



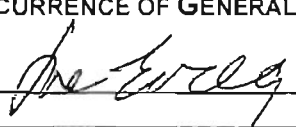


To: Planning Committee **Date:** February 13, 2013
From: Joe Erceg, MCIP, General Manager, **File:**
Planning and Development
Re: City Centre Study To Explore the Implications of Increasing Building Height

Staff Recommendation

1. That Council authorize staff, as a one-time exception, to receive a rezoning application, at 6560-6700 No. 3 Road, from Townline Homes and, as part of the review, analyze the potential implications and benefits of possibly increasing the maximum City Centre building height and density, as outlined in the report, dated February 13, 2013, by the General Manager, Planning and Development;
2. That, to avoid property owner, developer and public speculation regarding any actual increase in City Centre building height and density, staff not receive any other similar zoning or Development Permit applications beyond that identified in Recommendation 1 above, until the Federal government and Council authorize any increase in City building height and density;
3. That to ensure co-ordination with the Vancouver International Airport Authority (YVR), City staff notify YVR and invite comments;
4. That City staff post a notice on the City's Web site and notify the Urban Development Institute (UDI) to advise that property owners, developers and the general public, that they are:
 - A. to recognize that the above proposed approach is a one-time exception;
 - B. not to assume that there will be an increase in City Centre building height and density as, it is the Federal government who authorizes any increase in the height allowed by Vancouver Airport International Zoning Regulations and Council has not decided whether or not to amend the City Centre Area Plan (CCAP) to increase building height and density (beyond that currently identified in the CCAP) and
 - C. to assume that the full lift in land value associated with any future increase in building height or density (beyond that currently identified in the CCAP) will be directed to provide additional community benefits beyond those currently identified in the CCAP.

Joe Erceg, MCIP, General Manager,
Planning and Development

Att. 4

REPORT CONCURRENCE			
ROUTED TO:		CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Development Applications		<input checked="" type="checkbox"/>	
Real Estate		<input checked="" type="checkbox"/>	
REVIEWED BY DIRECTORS		INITIALS: 	REVIEWED BY CAO
			INITIALS: 

Staff Report

Purpose

The purpose of this report is to seek Council's approval to undertake a City study as part of a rezoning application review to explore the implications and benefits of increasing building height in a portion of the City Centre.

2012 – 2014 Council Term Goals

This report addresses the Council Term Goal # 7. Managing Growth and Development

Origin

On May 25, 2005, Council approved the following motion:

That, staff be authorized to explore, along with the Vancouver International Airport Authority (VIAA), the possibility and implications of increasing building height in Richmond, (as stated in the report dated May 4th, 2004 from the Manager of Policy Planning).

Since 2005, City staff have repeatedly requested YVR to undertake the necessary Federal study to enable an increase in building height. To date, YVR has not started the study. Over the years, staff have provided Council with updates regarding this matter. This report recommends next steps for Council's consideration.

Findings of Fact

Developer Interest To Study Increasing Building Height In the City Centre

Townline Homes has indicated that it wishes to apply for a rezoning at 6560 - 6700 No. 3 Road which involves increasing the building height above what the current Transport Canada Vancouver International Airport Zoning Regulations allow (e.g., 47m: 150 ft). As part of the review, City staff propose to study the implications and benefits to the City of any increased building height with the developer's participation (e.g., technical information, design options). The developer's reason for this rezoning is that they wish to develop beyond 47m and in an area where it is anticipated that Transport Canada will eventually allow such an increase.

City Reasons To Do The Proposed Study Now

As well, from time to time, Council and others (citizens, community groups, developers) have expressed an interest having buildings higher than what the existing Transport Canada regulations allow for a variety of reasons (e.g., a more varied skyline, efficient building forms, improved architecture, a better use of limited City Centre space). Also, if Council approves the submission of the rezoning application, it will signal to YVR that increasing building height is a high City priority and may prompt them to begin their study to increase building height. In addition, by the City doing its analysis well in advance of Transport Canada increasing building height, Council will have ample time to establish how to manage the implications and maximize the benefits.

Relevant Policies and Regulations

– *Existing Federal Building Height Limitations*

Transport Canada has the Federal authority through the Federal Aeronautics Act to regulate building height around airports. More specifically, Transport Canada has registered “The Vancouver International Airport Zoning Regulations” in the BC Land Titles Office to regulate building height. Generally, the current building height limit in the City Centre is 47m.

