

Transfer of Development Rights and Obligations – Policy & Procedure

PLANNING & DEVELOPMENT DEPARTMENT

Council Adoption Date: July 25, 2022

1.0 Intent

1.1 This Transfer of Development Rights and Obligations policy supplements existing planning and land use regulations and policy objectives by allowing for the reallocation of development rights from donor sites to receiver sites. This policy permits the transfer of density or tenure from eligible donor sites to eligible receiver sites through a voluntary and applicant-initiated process that secures a tangible community benefit that otherwise would not have been delivered through existing provisions in the City's Planning and Land Use bylaws. This will be delivered by:

- Providing a flexible policy that allows for the transfer of density and tenure types between sites to encourage the development of units that would otherwise be limited by the Zoning Bylaw;
- Providing a means of securing tangible public benefits in areas of Coquitlam that will be subject to greater development density; and
- Providing an efficient and streamlined administrative review system to ensure that applications for transfers of development rights are evaluated in a consistent and timely fashion, and balanced with other municipal objectives.

2.0 Transfer Requirements

2.1 In order to achieve and implement the objectives set out in this policy, the following criteria will also apply:

- i. Applicants wishing to transfer development rights must demonstrate how the development will meet the City's OCP objectives;
- ii. Development proposals must satisfy all other OCP policies and Zoning requirements for additional bonus density and incentives for rental housing (if applicable)
- iii. All additional density on donor sites not required to be retained may be transferred in whole or in part to a receiver site;
- iv. Development rights from one donor site may be allocated to more than one receiver site, and one receiver site may accept development rights from more than one donor site;
- v. The aggregate development potential for the sites involved in the transfer of density must remain unchanged by the transfer; and
- vi. The aggregate development obligations across both donor and receiver sites shall be met.

2.2 Notwithstanding the foregoing, the development potential of sites may change in the event amendments are made to any applicable City bylaw. If changes to a bylaw permit

CITY OF COQUITLAM

Policy and Procedure Manual

additional density on a site that has been part of a density transfer, this policy will not limit the realization of additional density on-site subject to any development being to the satisfaction of the City as of the effective date of the change.

3.0 Qualifying Donor and Receiver sites

3.1 Receiver sites must be located within either:

- i. The Core and Shoulder areas of Coquitlam as defined by Schedule “O” of the City’s Zoning Bylaw; or
- ii. The following Neighbourhood Centres identified in the City’s Citywide Official Community Plan (OCP):
 - a. Austin Heights;
 - b. Maillardville; or
 - c. Partington Creek.

3.2 Donor sites must be located within the same Area Plan of the OCP as the receiver site(s) for the City Centre AP, Northeast AP and Northwest AP. For the Southwest Coquitlam Area Plan donor sites must be in the same Neighbourhood Plan as the receiver site.

3.3 Proposed developments on Receiver sites shall:

- i. Be generally in accordance with the site’s current land use designation;
- ii. Meet all applicable OCP policies around land use, development form, density, height, and urban design;
- iii. Meet all usual development expectations;
- iv. Apply all additional density bonus steps as required by the Zoning Bylaw prior to the transfer of density;
- v. Be eligible to be served by utilities infrastructure sufficient to serve any uplift in density;
- vi. Enable adequate access to parks and community amenities arising from any uplift in density;
- vii. Provide sufficient transportation infrastructure to serve any uplift in density, and address any transportation impacts – In addition to off-site transportation improvements, this could include additional road dedication, additional on-site parking and/or Transportation Demand Measures (TDM), or any other engineering mitigation measures.

3.4 Donor sites shall retain sufficient density to leave no remnant (orphan) parcels that are undevelopable under their designated land use after all other development expectations have been met (unless the donor site is intended to be developed for infrastructure, road, a City park or other City amenity).

3.5 Preference will be given to donor sites in key locations for improving infrastructure, delivering critical transportation connections, conservation of a heritage resource,

CITY OF COQUITLAM

Policy and Procedure Manual

environmental protection and securing land for parks, recreation and culture purposes, at no cost to the City. The suitability of donor sites will be determined at the City's discretion.

4.0 Community Benefit

- 4.1 All applications for the transfer of development rights under this policy will offer a community benefit. This may be provided as:
- i. An additional financial contribution above the minimum requirements made by the applicant to the Community Amenity Contribution (CAC) program to help fund the capital costs of parks, recreation and cultural facilities in Coquitlam;
 - ii. An in-kind contribution of a community amenity above the minimum requirements, deemed by the City to have public benefit;
 - iii. Provision of child care space above the minimum requirements, as per the City's Child Care Partnership Strategy, and as accepted by the City;
 - iv. An increased proportion of below-market rental housing or non-market housing for applications comprising of residential development, to the satisfaction of the City, provided that any additional rental housing enabled by the transfer shall meet the City's highest expectations for priority unit types, as per the City's Housing Affordability Strategy;
 - v. A conserved and revitalized heritage resource enabled through a Heritage Revitalization Agreement and Heritage Designation Bylaw; or
 - vi. A combination of the above, as accepted by the City.
- 4.2 All applicants must submit a viability assessment to the City demonstrating the financial impact of the proposed transfer on both the donor site(s) and receiver site(s). The City will undertake its own viability assessment at the developer's cost to assess the value of the benefit to the City against the uplift in land value.
- 4.3 Community benefits should be delivered in the first phase of the development unless otherwise agreed with the City.

5.0 Process

- 5.1 The applicant will indicate to the City's assigned File Manager the applicant's intent to explore a transfer of development rights early in the project review process and outline the development rights proposed to be transferred from one or more donor sites to one or more receiver sites.
- 5.2 The applicant will submit a letter to the City outlining the community benefit to be provided.
- 5.3 All development applications for all donor sites and receiver sites will be required to be received by the City concurrently.

CITY OF COQUITLAM

Policy and Procedure Manual

- 5.4 All sites involved in the transfer of development rights must be presented to Council at the same Council meeting.
- 5.5 The transfer of development rights will take place when:
- i. Any required rezoning of all the donor sites and receiver sites participating in the transfer are approved at fourth and final reading of the Zoning Bylaw amendment bylaw; and
 - ii. If applicable, the donor site has been transferred to the City or dedicated as park or road; and
 - iii. If required as a condition of Council approval, the owner of each donor site and receiver site participating in the transfer register one or more Section 219 covenants in favour of the City. The covenant(s) should include:
 - a. The development rights and obligations being transferred from the donor site(s) to the receiver site(s);
 - b. Any restrictions on development of the donor site(s) and receiver site(s); and
 - c. Any other community benefit facilitated by the transfer of development rights, as agreed to by the City.