishings, Fixtures, and Equipment (FFE) for the facility. The FFE budget is projected to be \$1.6M and is the responsibility of the City, resulting in an \$800,000 capital savings to the City.

In summary, the proposed deferral in the community centre's completion is supported for the reasons outlined above. Denying the developer's Zoning Text Amendment proposal could compromise the developer's ability to construct the community centre, and would mean the loss of additional community benefits and compensation volunteered by the developer.

Regards,



Elizabeth Ayers
Director, Recreation and Sport Services
604-247-4669

pc: SMT
Jim V. Young, P. Eng., Director, Facilities and Project Development
Paul Brar, Manager, Community Services Planning and Projects



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10189 (ZT 19-872212)
3399 Corvette Way and 3311 and 3331 No. 3 Road**

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:
 - 1.1. In Section 20.30.4.2(c), replacing “4,250.0 m²” with “4,705.0 m²”;
 - 1.2. Replacing Section 20.30.4.5(a) with the following:

“the maximum total combined **floor area** for the **site** shall not exceed 113,131.8 m², of which the **floor area** of residential **uses** shall not exceed 88,804.0 m², including at least 4,441.8 m² for **affordable housing units**, and the **floor area** for other **uses** shall not exceed 24,327.8 m², including at least 3,106.6 m² for **community amenity space**; and”;
 - 1.3. Replacing Sub-Sections 20.30.4.5(b)(i), 20.30.4.5(b)(ii), and 20.30.4.5(b)(iii) with the following:
 - “i for “A”: 54,014.2 m² for residential **uses**, including at least 3,092.5 m² for **affordable housing units**, and 2,131.0 m² for other **uses**;
 - ii for “B”: 21,740.2 m² for residential **uses**, including at least 1,349.3 m² for **affordable housing units**, and 22,196.8 m² for other **uses**, including at least 3,106.6 m² for **community amenity space**; and
 - iii for “C”: 13,049.6 m² for residential **uses**, including nil for **affordable housing units**, and nil for other **uses**; and”;
 - 1.4. In Section 20.30.4.5(c), replacing “850” with “941”.

2. This Bylaw may be cited as **“Richmond Zoning Bylaw 8500, Amendment Bylaw 10189”**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE APPROVAL

LEGAL REQUIREMENTS SATISFIED

ADOPTED

MAYOR

CORPORATE OFFICER





City of Richmond

Report to Committee

To: General Purposes Committee
From: Marie Fenwick
Director, Arts, Culture and Heritage Services
Date: May 22, 2020
File: 11-7000-01/2020-Vol 01
Re: **Phoenix Net Loft Public Consultation Process**

Staff Recommendation

That staff be authorized to proceed with Phase One of the Phoenix Net Loft Public Consultation Process as described in the staff report titled "Phoenix Net Loft Public Consultation Process", dated May 22, 2020, from the Director, Arts, Culture and Heritage Services.

CM Fenwick

Marie Fenwick
Director, Arts, Culture and Heritage Services
(604-276-4288)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Parks Services	<input checked="" type="checkbox"/>	<i>Sevens</i>
Recreation Services	<input checked="" type="checkbox"/>	
Project Development	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: <i>CS</i>	APPROVED BY CAO <i>[Signature]</i>

Staff Report

Origin

At the regular Council meeting on February 24, 2020, Council endorsed the following resolution:

- (1) That the Capital Program budget be amended from the previously approved \$11.5M to \$19.44M for the Phoenix Net Loft Preservation project for Option C – Museum-style Interpretive Centre use for the Phoenix Net Loft preservation project;*
- (2) That the difference of the \$11.5M and the Proposed \$19.44M (\$7.94M) to be used for the Phoenix Net Loft preservation project be withdrawn from the Capital Building and Infrastructure Reserve Fund; and*
- (3) That the Consolidated 5 Year Financial Plan (2020-2024) be amended accordingly.*

The purpose of this report is to seek Council authorization to proceed with Phase One of a public consultation process to determine the future program plan for the Phoenix Net Loft.