Relevant City Policies

– *2041 OCP Building Height Increase Study Policies*

The 2041 OCP policies indicate that Council acknowledges that Transport Canada regulates building heights around the airport and that the City wishes to explore with YVR, increasing building height in a portion of the City Centre as shown in area which YVR identified in 2004 (**Attachment 1**). YVR has not yet finalized the actual study area, but it is believed to be centred around City Hall (**Attachment 2**). The OCP objective is to improve City Centre viability by studying the implications and benefits of increased building height.

– *City Centre Area Plan (CCAP) Building Height Increase Study Policies*

Consistent with the 2041 OCP, the CCAP contains similar policies which support studying an increase in building height (e.g., to reinforce Village Centre prominence, help accommodate higher densities, encourage architectural excellence, obtain community benefits and amenities).

– *City Zoning Bylaw Building Height Limitations*

Currently, the City also regulates building height through its Zoning Bylaw. The Zoning Bylaw height limits are imposed partly to achieve airport safety (e.g., “The Vancouver International Airport Zoning Regulations”) and partly to achieve 2041 OCP and 2009 CCAP policies. In the City Centre, the City’s Zoning Bylaw identifies the maximum building height in certain places (e.g., 47m around the Canada Line stations where high density urban villages are planned). Outside the City Centre, maximum building heights vary, but are generally lower to achieve preferred lower density development areas.

Analysis

Federal Study and Roles (Transport Canada, YVR)

As Transport Canada establishes building height limits and any increases, only YVR can request Transport Canada to undertake a study to increase building height and only Transport Canada can approve YVR’s request. Since 2004, after repeated City requests to do so, YVR has not yet requested Transport Canada to let them begin the Federal study. The Federal study would determine if and where an increase may occur, and the safety implications for the airport and City. If Transport Canada allows an increase, it is the City who would determine how high the increase would be.

The 2004 YVR Identified Area To Explore An Increase In Building Height

In 2004, when the OCP Aircraft Noise Sensitive Development (ANSD) Study was completed, YVR identified an area generally around City Hall where an increase in building height might occur (**Attachment 1**). YVR's 2012 preliminary research continues to support an area around City Hall (**Attachment 2**). YVR staff advise that there is no precedent in Canada for doing such a Federal study and that it may take three or more years to complete it. Background information regarding the Federal study process is provided in **Attachment 3**.

YVR staff also indicate that the Federal study would mainly address airport and community safety issue. Thus, if the Federal government eventually allows an increase in building height, YVR advises that it is the City who would determine how much higher building heights would be and the implications and benefits - hence the proposed City study in this report.

The Proposed City Led Analysis Of Increased Building Height As Part Of The Rezoning Application

To be proactive and in anticipation that eventually the Federal government may allow an increase in building height, City staff recommend that Council authorize that the City undertake, with developer participation, an analysis to identify the implications and benefits of increasing building height. The proposed analysis will address a range of matters including:

– *Study Area:*

The recommended City Study Area is at 6560-6700 No. 3 Rd (**Attachment 4**). The site is chosen as Townline Homes has expressed an interest in rezoning it and exploring increased building height, and it lies within the area where it is expected that the Federal government may eventually allow an increase in building height.

– *What Would The Study Address?*

The study would address the following matters:

- Aircraft Safety: Note that the anticipated Federal YVR study will address this matter,
- Maximum Increased Building Height: the maximum allowable building height,
- Land Uses: the range of land uses (e.g., residential, commercial, office) best suited to occupy any increased building height,
- Parks: address any needed parkland and park improvements, and how these will be provided,
- Urban Design: improving urban design including architecture, City skyline variations, public and private views, shadowing and building footprint size,
- What Community Benefits and Amenities To Secure: (e.g., more mixed uses, affordable housing, child care, community facilities, parking),
- How To Secure Community Benefits and Amenities: explore density bonusing and additional required and voluntary community amenity contribution formula. The proposed City analysis will address matters associated with any increase in building height and/or density beyond what is currently allowed in the CCAP. An economic proforma analysis of the increase in land value associated with increased building height and/or density beyond what is currently permitted within the CCAP will be conducted to

determine what appropriate community and livability benefits should be secured. Staff anticipate and propose that 100% of any increase in land value associated any increase in height and density (above what is currently allowed within the CCAP) will be provided as community benefits to the City through required and voluntary developer contributions (e.g., affordable housing, community space, publicly accessible parkland, increased sustainability features, cash contributions) which will be determined at Council's discretion,

- Other, as may be required.

