

# PUBLIC WORKS & TRANSPORTATION COMMITTEE

Date: Wednesday, May 3<sup>rd</sup>, 2000  
Place: W.H. Anderson Room  
Richmond City Hall  
Present: Councillor Lyn Greenhill, Chair  
Councillor Ken Johnston, Vice-Chair  
Mayor Greg Halsey-Brandt  
Councillor Derek Dang  
Councillor Kiichi Kumagai  
Call to Order: The Chair called the meeting to order at 4:00 p.m.

Councillor Kumagai requested that an item regarding "Planning for Richmond Rapid Transit" be added to the agenda as an additional item, and this was agreed to by the Chair.

## MINUTES

1. It was moved and seconded  
***That the minutes of the meeting of the Public Works & Transportation Committee held on Wednesday, April 19<sup>th</sup>, 2000, be adopted as circulated.***

**CARRIED**

## DELEGATION

2. **REQUEST FOR WILLIAMS ROAD ACCESS FROM 10440 WILLIAMS ROAD (MR. M. E. COKAR)**

(Letter: Apr. 13/00, File No.: 6360-01) (REDMS No. 149199, 107048, 107493)  
(Report: Apr. 20/00, File No.: 6360-01) (REDMS No. 149681)

The Manager, Engineering Design & Construction, Steve Ono, briefly reviewed his report with the Committee.

Mr. Manzoor Cokar, of 10440 Williams Road, addressed the Committee on his request for the provision of access to his property from Williams Road. A copy of his submission is attached as Schedule A and forms part of these minutes.

The Chair referred to a statement in Mr. Cokar's submission about registering City bylaws and restrictive covenants on the land titles for all properties located on Williams Road, between No. 4 Road and No. 5 Road. She advised that only restrictive covenants were registered with the Land Title Office and not bylaws, which could be amended at any time by the Council of the day.

In response to questions from Committee members, Mr. Cokar and staff provided the following information:

- changes had not been made to the design of the house to put the garage at the rear because of the additional time which would have been required to construct the home
- the addresses given by Mr. Cokar had been in existence subsequent to the adoption of the Williams Road Access bylaw in 1981; when Williams Road was widened to full urban standards in 1996, a number of driveways were found which were not included in that bylaw, however the bylaw was not amended to 'grandfather' these particular driveways; further advice was given that it was possible that subsequent to that, there may have been new construction which was approved without the driveway access being checked
- the properties shown in yellow on Mr. Cokar's map had driveways accessing Williams Road now, but were not listed in Bylaw 3967 in 1981; when the dwellings on these properties were demolished and new homes constructed, driveway access was still allowed from Williams Road when the road was upgraded; this situation also applied to 10440 Williams Road
- the purpose of the proposed lane policy, which would be City wide, was to limit or eliminate entirely direct access to the City's arterial roads; adoption of this policy would make it easier for City plan checkers to be consistent about denying access to arterial roads; the focus of the policy would be to construct lanes which paralleled arterial roads
- the house plans were not changed to relocate the garage to the rear of the dwelling because Mr. Cokar intended to establish a licenced day care facility in his home at the rear of the property, with access only from the lane and not Williams Road; construction of a garage at the rear would have made this more difficult to achieve
- the dwelling was shifted to one side to provide access along the side of the property to the garage.

Discussion ensued among Committee members about (i) the request of Mr. Cokar, (ii) the 24 driveways which had apparently been permitted after the adoption of the Williams Road Access Bylaw in 1981, and (iii) the anomaly which appeared to exist with regard to this situation.

The suggestion was made by Councillor Kumagai that the matter should be referred to staff to determine the status of the 24 driveways to which Mr. Cokar had referred in his presentation, and to make recommendations on whether these driveways should be 'grandfathered' in the existing bylaw.

He stated that if staff recommend that these driveways be added to the bylaw, then Mr. Cokar's situation would have to be reviewed in that context.

