



MINUTES

PLANNING COMMITTEE

Date: Tuesday, March 20th, 2001
Place: Anderson Room
Richmond City Hall
Present: Councillor Malcolm Brodie, Chair
Councillor Bill McNulty, Vice-Chair
Councillor Harold Steves
Absent: Councillor Linda Barnes
Councillor Lyn Greenhill
Call to Order: The Chair called the meeting to order at 4:05 p.m.

MINUTES

1. It was moved and seconded
That the minutes of the meeting of the Planning Committee held on Tuesday, March 6th, 2001 and on Wednesday, March 7th, 2001, be adopted as circulated.

CARRIED

NEXT COMMITTEE MEETING DATE

2. Tuesday, **April 3, 2001**, at 4:00 p.m. in the Anderson Room.

URBAN DEVELOPMENT DIVISION

3. **APPLICATION FOR DESIGNATED FOOD OPTIONAL (DFO) AREA AT EARL'S RESTAURANT, #304-5300 NO 3 ROAD**
(Report: February 27/01, File No.: 8275-05) (REDMS No. 295994)

The Manager, Zoning, Alan Clark briefly reviewed the report with the Committee.

It was moved and seconded
That the application of Earl's Restaurant Branch for Designated Food Optional (DFO) area be supported, and that the Liquor Control and Licencing Branch be advised:

- (1) *of this recommendation; and*
- (2) *that the RCMP does not object to the application.*

CARRIED

1.

4. **APPLICATION FOR INCREASE IN LICENCED CAPACITY FOR:
ABERCORN INNS, 9260 BRIDGEPORT ROAD;
DOCK MARLIN'S, 100-8831 RIVER ROAD;
EXECUTIVE INN, 7211 WESTMINSTER HIGHWAY;
FAIRMONT VANCOUVER AIRPORT HOTEL, 3111 GRANT
MCCONACHIE WAY;
J.P. MALONE'S NEIGHBOURHOOD PUB, 9031 BLUNDELL ROAD;
KINGSWOOD ARMS PUB, 9-9371 NO 5 ROAD;
LEGENDS NEIGHBOURHOOD PUB, 8220 LANSDOWNE ROAD;
PIONEERS PUB, 200-10111 NO 3 ROAD;
STEVESTON HOTEL, 12111 3RD AVENUE; AND
VANCOUVER AIRPORT MARRIOTT HOTEL, 7571 WESTMINSTER
HIGHWAY.**

(Report: February 21/01, File No.: 8275-05) (REDMS No. 291778)

Mr. Clark briefly reviewed the report with Committee members.

It was moved and seconded

That the application of Abercorn Inns, Dock Marlin's, Executive Inn, Fairmont Vancouver Airport Hotel, J.P. Malone's Neighbourhood pub, Kingswood Arms pub, Legends Neighbourhood pub, Pioneers pub, Steveston Hotel, and Vancouver Airport Marriott Hotel for an increase in Licenced Capacity be supported, and that the Liquor Control and Licencing Branch be advised:

- (1) *Of this recommendation; and*
- (2) *That the RCMP does not object to the applications.*

CARRIED

5. **BUILDING BYLAW NO. 6920, AMENDMENT BYLAW NO. 7214**
(Report: February 22/01, File No.: 8060-20-7214) (REDMS No. 195668,114336,282024)

The Manager, Building Approvals Department, Rick Bortolussi, reviewed his report with the Committee.

It was moved and seconded

- (1) *That Building Bylaw No. 6920, Amendment Bylaw No. 7214, addressing Sewage Holding Tanks be introduced and given first, second and third readings, and*
- (2) *That Sewage Holding Tanks Policy No. 9013 (adopted on December 12th, 1988) be rescinded.*

CARRIED

6. **PRINCESS LANE ACCESS (WILLIAMSON PROPERTY AT
6461 DYKE ROAD)**

(Report: February 23/01, File No.: 4045-20-04-WA) (REDMS No. 263041)

The Manager, Development Applications, Joe Erceg, briefly reviewed the history of the matter with the Committee. Planner David Brownlee provided additional information on the location of utilities in the road right-of-way.