This report supports Council's Strategic Plan 2018-2022 Strategy #3 One Community Together:

Vibrant and diverse arts and cultural activities and opportunities for community engagement and connection.

3.1 Foster community resiliency, neighbourhood identity, sense of belonging, and intercultural harmony.

3.2 Enhance arts and cultural programs and activities.

3.3 Utilize an interagency and intercultural approach to service provision.

3.4 Celebrate Richmond's unique and diverse history and heritage.

Background

The Phoenix Net Loft was constructed in 1943 as a facility to dry, mend and store fishing nets. It is part of a collection of historic buildings on the waterfront that were constructed to service the fishing and boat building industry in Steveston and operated as a net storage and repair facility until the early 2000's when the City acquired the building from BC Packers as part of the redevelopment of their land in Steveston.

Its character defining elements include:

- association with the canning and fishing industry in Steveston;
- location on the riverfront adjacent to the Britannia Shipyards buildings;
- scale, massing, and heavy timber construction; and
- details of its construction including board and batten siding, unique gabled roof design and piling foundation.

Proposed Public Consultation Process

Part of the standard City approach to program planning for a public facility such as this is an extensive public consultation process to ensure the building program meets the current and future needs of the community.

The purpose of the public consultation is:

- To ensure the building, exhibits and programs meet the current and future needs of target audiences and the residents of Richmond;
- To ensure the development process for the facility is transparent and provides opportunity for input into decision making where appropriate; and
- To ensure the public is informed, engaged, and excited about the benefits to the community of the facility.

Exhibit and program planning is an iterative and involved process that will ultimately lead to design documents and a plan with sufficient detail to prepare capital and operating budgets.

Staff recommend advancing interior space program planning with a two-phase public consultation process.

Phase One: Key Stakeholder Consultation

The purpose of this phase would be to define a set of interior program options that can be taken for broader public consultation. This would be accomplished in consultation with key stakeholders in the museum, heritage and tourism sectors.

The objectives of Phase One include:

- Determining target audiences for the facility;
- Defining the key interpretive theme or themes; and
- Identifying amenities and interpretive elements that would be required to support the interpretive themes and attract target audiences.

Program options will be guided by creating a space that:

- Contributes to the cultural vibrancy of Richmond;
- Offers interpretive and informal learning opportunities;
- Complements the existing interpretation at Britannia Shipyards and throughout Steveston; and
- Is sensitive to the heritage value of the site.

Staff recommend targeted consultation with the following key stakeholders from the museum, heritage, and tourism sectors.

- Britannia Shipyards National Historic Site Society;
- Richmond Museum Society;

- Steveston Historical Society;
- Gulf of Georgia Cannery Society; and
- Tourism Richmond.

It is expected that through this process an option, or range of options, suitable for public consultation will emerge.

Staff will then report back to Council to seek its endorsement for the proposed option(s) and presentation materials prior to proceeding with the next phase of broader public consultation.

Pending Council approval, staff propose to initiate this phase in Fall 2020. Consultation methods will be aligned with the Council approved plan to restore City services and any emerging provincial health authority guidelines.

Phase 2 – Public Consultation

This phase would present the option(s) developed in Phase 1, and approved by Council, to a broader group of stakeholders, and the community as a whole. The proposed plan and engagement method are detailed in Table 1 below.

Consultation methods suggested below may be revised pending COVID-19 related restrictions on public gatherings.

Table 1: Public Consultation Plan

ENGAGEMENT METHOD	DESCRIPTION
Stakeholder Consultation	<p>A broader group of stakeholders will be consulted directly through a workshop or series of workshops.</p> <p>This will include the key stakeholders and additional Community Stakeholders such as Indigenous communities, London Heritage Farm Society, Steveston Harbour Authority, Steveston Merchants Association, Steveston Community Society, Richmond Chamber of Commerce, Richmond Heritage Commission, Japanese Canadian Cultural Centre and the Chinese Canadian Historical Society.</p>
Let's Talk Richmond	A Let's Talk Richmond Survey will be launched to gain input from the general public.
Community Open House(s)	A Community Open House, or series of Open Houses, will be held to both educate the public about the project and to elicit ideas and feedback on the proposed options.
Promotions via print and social media	All public consultation opportunities, including the Public Open House and the Let's Talk Richmond survey will be widely publicized via print and social media to ensure the widest audience possible is aware and engaged in the design process.