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

It was moved and seconded

***That the report (dated April 20<sup>th</sup>, 2000, from the Director, Engineering), regarding the request for Williams Road access from 10400 Williams Road, be referred to staff for the compilation of a history of the 24 driveways suggested by Mr. Cokar to be in contravention of Williams Road Access Bylaw No. 3967, and to report to the Committee in no more than one month's time with the results.***

Prior to the question being called, staff were directed to:

- (a) advise Mr. Cokar when this matter would be presented to the Committee;
- (b) make recommendations on those driveways which were found to be constructed after the adoption of Bylaw No. 3967.

Reference was made to the pending adoption of a City Lane Policy, and the suggestion was made that at the time of the adoption of this policy, that Bylaw No. 3967 should be rescinded. The Mayor indicated that as a result, any house which was demolished on Williams Road and a new dwelling constructed, would only be permitted access from the rear lane.

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

At the request of Mayor Halsey-Brandt, and with the agreement of the Chair, the order of the agenda was varied to deal with Item No. 9 at this time.

9. **APPLICATION BY THE ROYAL CANADIAN LEGION TO CONDUCT A PARADE AS PART OF THE NEW CITY HALL OPENING EVENT**  
(Report: Apr. 20/00, File No.: 7400-20-PARA1) (REDMS No. 149524)

The Chair noted that an amendment was required to the report, to indicate that the temporary closure of No. 3 Road and parts of Granville Avenue would be required, and not Minoru Boulevard as indicated in the report.

Mr. Chuck McDonald, Chair, accompanied by Mr. Bob Jones, Secretary of the Remembrance Day Committee, referred to the proposed 2 hour ceremony and suggested that because of the manner in which the Committee hoped to conduct the event, the ceremony would extend beyond the 8:30 p.m. limit.

In response to questions, Mr. McDonald explained that veterans would assemble in the parking lot located on the north side of the new City Hall building and exit the south side driveway to march east along the westbound side of Granville Avenue, to No. 3 Road, where they would stop in front of the cenotaph and participate in the rededication ceremony. He stated that at the conclusion of the ceremony, the parade would continue north to Westminster Highway to the Royal Canadian Legion facility. (At this point, the Chair noted that the map which accompanied the staff report was in error and requested that a revised map be prepared for circulation with the Council agenda.)

It was moved and seconded

- (1) ***That approval be given to Branch No. 5 of the Royal Canadian Legion to conduct a parade on Tuesday, June 6, 2000 as part of the New City Hall opening event.***
- (2) ***That the cost for City services for this parade be charged to Special Events - Cenotaph Account No. 1501-40-000-CTAPH-0000-45931.***

CARRIED

## ENGINEERING & PUBLIC WORKS DIVISION

### 3. **ROADWAY AND UTILITIES CONSTRUCTION (TENDER T.1518) ON FERNDALE ROAD, FROM GARDEN CITY ROAD TO NO. 4 ROAD**

(Report: Apr. 13/00, File No.: 0775-20-T.1518) (REDMS No. 148078)

It was moved and seconded

***That the City enter into a contract with E. Mathers Bulldozing Co. Limited in accordance with Tender T. 1518 for the construction of the Ferndale Roadway and Utilities Construction Project, in the total tendered amount of \$ 1,208,057.81 plus GST.***

CARRIED

### 4. **STORM SEWER CONSTRUCTION (TENDER T.1519) ON THE SOUTH SIDE OF THE 11000 BLOCK OF GRANVILLE AVENUE, FROM SHELL ROAD TO NO. 5 ROAD**

(Report: Apr. 17/00, File No.: 0775-20-T.1519) (REDMS No. 148684)

It was moved and seconded

***That the City enter into a contract with Hexcel Construction Limited in accordance with Tender T. 1519 for storm sewer construction on the south side of the 11000 Block of Granville Avenue, from Shell Road to No. 5 Road, in the total tendered amount of \$ 326,371 plus GST.***

CARRIED

### 5. **PROPOSED EXPANSION OF THE FRASER SEWERAGE AREA**

(Report: Apr. 11/00, File No.: 6400-07-02) (REDMS No. 147680)