Discussion then ensued among Committee members and staff on the proposed bollards and whether the bollards to be located adjacent to the Williamson's property could be relocated further south.

Discussion also took place on the feasibility of placing a chain barricade or bollards further north on the Princess Lane pedestrian access in a way which would prevent vehicular access but still allow access to the abutting properties without unduly frustrating the owners. It was noted during the discussion that if the bollards were placed in line with the Williamson's fence, 2 additional parking spots would be created for the general public. To deter motor vehicle traffic from using the pedestrian access, the suggestion was made that signs be posted to indicate that no through traffic was permitted.

Mr. Curtis Eyestone, representing London Lane Industrial Park Ltd., explained that the tenants of the industrial park had had access to the lane for the past 20 years as a means of collecting their mail. He explained that because the legal address and access for the industrial park was Dyke Road, Canada Post would only deliver the mail to the Dyke Road address. He expressed concern that if the City prohibited access in the future, the tenants would be unable to collect their mail. (Mr. Eyestone circulated a copy of a letter which he had sent to Canada Post Corporation on this matter to Committee members, and is attached as Schedule B and forms part of these minutes.) Mr. Eyestone advised that Canada Post was requesting that the legal address of the industrial park be legally changed, however the subdivision application which he had submitted to the City and which would result in a change in property addresses, had not yet been approved.

Mr. Eyestone advised that he was not opposed to the pedestrian access being closed and that he supported the proposal to place bollards at the legal end of Princess Lane. He pointed out that the Williamsons would have access to their property from the dyke whenever they chose to redevelop their land.

In response to questions about the feasibility of changing the legal address for the London Lane Industrial Park, advice was given that the change could be handled administratively by City staff without having to approve the subdivision application.

Mrs. Amber Williamson, of 6461 Dyke Road, provided information to the Committee which she had received from her solicitor regarding access to Princess Lane, which indicated that because of the existing access agreement between the Eyestones and the Williamsons, the City could not place bollards anywhere on the lane except at the dyke. She asked that the City change the Williamson's current legal access to Dyke Road, which would then allow the City to put bollards at the end of Princess Lane. Mrs. Williamson added that she and her husband were reluctant to drive on the pedestrian access to gain access to their property once it was redeveloped.

Discussion then ensued among the Committee and staff on the provision of access to the Williamson property from either Dyke Road or Princess Lane. Advice was given that staff were recommending that access be permitted from Dyke Road until such time as the property was redeveloped, and that subsequently, access be provided from Princess Lane.

Advice was given that staff were concerned about (i) the mix of motor vehicles and pedestrians on the dyke, and (ii) the possibility that other property owners in the area would also want to have access from Dyke Road. In response to further questions, advice was given that approximately 5 or 6 properties could conceivably request access from Dyke Road.

Mrs. Williamson advised that she and her husband were asking for dyke access, and she indicated that providing such an access would allow the lane to be blocked and would provide safer conditions for the pedestrians using the lane to access the dyke.

Reference was made to the proposal to install bollards at the legal end of Princess Lane, and Mrs. Williamson reiterated that because of the access agreement entered into between her and the Eyestones, the City could not undertake this action. She urged the Committee to remove the access covenant from the property and allow access to be provided from Dyke Road, as she and her husband did not want future access to the property to be from the rear.

Questions were raised about the rationale for allowing parking on Dyke Road for the present time until the Williamson property was redeveloped. In response, advice was given that staff recognized the property limitations currently faced by the Williamsons and the concerns which they had about removing existing landscaping. Advice was given that a temporary parking arrangement was being recommended only until such time as the land was redeveloped, at which time staff were recommending that the parking be relocated to the property.

Discussion then ensued among Committee members and staff on the feasibility of putting parking on the property because of its small size, and the suggestion was made that parking could be constructed under the home.

In concluding her presentation, Mrs. Williamson reiterated her solicitor's comments about the inability of the City to install bollards at the end of Princess Lane because of the access agreement which was in place between her and the Eyestones.