Note that the following matters would be addressed later, as part of actual rezoning applications, if Transport Canada approves of an increase in building height:

- Sustainability Matters: reviewing district energy, GHG reduction opportunities, etc,
- Infrastructure Concerns: address needed infrastructure (e.g., water, sanitary, drainage) and how these will be provided,
- Transportation Concerns: address transportation, transit and parking improvements.

The City's study findings can be extrapolated for their implications for a larger area, once the Federal Government identifies it.

- *Study Products*

The Study products would include: (1) a report outlining the Study research findings, implications, community benefits and recommendations, and (2) draft amendments to affected City bylaws and policies.

- *Study Timing*

City staff suggest that the analysis, under City control, can be completed in 2013.

- *What To Do with The Study Findings*

As the proposed analysis would be mainly technical in nature, to avoid false expectations and speculation, it is suggested that during the review process there be limited public consultation and after it is completed Council can determine an appropriate consultation approach.

- *Why The Proposed Approach*

City staff propose that no other rezoning and Development Permit applications which involve an increase in building height be received, until after the Federal government has completed consideration of an increase in building height and the City Centre Area Plan (CCAP) is amended. The reason for this approach to avoid property owner and developer speculation that there will automatically be an increase in building height and density and that they will be the main beneficiaries of the increase. Such is not intended as the full lift in land value associated with an increase in building height or density is proposed to offset by increased community benefits.

– *Next Steps*

If Council approves the proposed recommendations:

- The developer will apply for the rezoning and participate in the City led analysis of increased building height for a site specific development proposal,
- That to ensure co-ordination, City staff will notify the Vancouver Airport Authority (YVR) that the above study will be undertaken and invite comments,
- City staff are not to receive any other zoning or Development Permit applications that propose an increase in building height beyond the currently permitted maximum building height all owed by the Vancouver International Airport Zoning Regulations until: (1) the Federal government has approved an increase in permitted building height and (2) Council has amended the City Centre Area Plan (CCAP) accordingly,
- City staff will post a notice on the City's web site and notify the Urban Development Institute (UDI) to advise property owners, developers and the general public that: (1) the proposed City study is a one-time, site specific exception (2) they are not to assume there will be an increase in City Centre building height as, it is the Federal government who authorizes any increase in building height, the City's study is not completed and Council has not decided to amend the City Centre Area Plan (CCAP) to increase building height, and (3) the full lift in land value associated with any future increase in building height or density is to go to the City (e.g., as required and voluntary amenity contributions).

Financial Impact

Funding is available in existing approved budgets to undertake the proposed City study.

