

## Planning Committee

Date: Tuesday, January 18, 2000

Place: Council Chambers  
Richmond City Hall

Present: Councillor Malcolm Brodie, Chair  
Councillor Bill McNulty  
Councillor Linda Barnes  
Councillor Lyn Greenhill  
Councillor Harold Steves

The Chair called the meeting to order at 4:00 p.m.

1. **MINUTES**

It was moved and seconded

*That the minutes of the Planning Committee meeting held on Tuesday, January 4, 2000, be adopted as circulated.*

**CARRIED**

It was moved and seconded

*That the agenda be varied to deal with Item 4 - APPLICATION BY SCHOOL DISTRICT NO. 38 (RICHMOND) FOR REZONING AT 6551, 6591 AND 6611 NO. 4 ROAD FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA F (R1/F) TO SCHOOL & PUBLIC USE DISTRICT (SPU) at the end of the agenda, prior to the Manager's Report.*

**CARRIED**

2. **NEXT COMMITTEE MEETING DATE**

The next committee meeting will take place on Tuesday, **February 8<sup>th</sup>, 2000**, at 4:00 p.m. in the W. H. Anderson Room.

**URBAN DEVELOPMENT DIVISION**

3. **REMOVAL OF HERITAGE DESIGNATION FOR MAGAR HERITAGE TREE AT 5980 GRANVILLE AVENUE**

(Report : Dec. 14/99; File 4200-05 REDMS 124252, 128142)

Terry Crowe, Manager, Land Use, reviewed the staff report. Councillor Greenhill queried if this issue had been evaluated by the Heritage Commission. Jenny Beran, Planner, responded that this item was on the agenda for the 7:00 p.m. meeting of January 18, 2000. She noted that many trees located in development sites were unable to be preserved.

Councillor Steves commented on the history of the tree.

It was moved and seconded

***That Bylaw No. 7074, which removes the heritage designation of the Magar heritage tree at 5980 Granville Avenue be introduced and given first, second and third readings, subject to the concurrence of the Heritage Commission.***

CARRIED

5. **APPLICATION BY RITCHIE BROTHERS AUCTIONEERS TO REZONE THE WESTERLY PORTION OF 9200 BRIDGEPORT ROAD FROM AUTOMOBILE-ORIENTED COMMERCIAL DISTRICT (C6) TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD/111) AND TO DISCHARGE LAND USE CONTRACT NO. 156 ON THE EASTERLY PORTION OF 9200 BRIDGEPORT ROAD AND REZONE IT TO COMPREHENSIVE DEVELOPMENT DISTRICT (CD/111)**

(RZ 99-167871 - Report: Dec. 10/99; File 8060-20-7073; REDMS 122225)

Joe Erceg, Manager, Development Applications, reviewed the staff report. He advised that the rezoning was to facilitate the construction of new corporate headquarters. Staff has recommended that the rezoning proceed.

It was moved and seconded

(1) ***That Land Use Contract No. 156 on the easterly portion 9200 Bridgeport Road be discharged.***

(2) ***That Bylaw No. 7073, to rezone 9200 Bridgeport Road from Automobile-Oriented Commercial District (C6) and Land Use Contract No. 156 to Comprehensive Development District (CD /111) be introduced and given first reading.***

CARRIED

6. **APPLICATION BY CHARAN SETHI ON BEHALF OF DHIAN AND SAMINDER MEHAT AND SUKHPAL AND KULWINDER DHALIWAL FOR A STRATA TITLE CONVERSION AT 11711 AND 11731 MONTEGO STREET**

(SC 99-165317 - Report: Jan. 5/00; File: SC 99-165317; REDMS 126813)

The Manager, Development Applications reviewed the staff report. He advised that staff were recommending approval, of the strata conversion.

It was moved and seconded

***That the application for a strata title conversion by Charan Sethi on behalf of Dhian and Saminder Mehat and Sukhpal and Kulwinder Dhaliwal, for the property located at 11711 and 11731 Montego Street, be approved on fulfilment of the following conditions:***

(1) ***Payment of all City utility charges and property taxes up to and including the year 2000; and***

(2) ***Submission of appropriate plans and documents for execution by the Mayor and City Clerk within 180 days of the date of this resolution.***

CARRIED

7. **APPLICATION BY HASS HOLDINGS LTD. FOR AN EXTENSION TO THE TEMPORARY INDUSTRIAL USE PERMIT AT 6111 AND 6225 LONDON ROAD**

(TU 97-122660 – Jan. 5/00; File TU 97-122660; REDMS 127049)

The Manager, Development Applications, reviewed the staff report. He advised that the original Temporary Use Permit had been issued in March 1998 and was due to expire in March 2000. Staff was recommending conditional approval and the Applicant was noted to be aware and has agreed with the requirements.