ENGAGEMENT METHOD	DESCRIPTION
Direct promotions	Direct mail will be used to invite stakeholders and residents in a catchment area (to be determined) to the Open House and to participate in the Let's Talk Richmond Survey.

Financial Impact

The estimated cost for phase one of the public consultation process is \$30,000. These costs are included in the existing approved budget.

Funding to implement the program will be the subject of a future report to Council and a capital submission.

Conclusion

A two-phase consultation process for the Phoenix Net Loft is recommended to ensure the building program meets the current and future needs of the community. This report seeks Council authorization to work with key stakeholders in the museum, heritage and tourism sectors to define a set of interior program options. It is expected that through this process an option or range of options suitable for public consultation would emerge.

Staff will then report back to Council to seek its endorsement for the proposed option(s) and presentation materials prior to proceeding with the next phase of broader public consultation.



Marie Fenwick
Director, Arts, Culture and Heritage Services
(604-276-4288)



City of Richmond

Report to Committee

To: General Purposes Committee

Date: May 21, 2020

From: Jim V. Young, P. Eng.
Director, Facilities and Project Development

File: 06-2052-25-PNET1/Vol 01

Re: Phoenix Net Loft Deconstruction and Salvage

Staff Recommendation

That staff be authorized to proceed with the deconstruction and salvage of heritage elements of the Phoenix Net Loft as described under Option 1 on Page 3, in the staff report titled "Phoenix Net Loft Deconstruction and Salvage", dated May 21, 2020, from the Director, Facilities and Project Development.

Jim V. Young, P. Eng.
Director, Facilities and Project Development
(604-247-4610)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Arts, Culture & Heritage	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	
Parks Services	<input checked="" type="checkbox"/>	
Finance & Corporate Services	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS:	APPROVED BY CAO

Staff Report

Origin

At the regular Council meeting on February 24, 2020, Council endorsed the following resolution:

- (1) That the Capital Program budget be amended from the previously approved \$11.5M to \$19.44M for the Phoenix Net Loft Preservation project for Option C – Museum-Style Interpretive Centre use for the Phoenix Net Loft preservation project; and*
- (2) That the difference of the \$11.5M and the proposed \$19.44M (\$7.94M) to be used for the Phoenix Net Loft preservation project be withdrawn from the Capital Building and Infrastructure Reserve Fund; and*
- (3) That the Consolidated 5 Year Financial Plan (2020-2024) be amended accordingly.*

The purpose of this report is to seek Council authorization to proceed with the deconstruction and selective salvage of heritage elements of the Phoenix Net Loft building.

The information and recommendation contained within this report coincides with the companion report pertaining to Phase One of the Phoenix Net Loft Public Consultation Plan as described in the staff report titled “Phoenix Net Loft Public Consultation Process”, dated May 22, 2020, from the Director, Arts, Culture and Heritage Services.

This report supports Council’s Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

Enhance and protect the safety and well-being of Richmond.

1.2 Future-proof and maintain city infrastructure to keep the community safe.

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.

6.4 Recognize Richmond's history and heritage through preservation, protection and interpretation.

Analysis

Current Condition of Structure and Liabilities

The Phoenix Net Loft is currently in a state of structural deterioration. A full structural assessment of the building was completed in 2016 by CWMM Consulting Engineers Ltd., where it was highlighted that approximately 90 per cent of the piling foundation showed signs of significant deterioration.

Staff recently engaged a separate structural engineering firm, Advisian, to review the previous information and provide updated comments on the current status of the structure. Advisian has cautioned that the building is not safe for public access, and further noted that the building is continuing to deteriorate and is becoming more unstable.