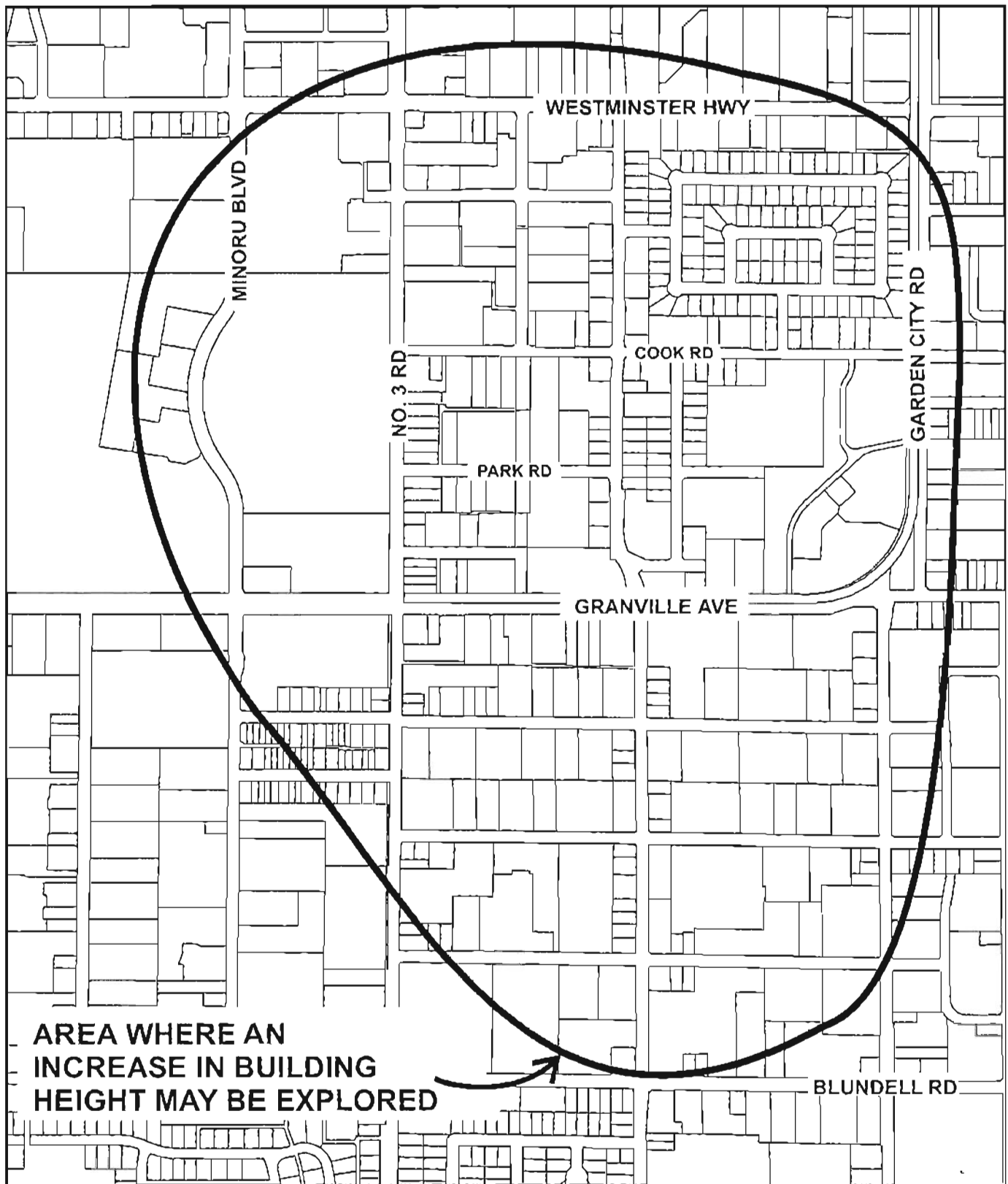
Conclusion

In response to a developer's request rezone a City Centre site and explore the implications and benefits of increasing building height, staff recommend that the City accept the rezoning application from 6560-6700 No 3 Road and analyse, as part of the application, the implications and benefits of increased building height. It is understood that any proposed rezoning can only be approved, if the Federal government first approves of an increase in building height and Council approves the necessary bylaw amendments (e.g., CCAP). Steps are proposed to avoid false expectations and speculation while the study is being conducted before the Federal government and Council enable any increase in City Centre building height.