Mr. Eyestone (supplementary presentation), suggested that there were 2 options available to the City, the first being to extend Dyke Road 100 feet to the proposed parking area. He stated that the second option would be to cancel the cross-access agreement across the London Lane property which would then allow the installation of the bollards, and to issue a right-of-passage to cross the City lot to reach the end of Dyke Road

Discussion then ensued among Committee members and staff on the 2 options presented by staff. In response to questions, advice was given that approval of Option 1 would leave the restrictive covenant in place and the installation of bollards at the south end only, adjacent to Dyke Road. The comment was made, however, if the Committee was considering the possible installation of a second set of bollards, the matter should be referred to staff to examine the existing cross access agreement.

As a result of the discussion, the following **referral** motion was introduced:

It was moved and seconded

That the report (dated February 23rd, 2001, from the Manager, Development Applications), regarding the Princess Lane Access (Williamson Property at 6461 Dyke Road, be referred to staff to arrive at a compromise situation involving the affected property owners and which would address the following matters:

- (1) parking on the dyke;*
- (2) implementation of Option 1, with the installation of bollards across the legal end of Princess Lane and at the south end abutting Dyke Road; and*
- (3) location of utilities within the current right-of-way.*

CARRIED

7. **ZONING AND DEVELOPMENT BYLAW 5300
AMENDMENT BYLAW 7218**

(Report: March 7/01, File No.: 8060-20-7218) (REDMS No. 302787,304279,311841)

Mr. Clark briefly reviewed the report with the Committee.

Mr. Andrew Pottinger, Community Relations Consultant acting on behalf of Home Depot Canada, provided the following information:

- since the opening of the Home Depot store in Richmond, the market had changed to the extent that it no longer seemed reasonable to prevent this type of business from selling outdoor plants and materials
- the customers shopping at Home Depot expected to find outdoor plants and materials being offered for sale
- the inability of the store to offer outdoor plants and materials was a major inconvenience to its customers
- interest in gardening had increased over the past few years, and according to all studies, would continue to increase
- any protection provided by the current zoning restriction had disappeared because many mass merchandizing operations, including Safeway, Canadian Tire and Costco, had entered into this type of business
- nurseries had not been negatively impacted by the many businesses which were now in the basic gardening industry
- because the gardening market had increased, the impact of Home Depot on the market had been estimated to be less than 2%
- Home Depot did not sell its plants below cost and may only do so at the end of the growing season
- the impact on the local nurseries may not necessarily be negative, as customers would still go to speciality shops to purchase plants not normally sold by Home Depot
- a change in the City's Zoning & Development Bylaw would benefit everyone except possibly for a few commercial competitors.

Ms. Mary Flint, Assistant Buyer of Live Goods, Home Depot, provided information to the Committee on Home Depot's position with regard to the purchasing and selling of plants. A copy of her submission is attached as Schedule A and forms part of these minutes.

Mr. George Thiessen, a resident of Gilmore Crescent, voiced support for the proposed amendment, indicating that he was a regular customer at Home Depot and that he found it very frustrating not being able to purchase outdoor plants. Mr. Thiessen urged the Committee to support the staff recommendation. In response to questions, Mr. Thiessen advised that he purchase basic gardening supplies at Home Depot and visited speciality nurseries when he needed specific plants.

Mr. Jack Van Buekenhout, supported the proposed amendment to the Zoning & Development Bylaw. He urged the Committee to support the staff recommendation, which would then create a 'level playing field' as such stores as Safeway, Costco and London Drugs were already selling a full line of gardening supplies.

Staff, in response, to a question from the Chair, advised that if the proposed zoning amendment was approved, customers would be able to purchase bedding plants and other gardening materials, including peat moss and fertilizer.

Mr. Don Wilson, owner of TSC Nurseries, urged the Committee to support the proposed zoning amendment. He advised that he was a major supplier of gardening materials to Lower Mainland Home Depot stores, and was of the opinion that the exclusion of the Richmond store was not warranted. Mr. Wilson then provided information on (i) the history of his business and the number of staff he employed; and (ii) the types of plants and shrubs grown at his nursery, all of which were offered for sale at all Home Depot outlets with the exception of the Richmond store. He also spoke about the increase in production of gardening supplies since Home Depot first became established in the Lower Mainland, and voiced the opinion that the selling of gardening supplies at Home Depot would not have a negative impact on the smaller retail garden market.