The increasing instability of the structure will create a risk to public safety beyond the building footprint. Partial or full failure of the structure may impact outdoor public areas and neighbouring infrastructure. In addition to the risks to public safety, possible collapse of the structure into the Fraser River also presents environmental risks due to heavy concentrations of lead contamination present in the building's siding materials.

It is anticipated that the timelines for the completion of the public consultation process on programming, as outlined in the companion report dated May 22, 2020 from the Director, Arts, Culture and Heritage, and the subsequent Council approvals for program selection and Capital funding amendments would mean a possible start date for construction is 2022. Considering these timelines and the current condition of the Phoenix Net loft, options must be considered to address the risk of collapse.

Staff have received the required Forests, Lands and Natural Resource Operations (FLNRO) environmental permitting necessary to proceed with the deconstruction/reconstruction processes.

Option 1 – Deconstruction and Salvage (Recommended)

Under this option staff would move immediately to complete the deconstruction and selective salvage of heritage elements that are in good condition. The salvaged elements would be stored for usage in the future reconstruction. Deconstruction and salvage is the first phase required to facilitate the full reconstruction project. The deconstruction can take place in advance of any decision on final program.

The cost of this work is estimated to be \$1.4 million (2019 dollars), plus escalation, as confirmed through independent estimates completed by Scott Construction and a quantity surveyor. This cost is included in the \$19.44 million Council approved budget.

The contractor cost estimates for the complete reconstruction of the Phoenix Net Loft include considerable contingency associated with the high risk of the deconstruction and salvage process. When packaged as a single project, the deconstruction risks raise costs for the whole project, as any issue encountered at the deconstruction stage would impact the contractor's ability to deliver the complete project. By proceeding now with deconstruction and salvage as a separate package of work, the associated risk will be eliminated, and contractors bidding on the future reconstruction work will be able to provide more competitive pricing.

Proceeding with deconstruction now provides the best opportunity to retain the salvageable elements in good condition. Any further deterioration of the structure will add cost to the deconstruction and could very likely damage or destroy currently salvageable elements.

Implementation of Option 1 requires structure and site isolation similar to what is described under Option 2 in order to facilitate the works.

Option 2 – Structure Isolation

If deconstruction is not completed expediently, then the site would need to be isolated to address the risk of any partial or full collapse impacting exterior public areas and infrastructure. Under this option, a perimeter fence around the building would be established to keep public safe should the building collapse. It is anticipated that the fence would extend across the boardwalk, possibly into a parking lot, and would require removal of wharves and the relocation of main public pathways.

The cost to complete this work is estimated to be \$65,000 and is included in the \$19.44 million budget approved by Council. Isolation of the structure would be one of the first steps taken by a contractor if they were to proceed with the reconstruction process.

While this option addresses emerging public and infrastructure risks in the vicinity of the building, risks of salvageable element loss, environmental damage and increased deconstruction costs would not be addressed under this option.

Next Steps

Should Council authorize staff to proceed with the recommended Option 1, staff will develop and implement a public communication plan and proceed with deconstruction procurement. Work will commence immediately after a contractor is selected. Staff will include the items identified as having heritage value as part of the bid package and off-site storage will be arranged. Staff, together with heritage preservation experts have identified elements of the existing Phoenix Net Loft that are of high heritage value and suitable to salvage for reuse in a future facility.

Financial Impact

The estimated cost of \$1.4 million to implement deconstruction and salvage of the Phoenix Net Loft (Option 1) is included in the budget approved by Council on February 24, 2020.

Conclusion

The Phoenix Net Loft is in a state of structural deterioration and the recommendation is to proceed with deconstruction and selective salvage activities due to the increased risk to public safety and the environment as time progresses. Work will proceed immediately following Council authorization.



Jim V. Young, P. Eng.
Director, Facilities and Project Development
(604-247-4610)

JVY:jvy

Att. 1: Phoenix Net Loft - Advisian Condition Assessment letter dated April 27, 2020



Suite 500, 4321 Still Creek Drive
Burnaby, BC V5C 6S7
CANADA

Tel: 604-298-1616

advisian.com

Worley Canada Services Ltd.