Terry Crowe
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TTC:cas

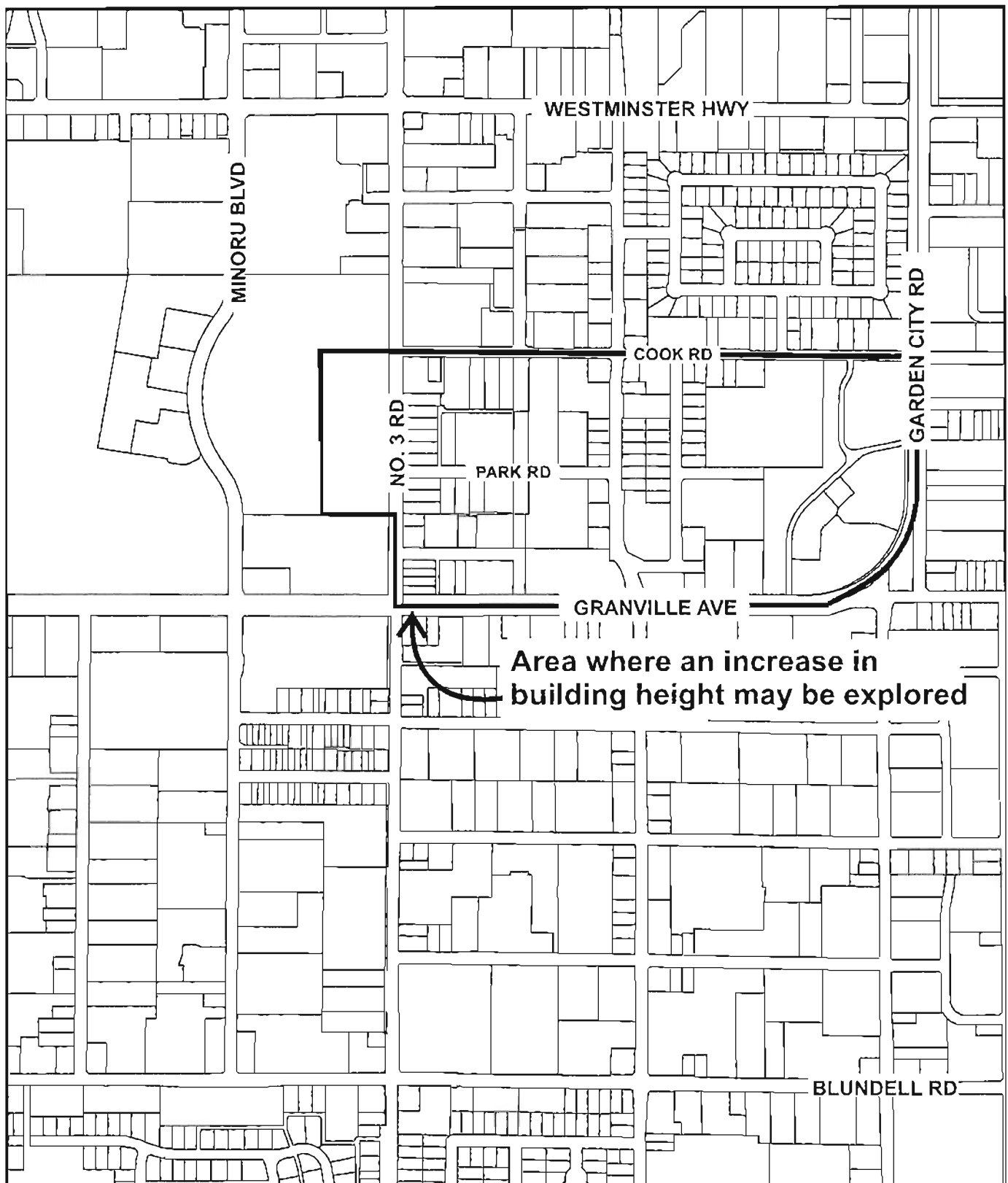


2004 YVR Identified Area where
a Building Height Increase may
be Explored

Original Date: 12/18/12

Revision Date: 02/07/13

Note: Dimensions are in METRES



2013 Possible Building Height
Increase Area (Not Final)
Prepared by City of Richmond

Original Date: 02/07/13

Revision Date:

Note: Dimensions are in METRES

**General Background Information
Regarding The Federal Government's Role In Managing Building Height Around Airports**

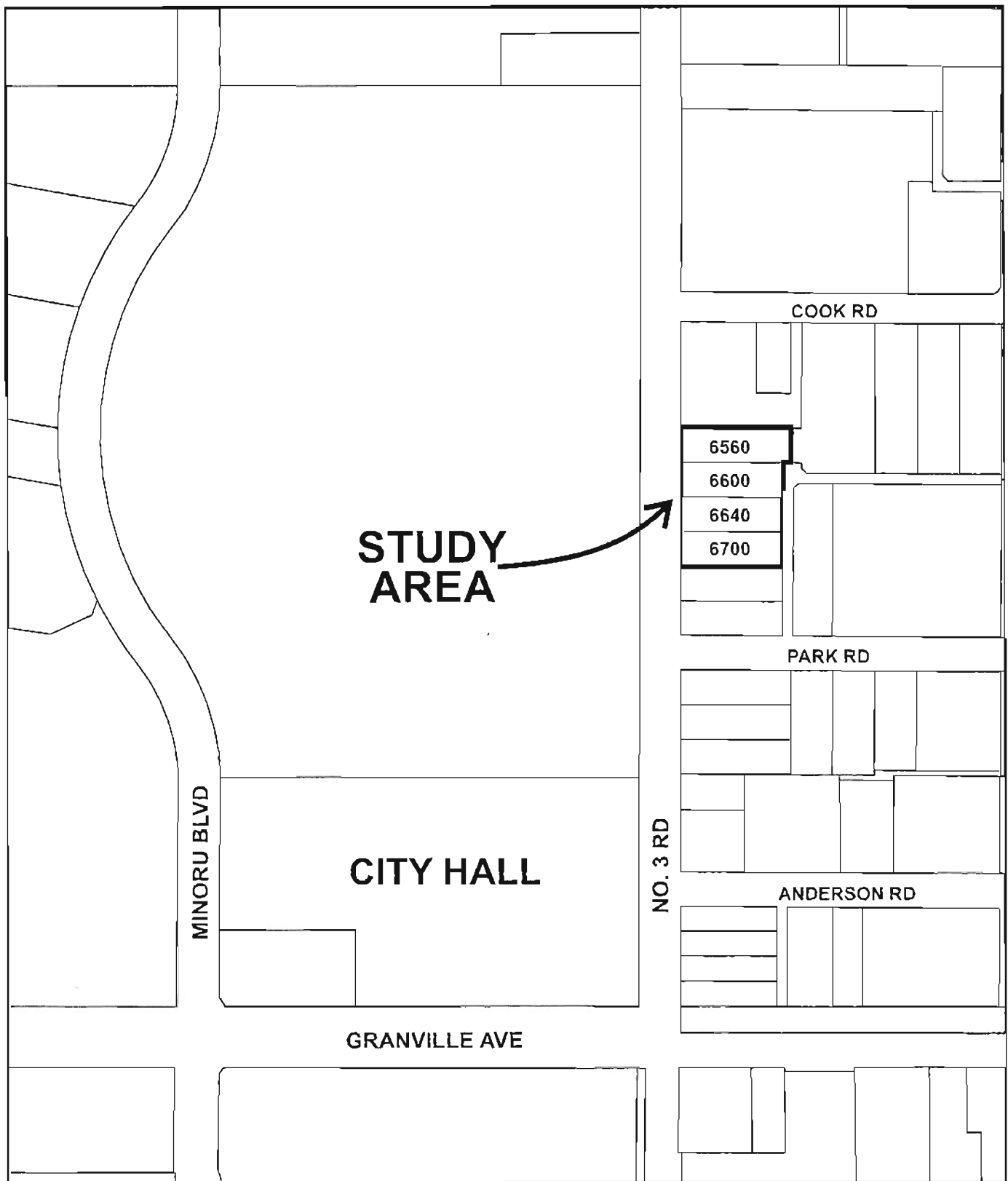
Relevant Questions and Answers

1. **Who has the authority to make the final decision on building height around YVR?**
The federal Transport Canada) makes the final decision to start and allow any building height increase.
2. **What Federal criteria are used to decide, if an increase in building height will occur?**
The Federal criteria involve determining, if an increase in building height:
 1. *Is it in the public interest?*
 2. *Will overall negatively affect aviation safety?*
3. **Who may make an application to request an increase in building height?**
Only YVR (the Federal certificate holder) may make an application to Transport Canada to increase building height.
4. **What is the role of the YVR in changing building height regulations?**
YVR is responsible for making the application, along with:
 - *a commitment to pay study costs,*
 - *Note, that Richmond will be asked to pay some costs which are yet TBD by YVR.*
 - *the posting of a surety bond,*
 - *submitting drawings, maps or charts, and*
 - *other - TBD.*

Transport Canada is responsible for providing some technical assistance.

Affected land owners rights:

 - *Airport Zoning Regulations do not apply to pre-existing non-conforming uses,*
 - *Federal information indicates for those properly owners affected, no compensation in land value or any other loss will be compensated.*
5. **What is the application process?**
 - *A Federal process is required for amending existing Federal Airport Zoning building height requirements.*
 - *The process involves YVR study, developer and community consultation, option analysis, Federal department assistance and some City research and information (TBD).*
6. **What matters must be addressed in YVR preparing an application and the study?**
The study matters include:
 - *understanding the existing airport building height restriction model and its purpose and the impacts;*
 - *identifying where in Richmond a building height increase might be possible;*
 - *identifying the new building height(s) might be (TBD);*
 - *identifying the implications, benefits and costs of an increase in building height;*
 - *identifying how to address the concerns of the YVR and stakeholders;*
 - *addressing the Federal criteria regarding an increase in building height (e.g., demonstrating that an increase is in the public interest and does not adversely affect aviation safety); and*
 - *other, as necessary.*
7. **What are the City's costs involved in requesting an application?**
 - *The City's costs are yet TBD in consultation with YVR.*
 - *To assist, the City may be able to provide study request support, data, analysis, engineering information, and property owner information and.*
 - *Council would be able to first approve of any assistance and costs.*
8. **How long will a Federal decision to increase building take?**
 - *The Federal study process can be quite lengthy and take at least three years.*



City Study Area
To Explore the Implications
and Benefits of Increased Building Height

Original Date: 12/18/12

Revision Date: 02/07/13

Note: Dimensions are in METRES