It was moved and seconded

***That the Administration Board of the Greater Vancouver Sewerage and Drainage District be requested to extend the boundary of its Fraser Sewerage Area to include the lands owned or controlled by the EcoWaste Industries Ltd. (as shown in Attachment 1 to the report dated April 11<sup>th</sup>, 2000, from the Director, Engineering).***

Prior to the question being called, in response to questions, the following information was provided by the Manager, Engineering Planning, Paul Lee:

- the areas marked in 'green' on the map (attached to the staff report) were not (i) located within the Agricultural Land Reserve, and (ii) agriculturally zoned; these lands were all zoned for industrial use; and

- with reference to a statement in the report regarding the possibility of the City deferring the imposition of its sewer levy on the subject properties until such time as a development agreement had been reached, subsequent to the preparation of the report, staff had based their statement on the process used for Fraser Port Authority lands east of the subject site. Ecowaste was not under Federal jurisdiction and would therefore be treated as all others are in Richmond, and would be levied immediately upon inclusion in the sewerage area. (Mr. Lee indicated that he would amend the report prior to submission to Council).

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

6. **CONSTRUCTION OF NO. 8 ROAD STORM SEWERS AND GENERAL CURRIE IMPROVEMENTS BY CITY FORCES**

(Report: Apr. 20/00, File No.: P.00305) (REDMS No. 148727)

It was moved and seconded

***That City forces construct:***

- (1) ***The No. 8 Road Storm Sewer Ditch Infill - Capital Project Budget \$329,000; and***
- (2) ***The General Currie Road Improvements – Capital Project Budget \$300,000.***

**CARRIED**

7. **1999 ENVIRONMENTAL SERVICES REVIEW AND OUTCOMES**

(Report: Apr. 6/00, File No.: 1000-18-004) (REDMS No. 139943)

The Manager, Environmental Programs, Suzanne Bycraft, advised that an amendment was required to Section 17 of the proposed agreement, to add at the end of the first sentence, the following words “except as required pursuant to the Freedom of Information and Protection of Privacy Act of BC, or as required by law.”

In response to questions, Ms. Bycraft advised that:

- the Society had, in the past, stipulated a response time of one week from the time that a complaint was received about rodents, and provided a fee for service to private home and building owners for mosquito control
- Attachment 1 (to the staff report) had been included for the information of the Committee only and had not been reviewed by the Advisory Committee on the Environment; however she indicated that staff would be working with the City Liveability Team to develop an environmental management strategy, and the suggestion was made that ACE either be involved with the preparation, or review the plan once it had been completed.

It was moved and seconded

***That the Mayor and Clerk be authorized to execute an agreement with Richmond Health Services for the provision of rodent and mosquito control services on City property (as outlined in Attachment 2 to the report dated April 6, 2000, from the Director, Engineering).***

CARRIED

It was moved and seconded

***That a copy of the report (dated April 6<sup>th</sup>, 2000, from the Director - Engineering), regarding the 1999 Environmental Services Review and Outcome, be forwarded to the Advisory Committee on the Environment for its information.***

CARRIED

The Chair referred to the possibility that Waste Management Inc. might be on strike in the near future and questioned the impact that this might have on the City. In response, Ms. Bycraft advised that the company had successfully settled its contract negotiations, and therefore, a strike would not take place. She added that had a strike occurred, there would have been no direct impact on the City as the company provided the waste transfer service for the City of Vancouver.

## URBAN DEVELOPMENT DIVISION

### 8. **TRANSLINK PROGRAM PLAN 2000 - ROUTING OF #480 RICHMOND-UBC SERVICE**

(Report: Apr. 11/00, File No.: 6480-03-01) (REDMS No. 147356)

It was moved and seconded

**(1) *That the routing of the #480 Richmond-UBC bus service via Granville Street/41st Avenue in the City of Vancouver, be supported in principle as an introductory service; and that this service be monitored by TransLink and City staff over a one year period to determine the ridership response and operational performance characteristics.***

**(2) *That TransLink and City staff report to Council, through the Public Works & Transportation Committee, on the results of the monitoring of the #480 introductory bus service noted above, and that Council be advised on any required routing and service changes, based on public feedback and service performance.***

Prior to the question being called, concern was expressed about the use of the Granville Street/41<sup>st</sup> Avenue transit route rather than Southwest Marine Drive.