Ms. Lois Jenkin referred to correspondence which she had submitted in January of this year, which supported the elimination of the current zoning restriction. She indicated that she did not want to purchase gardening materials in other municipalities but instead, wished to purchase them at her local Home Depot store.

Mr. Bill Jones, owner of Jones Nurseries on Westminster Highway for the past 30 years, expressed concern about the impact which the proposed amendment could have on his business. He advised that the gardening business had been 'flat' for the past 2 years, which could be blamed on a number of issues, such as the inability to market properly and the wide spread availability of garden products.

Mr. Jones indicated that while he was not opposed to competition, he was of the belief that the 'playing field' should be level. He suggested that the restrictions of being located in the Agricultural Land Reserve which only allowed him to undertake a limited range of activities, as compared to the Home Depot outlet, which was located on industrially-zoned property, and could offer a wider range of materials, was a major concern to him.

In concluding his presentation, Mr. Jones urged the Committee to consider the broader sense of the community and the needs of the farmer to survive. He noted that costs continued to increase and voiced the opinion that the matter should be examined closely to determine if a 'mega store' should be permitted to grow even more. In response to questions, Mr. Jones indicated that ALR regulations only permitted to farm his property, except for that portion which had been rezoned to allow the sale of plants and gardening materials.

Mr. Roy Van Hest, part owner and operator of Art Knapps Nursery Ltd., at Fantasy Gardens, suggested that the issue was not one selling of plants but one of zoning. He indicated that the owners of Home Depot were aware of the zoning which had been in place when they acquired the property, and voiced the opinion that the nursery business had not increased over the past 5 to 10 years as previously stated. Mr. Van Hest spoke at length on the cost of property with a Industrial "I4" zoning designation as compared to agricultural property. He also commented that Safeway and other mass merchandizing outlets only sold bedding plants for 6 to 8 weeks, while Home Depot would be selling gardening materials for the entire year, which could have a major impact on the local nursery business

Mr. John Wong, 3858 McKay Drive, President of the Oaks Residents Association, expressed concern that Richmond residents had to go outside the City to purchase Home Depot gardening supplies. He also stated that gardeners requiring speciality items would go to nurseries to acquire these items, rather than to Home Depot which was known to sell basic gardening products.

Mr. Phil Boname, President of Urbanics Consultants Ltd., advised that his firm had been retained by Home Depot to undertake a market impact assessment. He then responded to comments made by Mr. Jones and Mr. Van Hest, advising that statistics indicated that there had been an increase in the sale of retail gardening materials and supplies. Mr. Boname also provided information on the amount of revenue expected to be generated as a result of offering outdoor gardening materials. He commented that the amount of retail sales expected by Home Depot would be less than the average annual increase which existed today in the same product line.

Ms. Cheryl Reyholt, the owner of a flower business, stated that the smaller retail nursery businesses were already competing with the mass merchandizing outlets. She suggested that these businesses had to offer better service and better quality flowers than the service offered and product sold by Home Depot. Ms. Reyholt voiced the opinion that there was a market and a place for both Home Depot and local nurseries.

Mr. David Jessop, an employee of Home Depot, stated that the issue was not one of competition but of customer service. He advised that Home Depot was in the business to supply the best customer service possible, and wanted the opportunity to give residents the opportunity to make their home beautiful in every way possible.

Ms. Lois Jenkin (supplementary presentation) advised that in her business, she dealt with many retail businesses in the Lower Mainland, and that in her opinion, the gardening industry was doing well.

Mr. Roy Van Hest (supplementary presentation), questioned statements made by the representative of Urbanics Consulting Ltd., regarding the amount of revenue to be generated from the purchase of gardening supplies, and he was provided with a copy of the report prepared on behalf of Home Depot.