Holger Burke, Development Coordinator, commented that, eventually, the Temporary Use Permit would expire which would necessitate removal of the tenants.

It was moved and seconded

***That the application from Hass Holdings Ltd. for an extension to the Temporary Industrial Use Permit for properties at 6111 and 6225 London Road be considered at the regular Council meeting of February 28, 2000, and that the following recommendation be forwarded to that meeting for consideration:***

***“That Temporary Industrial Use Permit 97-122660 issued to Hass Holdings Ltd. for property at 6111 and 6225 London Road be extended for a maximum two-year period to expire no later than March 23, 2002, subject to the condition that the City may give the applicant one month’s notice to cancel the Permit during this period”.***

**CARRIED**

8. **APPLICATION BY LES COHEN FOR REZONING AT 8391 NO. 2 ROAD FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA E (R1/E) TO TWO-FAMILY HOUSING DISTRICT (R8)**

(RZ 99-170196 - Report: Jan. 6/00; File 8060-20-7072; REDMS 127515, )

Applicant Les Cohen was in attendance to answer questions from the Committee.

Jenny Beran, Planner, referred to the last page of the staff report which showed the proposed lane alignment and stated that the Applicant was satisfied with this new alignment.

It was moved and seconded

**(1) *That Bylaw No. 7072, for the rezoning of 8391 No. 2 Road from “Single-Family Housing District, Subdivision Area E (R1/E)” to “Two-Family Housing District (R8)”, be introduced and given first reading.***

**(2) *That staff bring forward a Lane Development Policy to ensure a consistent approach for the provision of lanes through development and to present the policy to Council through the Planning Committee for approval.***

**CARRIED**

4. **APPLICATION BY SCHOOL DISTRICT NO. 38 (RICHMOND) FOR REZONING AT 6551, 6591 AND 6611 NO. 4 ROAD FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA F (R1/F) TO SCHOOL & PUBLIC USE DISTRICT (SPU)**

(Report: Jan. 10/00; File 8060-20-7115/7116, REDMS 128060)

Joe Erceg, Manager, Development Applications, gave a brief history of the project. He noted that this item had been presented at a previous Planning Committee meeting and had been referred back to staff to address issues. He stated that staff had met with representatives of the School District a number of times and have failed to resolve suitable dedication for Park Drive. He reported that staff had identified an alternative option for provision of access to the school, abandoning Park Drive in favour of the option where principal access is directly from No 4 road with signalized access. This requires change to the Official Community Plan (OCP). The School District has agreed to the cost of providing a new signal on No. 4 Road.

It was noted that although the Park Drive concept was considered to be superior, staff have recommended an alternative to avoid further delays in the process of rezoning for the secondary school.

Suzanne Carter-Huffman, Senior Planner, presented a map of the original school site and pointed out various locations. She indicated the properties along No. 4 Road that would be purchased to provide more openness and more efficient use of the school site.

Victor Wei, Transportation Engineer, referred to two options – A and B, and noted the entrance options and differences. The outcome would allow for a left turn bay on No. 4 Road to allow northbound traffic to enter the school site.

Upon the request of the Chair, the Manager, Development Applications outlined the initial Park Drive concept. He advised that the City had indicated to the School District that the Park Drive must be situated within a rights-of-way which could be either dedicated or secured through Public-Rights-of-Passage. He noted if a Public-Rights-of-Passage, rights-of-way was established, it would remain part of the school property but would function as a road and be maintained by the City. Mr. Erceg provided further explanation of the City practice of road dedication and Public-Rights-of-Passage. He noted that the School District advised that they were unable to grant the City a public right-of-way upon advice from the Ministry of Education.

Sandra Bourque, Chair of the Board of School Trustees, School District No. 38, was in attendance as well as Mr. Ken Morris, Secretary-Treasurer, and Mr. Garry McLean, Manager, Facilities, School Board.