In response, information was provided by Councillor Kumagai (as the City's representative on the Board of TransLink) that a public process would be initiated with respect to the possible use of Southwest Marine Drive, however there was concern that this process could not be completed in time to meet the September start date for the new transit service.

The Manager - Transportation Gordon Chan also advised that 41<sup>st</sup> Avenue was already an existing transit service and therefore required no public process.

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

9. **APPLICATION BY THE ROYAL CANADIAN LEGION TO CONDUCT A PARADE AS PART OF THE NEW CITY HALL OPENING EVENT**

(Report: Apr. 20/00, File No.: 7400-20-PARA1) (REDMS No. 149524)

See Page 3 of these minutes for action taken on this matter.



10. **PLANNING FOR RICHMOND RAPID TRANSIT**

Councillor Kumagai advised that the Board of TransLink had approved a co-operative planning program for a rapid transit link which would connect Richmond, the Airport and Vancouver, subject to the agreement of the proposed participants.

He also spoke about (i) the funding to be provided by the Federal and Provincial Governments, (ii) the proposed program which is to be implemented in three stages, (iii) the need for a decision on a future transportation corridor, i.e. Arbutus or Cambie Street, and (iv) the importance of City staff involvement in the planning program.

It was moved and seconded

***That the report (dated April 26<sup>th</sup>, 2000, from Ken Dobell, Chief Executive Officer to the Greater Vancouver Transit Authority Board of Directors), regarding Planning for Richmond Rapid Transit, be forwarded to Council for information.***

**CARRIED**

11. **MANAGER'S REPORT**

(a) *Freshet 2000* - The Manager, Roads & Construction Services, Tony Hillan, reported that it appeared that this year would be an average year as the snow pack was below the 1999 figures. He advised that the Provincial authorities were not anticipating any major problems arising with respect to potential flooding. (A copy of the material which he circulated on the Spring Freshet is on file in the City Clerk's Office.)

(b) *Flood Protection Assistance Fund* - Mr. Hillan advised that the City had obtained funding from that fund for 1999 and the specified projects completed. He further advised that an application had been submitted for 2000 for an amount of \$335,000.

(c) *Road Closures* - Mr. Hillan reported that road closures would occur this coming weekend at (i) Westminster Highway and No. 9 Road to allow CNR to make improvements to the railway crossing at this location, and (ii) Granville Avenue and No. 3 Road (portions) to accommodate milling and grinding of the road surface.

- (d) *Work being undertaken at the north end of No. 3 Road* - Mr. Ono advised that the work involved the undergrounding of utility lines by BC Hydro in anticipation of the construction of the Rapid Bus line.
- (e) *Gilbert Road Bicycle Project* - Mr. Chan advised that because of the denial of the application for funding to complete this project, staff were deferring the project until 2001. He advised that the application had been unsuccessful because the BC Transportation Financing Authority had chosen to providing funding for projects in smaller municipalities. He noted that the City had been very fortunate in receiving significant grants from BCTFA for the past 4 or 5 years.
- (f) *Emergency Preparedness Symposium* - Ms. Bycraft reported that the Symposium would be held on Saturday, May 6 at the Fairmont Hotel at the Vancouver International Airport. She advised that there would be many speakers, including the Director, Operations, Eric Gilfillan, on such topics as earthquake preparedness and flooding. A brief discussion then ensued between the Mayor and Ms. Bycraft on the suitability of the venue for the symposium.