It was moved and seconded

That Bylaw 7218, which amends Zoning and Development Bylaw 5300 as it relates to the sale of outdoor plants and supplies as an accessory use to Household Furnishings and Appliances, be introduced and given first reading.

The question on the motion was not called, as questions were raised about the definition of 'gardening plants' and the types of plants and materials which Home Depot would be offering for sale at their store, if the zoning amendment was approved.

The Manager, Policy Planning, Terry Crowe advised that 'gardening plants' was not defined at this time but stated that a list could be prepared for presentation at the Public Hearing on this matter. He noted that the list would not mean that Home Depot would be limited to selling only the materials shown on the list.

Reference was also made to the successful challenge by the City to the action taken by Home Depot a number of years ago to sell bedding plants and gardening materials in contravention of the Zoning & Development Bylaw. Advice was given by the General Manager, Urban Development, David McLellan, that since that time Home Depot had been complying with the current regulations.

Committee members commented briefly on the proposal, indicating that while there were concerns about the historical events, these occurrences did not justify denying the request for the amendment to the Zoning & Development Bylaw. It was also noted that Richmond residents wanted to have the opportunity to purchase gardening plants and supplies from the Richmond Home Depot outlet.

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

8. **MANAGER'S REPORT**

Joe Erceg advised that staff were to have reported to the Committee by March on the results of discussions with the applicant to resolve a number of issues relating to the expansion of the temple at 18691 and 18791 Westminster Highway. He stated that staff were still endeavouring to resolve details relating to parking requirements and the commitment to provide sanitary sewer. Mr. Erceg stated that staff hoped to report to the Committee on this matter by the April 17th, 2001 meeting.

ADJOURNMENT

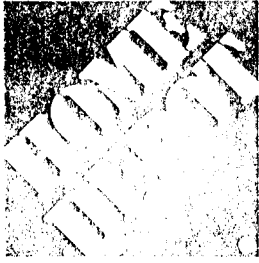
It was MOVED and SECONDED
That the meeting adjourn (6:09 p.m.).

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, March 20th, 2001.

Councillor Malcolm Brodie
Chair

Fran J. Ashton
Executive Assistant



SCHEDULE A TO THE MINUTES OF
THE PLANNING COMMITTEE
MEETING HELD ON TUESDAY,
MARCH 20TH, 2001

Planning Committee
City of Richmond
6911 No. 3 Road
Richmond, British Columbia
V6Y 2C1 Canada

Mr. Chairman and Councillors,

I am the assistant Buyer of Live Goods with Home Depot's buying office for the Western Canada Region.

I assist in the purchase of all indoor/outdoor plants, seeds and indoor/outdoor pots for more than 23 Western Canada Home Depot stores.

Before joining Home Depot in 1993 I managed in retail garden centers and also assisted in the wholesale grower industry in annuals/ floral and shrub landscaping, which included Grootendorst Flowerland right here in Richmond.

I confirm that the Richmond Home Depot store is prevented by the current by-law from retailing approximately 500 outdoor plant and garden supply products that we sell at all of our other stores in the Lower Mainland.

I want to explain Home Depot's competitive position in the gardening market place and show why our participation is less of a direct threat to small growers and nursery operators than it may appear at first glance.

1. We buy and sell large volumes of a modest selection of the most commonly purchased items in this category.
2. Our typical customers are not expert or specialized gardeners. They are do-it-yourself, home improvers looking to improve their gardens for the first time. They enjoy the challenge of doing things for themselves, often for the first time.
3. Home Depot does not, therefore, compete for most of the garden centre or nursery customers. Garden Centres and nurseries offer ten times the variety of products that we do.
4. Home Depot ultimately creates new customers for these specialized stores. Once they gain some experience in their gardens and want to try something out of the ordinary, many of our customers will have to visit a full-line garden centre to find the

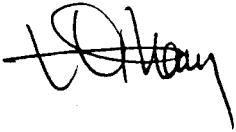


selection they want, even if they continue to bargain hunt at Home Depot for the core products we sell.