27 April 2020

Our Ref: 307071-01328

O4 Architecture
2386 Oak Street
Vancouver, BC V6H 4J1

Attention: Mike Mammone

Dear Mr. Mammone:

PHOENIX NET LOFT - CONDITION ASSESSMENT – UPDATE (REVISION 2)

As part of the Phoenix Net Loft rehabilitation project in Richmond, BC, Advisian has been contracted to perform a condition assessment of the Net Loft building (superstructure only) in addition to providing structural engineering design services. The site has been previously inspected/assessed by previous consultants, Entech Environmental Consultants Ltd. (EECL) and CWMM Consulting Engineers Ltd. (CWMM), as well as Advisian (as Westmar and WorleyParsons on two separate occasions). Advisian has reviewed these previous reports and, coupled with our current condition assessment (superstructure only) performed in March/April 2019 present the following recommendations as to occupancy of the structure:

- **Substructure:** As noted by CWMM and EECL in their recent reports, as well as by Advisian (Westmar and WorleyParsons) in the past, the substructure is heavily deteriorated and requires significant repair to bring the structure back to its original design load rating. Considering no repairs have been made since the prior issuance of this letter (23 April 2019), and since the original study conducted in 2016, it is fair to assume that the structure has continued to deteriorate and without repairs/remediations will deteriorate further. Furthermore, the original design is not compliant with modern seismic and structural design practices, therefore, repair of the structure to its original state would be insufficient to meet modern code requirements should the use of the space deviate from the original design intent – i.e., change in use/occupancy parameters. As noted above, Advisian has not inspected as part of its current scope the substructure.
- **Superstructure:** As noted by CWMM in its recent report, as well as by Advisian (Westmar and WorleyParsons) in past reports and as part of its current work scope, the Phoenix Net Loft building itself is found to have signs of deterioration. As stated previously, no repairs have been made since the prior issuance of this letter (April 23, 2019), and since the original study conducted in 2016, it is fair to assume that the structure has continued to deteriorate and without repairs/remediations will deteriorate further. Repair of the superstructure to return it to its original design is feasible, and not anticipated to be overly significant in complexity. However, similar to the substructure, repairs would be insufficient to meet modern code requirements should the use of the space deviate from the original design intent. Another item of note is that the superstructure has been built using

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Advisian 1



dimensional lumber, not heavy timber. This provides further design complications with respect to material reuse and fire rating. Lastly, though the superstructure is in relatively better condition than the substructure; since the superstructure is being supported by the substructure, it (the superstructure) should be considered only as safe as the substructure (its foundation).

Moreover, should repair be the chosen course of action, the existing structure will not be compliant with modern established building codes, including the 2018 BC Building Code, and as such, deviation from its original use/occupancy program is not recommended nor would it be permitted. *Should repair be the chosen course of action, Advisian would be able to assist in providing repair designs to meet the original design capacity, however Advisian would not be responsible for the original design capacity.*

Finally, based on Advisian's recent work and the review of previous reports, Advisian considers the structure as not safe for general public access, and correspondingly recommends the existing structure not be accessed by the general public in any fashion until repairs have been made to the substructure (repair, improvement or replacement) and superstructure (repair, improvement or replacement). Access should only be by those briefed on the limitations of the existing structure, associated risks, and that have work plans established for accessing the site safely, including where personnel can walk, climb and move about, as well as in accordance with any other requirements set by the City of Richmond.

I trust this letter meets your needs at this time. If you have any further questions and/or comments, please contact me at 778-945-5223 or via email at anthony.peterson@advisian.com.

Yours sincerely,

Anthony Peterson, P.Eng.
Assistant Practice Lead, Ports & Marine Structures



Power & Transport
Advisian Americas

cc: Vahid Sofali, Advisian
Jason Braun, Advisian

Disclaimer

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