## ADJOURNMENT

It was MOVED and SECONDED  
***That the meeting adjourn (5:10 p.m.).***

**CARRIED**

Certified a true and correct copy of the Minutes of the meeting of the Public Works & Transportation Committee of the Council of the City of Richmond held on Wednesday, May 3<sup>rd</sup>, 2000.

---

Councillor Lyn Greenhill  
Chair

---

Fran J. Ashton  
Executive Assistant



Manzoor and Shamim Cokar  
10440 Williams Road  
Richmond, BC  
V7A 1H 8

May 3, 2000

The Chairperson, Public Works and Transportation Committee  
City of Richmond  
7577 Elmsbridge Way  
Richmond, BC  
V7A 1H1

Dear Chairperson,

Subject: Submission regarding access to residential property at 10440 Williams Road, Richmond.

I greatly appreciate the opportunity given to me by the public works and transportation committee to express my concern about(a) City bylaw #3967 and b) lack of access to our property from Williams Road in Richmond).

Mister / Madam Chairperson, before I present my case for your deliberation and fair judgment, please allow me to introduce myself. My name is Manzoor Cokar. I am a teacher by profession. My wife Shamim, supporting me here today, is a hard working homemaker. We are blessed with four children: the eldest graduated with a Master's degree in Industrial Design, the second completed a BSc in Resource management, the third qualified as a fashion designer from Kwantlan College in Richmond and the youngest is currently pursuing a Bachelor of Arts degree at the University of British Columbia.

The purpose of this brief introduction of my family and myself is not so much as to highlight our educational background but to emphasize our family values based on hard work, fair play, and honest citizenship. As tax paying, law abiding citizens we seek justice and fair application of City Bylaw # 3967. This Bylaw has penalized us at the expense of 24 other households which contrary to Bylaw # 3967 have direct access to their properties from Williams Road.

In June 1999, we purchased an older property at 10440 Williams Road through our realtor Baldev Nijjer. We Carefully examined the land title for any legal notations or restrictive covenants. We found no reference to a city bylaw prohibiting access to the property from Williams Road. Had we known the existence of Bylaw # 3967, we would not have bought the property or we would not have paid the price we did. In my opinion the value of the property is considerably lower without a front access driveway than the value of property with a front access driveway.

Nonetheless, after we had purchased the property both my realtor and I visited city hall to obtain building regulations and information including set backs and driveways. The clerk at the front desk informed me that indeed we could have a front driveway from Williams Road. I assumed that her verbal communication was true; therefore, did not obtain anything in writing. Mr. Baldev Nigger, an experienced realtor who accompanied me to city hall witnessed this incident. He is willing to vouch on my behalf that the front desk clerk did indeed give me the information about the driveway access from Williams Road.

However, when we later submitted building plans to the to the city, the plan examiner informed us that according to Bylaw # 3967, we could not have access from Williams Road. As you can imagine, this came as a shock. By this time we had already demolished the old house, cleared the lot, backfilled and raised the elevation equal to Williams Road to accommodate for a driveway. I referred my case to Mr. Steve Ono, Manager of Engineering Design and Construction as well as Mr. Chuck Dale both officials of the Public Works division of the City in hopes of receiving variance from the Bylaw but failed to get a positive response. I must say Mr. Ono was very polite and sympathetic but unfortunately was unable to help me.

I was forced to make several changes to the house plan to accommodate for this bylaw resulting in greater financial costs. We continued to build the house without access from Williams Road.

Meanwhile, I obtained a copy of Bylaw # 3967 to examine its contents. I understand Laws and/or Bylaws, whether Federal, Provincial or Municipal are created for good cause. However, in order for any laws to function and to achieve desired results they must be just and applied equitably. The members of the community affected by the laws should be informed and educated about the existence of applicable laws. Laws that do not follow an equitable process are bound to be ineffectual and open to dispute and challenge. I am referring specifically to Bylaw # 3967, which has been applied irregularly if not discriminately. How else can we explain the existence of 24 unauthorized driveways with direct access from Williams Road (please refer to the attached map)?