5. Roadside stands compete for a different plant-buying customer than either Home Depot or the specialized garden centre. This is the impulse customer, who stops as he or she drives by in order to pick up some bedding plants at the same time as they buy fruit or vegetable produce.
6. Our most direct or comparable competitors are the other mass merchandise chains, which also offer large volumes of a limited range of core products at discount prices. These outlets, from Safeway to Costco, have entered the market in force in the last five to ten years, without driving specialized nurseries, garden centres or roadside stands out of business. In fact many or most of these are selling more plants and garden supplies than before.
7. With the exception of end-of-season close out sales, Home Depot never retails plants and garden supplies below cost. We simply provide the cost-conscious consumer with the best prices we can deliver through large volumes of a limited range of core products and narrow profit margins.
8. Home Depot purchases garden plants and supplies in large volumes for the best possible prices. At present, BC's Lower mainland growers are the most competitive suppliers of most of our core products. We purchase 100% of our garden plants and supplies from Lower Mainland growers. Our single largest grower and wholesale supplier for a number of years has been TSC Nurseries of Richmond, which also wholesales products to us from other Richmond growers such as Grootendorst.
9. In order to ensure that we offer maximum opportunity to local growers who are prepared to compete on price and meet our product specifications, I recently invited expressions of interest from more than 40 smaller Richmond-based growers. I received replies from four growers. Three of these do not grow product in the sizes we retail. We are exploring ways for the fourth to supply us via TSC, to help them meet our vendor requirements.

I hope this information assists the Planning Committee and Council in their understanding of the retail horticultural marketplace.

Yours truly,



Mary Flint

**LONDON LANE INDUSTRIAL PARK LTD.
6471 DYKE ROAD
RICHMOND B.C. V7E 3R3
PH & FX (604) 277-9553
eyestone@direct.ca**

Canada Post Corporation
Urban Service
Fx. 662-1529 Phone 662-1329

Att: Rick Crompton

Tuesday, March 20, 2001

Re: Postal Delivery to 6451 Dyke Road – Multi-tenant Industrial Rental Buildings

Dear Sir;

We have for the past 20 years been getting our mail from a multi-unit post box located on the Dyke. At the time our delivery commenced, we were required to construct an apron about 50' x 80' along side the road, over the ditch, to accommodate the postal trucks making deliveries to the post box unit.

Our address has always been Dyke Road and our access has always been from the Dyke.

Recent housing developments (Cedar Developments 13400 Princess Street) has resulted in a proposal by the City of Richmond Urban Planning Department (David Brownlee) to close our access to Dyke Road and change our address and access to Princess Lane, which connects to our property at the opposite end.

As a condition of the construction of the residential complex the City has required Cedar Developments to pave and widen **a portion of Princess Lane**. Cedar Developments plan to install a postal unit at the East end of this paved portion of Princess Lane to service their new residential complex.

We will be required to remove our postal unit from Dyke Road and install it on a pad that was originally constructed for this purpose, adjacent to our industrial buildings, since access to the Dyke from our property, is proposed to be prohibited.

At 4:00 PM today, Tuesday March 20, 2001, the planning committee of Richmond is preparing to forward to City Council for approval, a Bylaw Amendment to begin the process of closing this access.

Our concern is that we have no agreement with the post office to relocate our post box (i.e.: postal delivery location).

We are concerned that the fact that Cedar Developments has not been required to make improvements (widening and paving) all of Princess Lane, in particular the last 200 feet of Princess Lane (the Hilton Property), that connects with our property, and the post office may have concerns about delivery on the unimproved part of the road.

This additional improvement (the paving of the rest of Princess Lane) may be made a condition of the development of the Hilton property, which is currently being negotiated with a different developer. We do not know what is happening with this Hilton proposal.

We need to be assured of continuous delivery of mail to our tenants.