Ms. Bourque referred to the large amount of land available and stated that it was in the interest of both parties to proceed as quickly as possible as she foresees funding from the Province being “stemmed”. She then assured Committee members that once negotiations have been completed, that funding would be received. She advised that negotiations with staff have failed to bring about a resolution to the request that the Park Drive be dedicated, or secured through Rights-of-Passage. She stated, in the interests of expediency, that they have agreed to the most recent conditions presented by staff. Ms. Bourque referenced two motions made at a recent School Board meeting, one which would

necessitate a closed forum in order to discuss it. She stated that the School District had agreed with the idea of designating additional properties along No. 4 Road to School and Public Use (SPU) to address issues of openness, supervision and security. She noted that, as funding is acquired over time, the parcels of land situated between the school and No. 4 Road would be purchased, provided that the City change the OCP to school use, and subject to the approval of the Ministry of Education.

Councillor McNulty requested clarification of the possibility of having a School Board guarantee to purchase properties along No. 4 Road if this is not approved by the Ministry of Education. Mr. Morris referred to the history of good co-operation between the School District and the Ministry of Education. He then provided some background as to funding sources for site acquisition.

Councillor Steves expressed his concern and requested that the School District provide written correspondence from the Ministry stating their opposition to the requested Park Drive road dedication.

Mr. Morris assured Committee members that the School District is prepared to construct a driveway along the Park Drive alignment. It was noted that the issue is regarding ownership, not the existence of the roadway. The School District has agreed to provide public access to the Park Drive as requested by the City and to negotiate access with private owners, later as necessary.

The Manager, Development Applications, clarified that the resulting driveway would not be considered a formal road in terms of legal status nor could the City or public utilize this road in non-emergencies unless there was a specific agreement with the School District.

Mr. Morris referenced his letter of August 1999 supporting the road dedication of the Park Drive and noted that the School Board was later informed by Ministry staff that this was unprecedented and would not be supported. He referred to a new "hybrid" option, as set out in his letter to the City of Richmond dated January 7, 2000; a combination of positive elements of both the Park Drive option and the more recent option that increases the exposure of the school site along No. 4 Road.

Councillor McNulty commented on the need for Planning Committee members to have all the information in order to facilitate the decision-making process.

The Chair drew attention to the response from the School District regarding the question of obtaining a guarantee for funding for which the School Board has an exemplary record. He then queried why this approach has not been taken with the Park Drive, which remains a more suitable solution. Mr. Morris answered that Ministry staff had refused the initial request for the rights of way. He assured members that there would be no difference between the driveway and the road. The driveway would be maintained by the School District and the City would have 24-hour access.

Referencing the site map, Mr. Morris outlined a hybrid option for the Park Drive .

Mr. McLean clarified that under the hybrid option, the proposed driveway would be entirely on School District property and built to required specifications.

Councillor Greenhill expressed concern that the hybrid option eliminates the traffic light on No. 4 Road which, she stated, was necessary on No. 4 Road.

Ms. Bourque observed that with regard to the issue of traffic signalization, the matter was who should pay for the light and road works and land acquisition required to accommodate left turn movements.

Councillor Greenhill replied that current practice is to have the developer pay for changes such as these.

The Chair called for comments from the public.

Mr. Norman Tilbe, of 9580 Alberta Road, indicated the location of his residence on the map, labelled as a future playing field. He then read his submitted letter expressing his concern and suggested that the School District enter into a Section 3 Agreement with himself as a means to expedite the purchase of his property by the School District prior to processing of the rezoning.

Mr. Shannon King, of 9755 Granville Avenue, indicated the location of his residence on the map, immediately east of the school's proposed Granville Avenue access road. He noted the adjacent owner was starting construction of a single family residence, leaving his property landlocked and unable to redevelop. He expressed concerns regarding the impracticality of the school project including:

- access road off Granville is dangerous, suggested signalization, and a traffic study
- construction damage due to the close proximity of the access road to his residence which is built on peat and clay
- requested to see fencing plans and landscaping plans
- possibility of drainage problems with diminished use of sewer system
- suggested environmental study be done.

Mr. King advised that the School Board had approached him a week ago regarding the purchase of his property. He noted that a road dedicated to the City would be constructed according the City standards and would include the removal of peat.

Staff advised that environmental studies would have been done if this site was designated as an Environmentally Sensitive Area (ESA).

Mr. Charles S. Clouda, of 6651 No 4 Road, expressed concern regarding the possible delay in purchasing his property and requested a time frame.

Mr. Del Schuss, of 9660 Alberta Road, noted his residence on the site map and stated that he agreed with Mr. Tilbe. He questioned how the school project could go ahead without a large portion of the proposed site not yet having been obtained. He recommended that the Committee not approve the application until all the land issues have been settled.