According to City Bylaw # 3967 there are only 41 properties scheduled to have access to and from Williams Road. But my findings indicate 24 additional properties with front access driveways (roughly 30% of the total). My question to The Chairperson and the Committee of the Public Works and Transportation board is this:

Why ignore 24 unauthorized driveways, yet at the same time apply full force of the Bylaw to my situation? Why punish me for asking permission to build a driveway when 24 other houses can get away with it simply by not bothering to ask the city for permission?

Indeed, it is unfair almost a double standard to apply Bylaw #3967 whenever it is convenient.

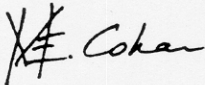
From my perspective, due to the conflicting application of the Bylaw, the misinformation conveyed to me by the front desk clerk and most importantly the absence of legal notation on our land title document, I genuinely believe that the City of Richmond has a moral obligation in this particular case to grant us access to our property from Williams Road.

In order to avoid further hardships and misunderstandings in the future, as a concerned citizen of Richmond, I suggest that city officials should create a legal mechanism whereby the City of Richmond indicates legal notation or restrictive covenants on land titles of all properties located between #4 and #5 Roads in addition to any other roads to which a similar bylaw may apply. This legal procedure will undoubtedly alert all future buyers and seller about the existence and application of Bylaw # 3967 that restrict access for some properties from Williams Road.

I am sure the members of the Public Works and Transportation Committee understand my position and will therefore support my request. I also hope that the city officials will consider my suggestion about restrictive covenants to be marked on land titles affected by Bylaw #3967 so that in the future the said Bylaw may achieve its desired result without causing any misunderstanding or hardships to all persons concerned.

I thank you for your time and consideration over this matter and anticipate that this matter may be resolved to the benefit of all persons involved.

Sincerely,



Manzoor Cokar

Attachments

DRIVEWAYS CONTRAVENING BY-LAW # 3967

Between # 4 & SHELL ROAD.  
(Northside)

LOT	PLAN		
20.M		has access from Williams Rd.	
9	18549	10171	Williams Road
24	"	10611	"
28	"	10531	"

Between Shell Road & # 5 ROAD

1	18935	11691	Williams Road
3	"	11651	"
4	"	11631	"
7	"	11571	"
10	"	11171	"
11	"	11151	"
13	18935	11451	"
14	"	11431	"
350	44475	11231	"

Total # 13

DRIVEWAYS CONTRAVENTING BY-LAW # 3967

Between #4 Road & Shell Road  
(South Side)

Lot	Plan	Address	
8	68068	10040 Williams Road	
23	18549	10260	"
24	"	10240	"
29	"	10140	"
22	18551	10520	"
28	"	10640	"

Between Shell & #5 Road

Lot	Plan	Address	
34	25887	11300	"
35	"	11320	"
45	28788	11520	"
49	"	11600	"
52	"	11660	"

Total # 11

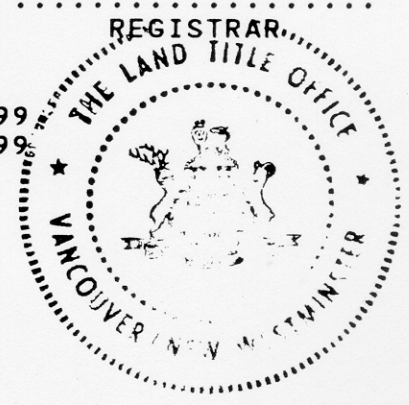
LAND TITLE OFFICE, NEW WESTMINSTER, BRITISH COLUMBIA

CERTIFICATE NO: STBC0069006

TITLE NO: BN186801 NW

THIS IS TO CERTIFY THAT AT 08:00 ON 27 JULY, 1999,  
THE STATE OF THE TITLE TO THE LAND DESCRIBED HEREIN IS AS STATED AND IS SUBJECT  
TO THE NOTATIONS APPEARING BELOW. THIS CERTIFICATE IS TO BE READ SUBJECT TO THE  
PROVISIONS OF SECTION 23(2) OF THE LAND TITLE ACT (R.S.B.C. 1996 CHAPTER 250)  
AND SECTIONS 50 AND 55-58 OF THE LAND ACT (R.S.B.C. 1996 CHAPTER 245).