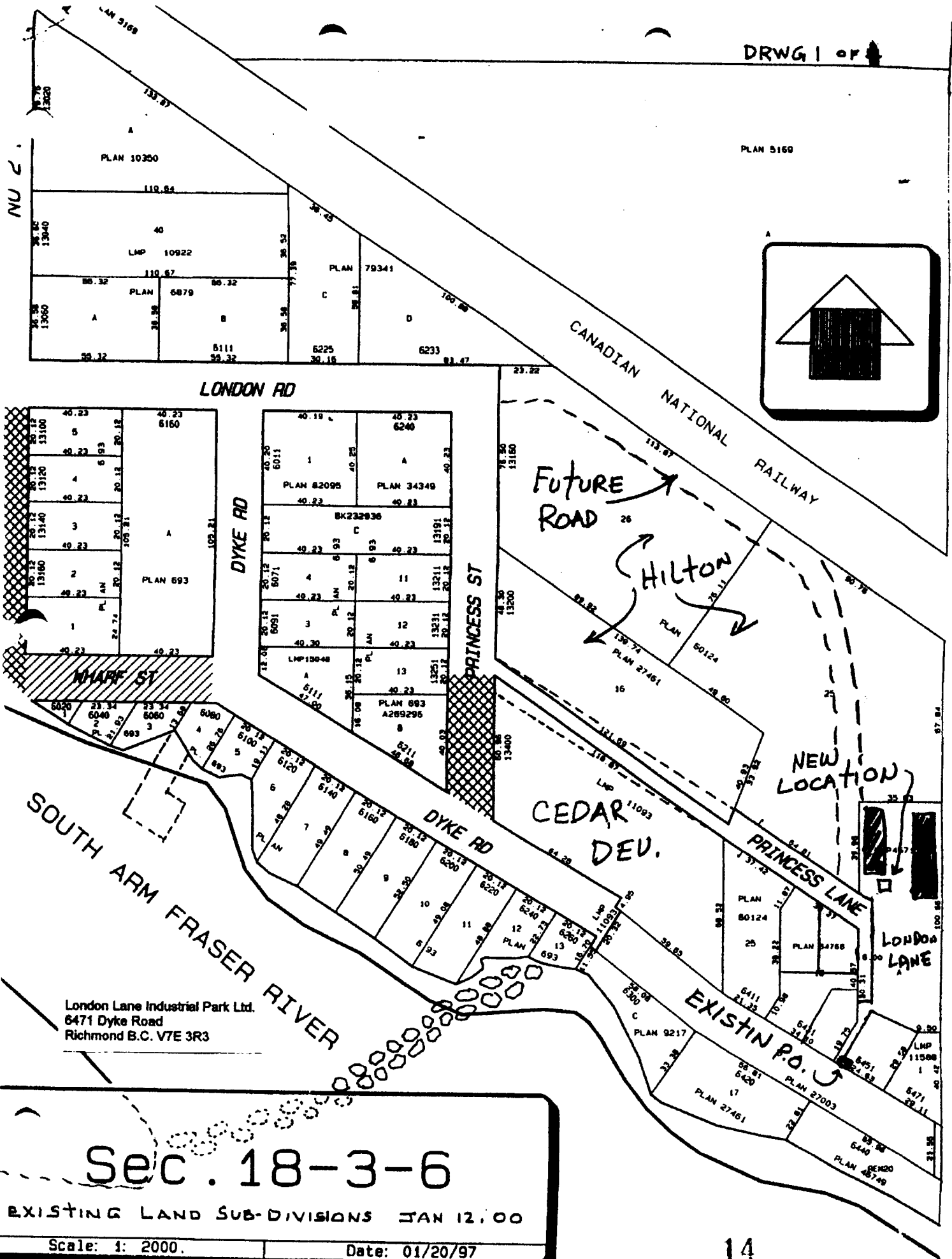
We have agreed that we will be incurring considerable costs to relocate our postal unit and our tenants will incur costs and inconvenience associated with changing all letterheads, business cards, advertising, brochures etc; given we will have an address re-designation. We cannot absorb any costs that might be associated with improvements to the road.

Please confirm that mail delivery changes will be acceptable to your department.

Yours truly,

Curtis C. Eyestone

President.



London Lane Industrial Park Ltd.
 6471 Dyke Road
 Richmond B.C. V7E 3R3

Sec. 18-3-6

EXISTING LAND SUB-DIVISIONS JAN 12, 00

Scale: 1: 2000.

Date: 01/20/97