Mr. W. S. Tam, of 9511 Granville, agreed with Mr. Tilbe and stated that he would like the time frame for the School District's acquisition of his land to be specified. He observed that the hybrid option suggested by the School District cuts his property in half as if they already owned his property.

Ms. Mary Campbell, of 6991 No 4 Road, requested clarification regarding the possible widening of Granville Avenue.

Mr. Victor Wei, Transportation Engineer advised that, although there would be some pavement widening, there were no plans to widen the rights-of-way that would require additional property.

Mr. Ozana Seselia, of 9531 Granville Avenue, advised that he was approached in March '96, harassed and threatened by the School District to sell his property. He expressed concern regarding the methods of the School District in negotiating for his property.

Mr. H. Hoelger, of 6516 No 4 Road, suggested that Committee members tour the site. He presented the City's official geology map of the site and noted the approximate location of the school which was noted to be a lowland site consisting of up to 8 m peat over clay. He presented a traffic pattern map and expressed concern regarding the poor location of the site regarding existing traffic volumes on adjacent streets and the school's potential impact on the operation of those streets. He noted the lack of co-operation of the School District with residents.

Mr. Wei commented that, although No. 4 Road was busy, it was not one of the City's busiest arterial roads and referenced statistics to support this. This roadway was felt to be adequate to meet traffic needs during peak periods.

Councillor Steves stated that he did not support the proposal set out in the staff report, and suggested that staff more fully examine the Park Drive issue. He further suggested that staff examine the use of a latecomer type of agreement as a means to reimburse the School District for costs incurred as a result of implementing the Park Drive.

It was moved and seconded

- (1) ***That Bylaw No. 7115 to amend Schedule 2.10C (McLennan North Sub-Area Plan) of Official Community Plan Bylaw 7100 by:***
  - (a) ***repealing and replacing Attachment 1 ("Land Use Designation & Circulation System" map); and***
  - (b) ***introducing a number of text amendments, that expand the Community Park designation and replace Principal Roads in this designation with public Trails, and***
- (2) ***That Bylaw No. 7050, for the rezoning of 6551, 6591, and 6611 No. 4 Road from "Single-Family Housing District, Subdivision Area F (R1/F)" to "School & Public Use (SPU)", be referred back to staff to address issues including:***
  - (a) ***Provision of a dedicated Park Drive;***
  - (b) ***More specific timing for acquisitions of sites by the School District;***

- (c) *Use of a Latecomer Agreement; and*
- (d) *Review of lane widths for the signalized access off No. 4 Road.*

**CARRIED**

9. **MANAGER'S REPORT**

(a) **Vicious Dogs – Sandra Tokarczyk.**

Ms. Tokarczyk, Manager, Property Use and Administration, was in attendance to present an update on the Vicious Dogs Bylaw. Referencing a memo dated January 12, 2000, she provided background information detailing difficulties surrounding the legal challenge in September 1997.

Mr. Eccles, of the Richmond SPCA, was introduced. Mr. Eccles advised that there had been a judgement for a case heard in Richmond and that the definition of dogs had been struck down due to the lack of detail of breed in the specific section in the bylaw. He stated that upon examination of all bylaws SPCA enforces throughout the lower mainland in 14 municipalities and 3 First Nation Reserves, Richmond's bylaw seems to be the least defined. He referred to the City of Surrey's bylaw which has not been struck down and which listed breeds. He referenced the judgement of Judge Grobermann, in Regina vs Cole Calhoun, that it was felt that the definition was vague and uncertain and therefore void.

Upon query, he noted that in all cases, a vicious dog was one that had bitten and was not determined to be vicious that time.

Ms. Tokarsyzk advised that further information will be presented at a future date.

(b) **Backlands off No. 5 Road**

The General Manager, Urban Development, advised that reports regarding the No. 5 Road Backlands (e.g. land use and taxation) will be brought to the General Purposes Committee for an update of policy in February 2000. The Committee requested information regarding what farming responsibility the Backland owners were required to fulfill.



**ADJOURNMENT**

It was MOVED and SECONDED

***That the meeting adjourn (6:20 p.m.)***

**CARRIED**

Certified a true and correct copy of the Minutes of the meeting of the Planning Committee of the Council of the City of Richmond held on Tuesday, January 18, 2000.

---

Councillor Malcolm Brodie  
(Chair)

---

Susan Kopeschny  
(Administrative Assistant – City Clerk’s Office)