*C. Greenall*



APPLICATION FOR REGISTRATION RECEIVED ON: 15 JULY, 1999  
ENTERED: 21 JULY, 1999

REGISTERED OWNER IN FEE SIMPLE:  
MANZOOR ELAHI COKAR, TEACHER  
SHAMIM AKTHER COKAR, HOUSEWIFE  
#62 - 5380 SMITH DRIVE  
RICHMOND, BC  
V6V 2K8  
AS JOINT TENANTS

TAXATION AUTHORITY:  
CITY OF RICHMOND

DESCRIPTION OF LAND:  
PARCEL IDENTIFIER: 004-870-760  
LOT 18 BLOCK 12 SECTION 35 BLOCK 4 NORTH RANGE 6 WEST NEW WESTMINSTER  
DISTRICT PLAN 18551

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:  
NATURE OF CHARGE  
CHARGE NUMBER      DATE      TIME

MORTGAGE  
BN192904      1999-07-21      12:23  
REGISTERED OWNER OF CHARGE  
CANADA TRUSTCO MORTGAGE COMPANY  
INCORPORATION NO. 24065A  
BN192904

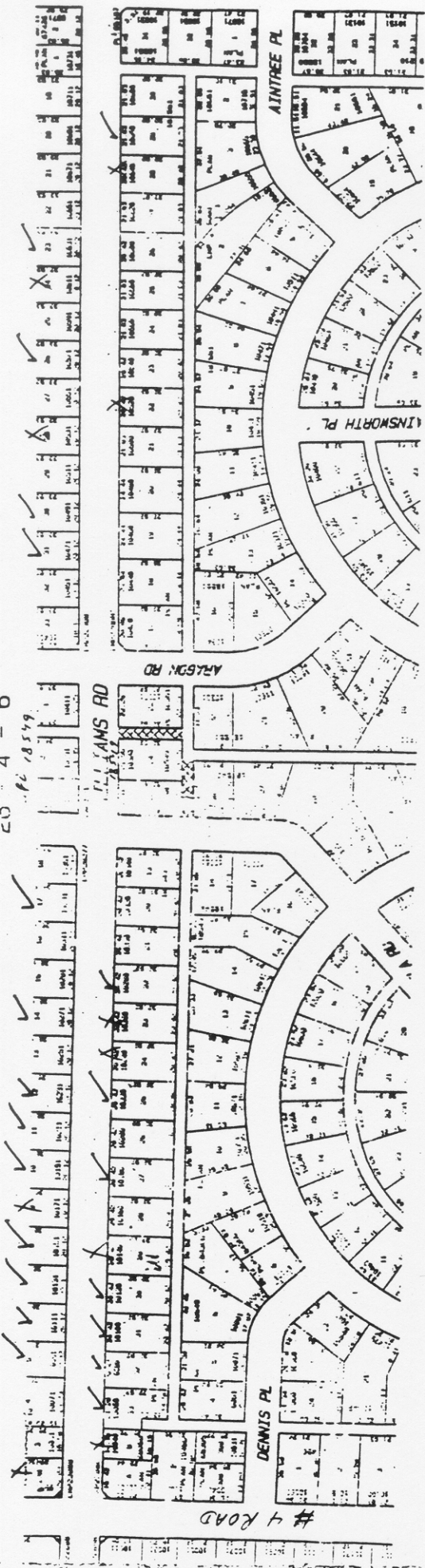
DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

X DRIVEWAYS CONTRAVENING BY-LAW # 3167  
✓ DRIVEWAYS CONSISTENT WITH BY-LAW # 3167

20 4 - 6  
PL 28549



average containing B4-LAW 3967  
" consistent with "

25 - 4 - 6

