



City of Richmond

Report to Committee

To: Planning Committee
From: Wayne Craig
Director, Development

Date: September 22, 2021
File: ZT 21-930124

Re: Application by Regional Animal Protection Society for a Zoning Text Amendment
at 13340 Smallwood Place

Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10294, for a Zoning Text Amendment to the "Vehicle Sales (CV)" zone to add "Veterinary Service" as a permitted use at 13340 Smallwood Place, be introduced and given first reading.

Wayne Craig
Director, Development
(604-247-4625)

WC:jr
Att. 6

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Community Bylaws	<input checked="" type="checkbox"/>	

Staff Report

Origin

The Regional Animal Protection Society (RAPS) has applied on behalf of TNC Automotive Inc. (Director, Darren Graham) for a Zoning Text Amendment to the “Vehicle Sales (CV)” zone to add “Veterinary Service” as a permitted use at 13340 Smallwood Place. A location map and aerial photo are provided in Attachment 1.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is provided in Attachment 2.

Background

Council issued a Temporary Commercial Use Permit (TCUP) on May 15, 2017 allowing “Veterinary Service” as a permitted use on a temporary basis at the subject site for the purpose of operating an animal hospital (TU 17-762905). The TCUP was valid for a period of 3 years ending on May 15, 2020. The applicant submitted a Zoning Text Amendment on March 31, 2021 to permit the “Veterinary Service” use outright, rather than pursuing an extension to the TCUP, due to the significant investment in the existing animal hospital and strong relationship with the property owner and Richmond Auto Mall Association (Attachment 3). The applicant also operates an animal adoption and education centre on the subject site in conjunction with the animal hospital, which would be formally permitted through this application.

The proposed Zoning Text Amendment would apply only to 13340 Smallwood Place and would not impact other properties in the “Vehicle Sales (CV)” zone. No changes to the building are proposed. The animal hospital occupies the second storey of the building, and there are no anticipated impacts to existing business operations on the first floor. Other uses on the property include vehicle repair and detailing and the owner’s automotive dealership office.

Surrounding Development

The subject site is located in the southeast corner of the Richmond Auto Mall. Development immediately surrounding the subject site is generally as follows:

- To the Northwest and Southwest: Car dealerships on lots zoned “Vehicle Sales (CV)”.
- To the Northeast: A commercial office building on a lot zoned “Vehicle Sales (CV)”.
- To the Southeast: Surface parking on a lot zoned “Vehicle Sales (CV)”.

Related Policies & Studies

Official Community Plan/East Cambie Area Plan

The subject site is designated “Commercial” in both the Official Community Plan (OCP) and East Cambie Area Plan (Attachment 4). The proposed “Veterinary Service” use is consistent with this land use designation.

The East Cambie Area Plan identifies that the focus of this commercial area is auto-oriented uses, however the proposed animal hospital does not conflict with the ongoing operations of the area and has the support of both the property owner and the Richmond Auto Mall Association (Attachment 3).

Floodplain Management Implementation Strategy

In accordance with the City's Flood Management Implementation Strategy, registration of a flood indemnity covenant on title is required prior to final adoption of the amendment bylaw.

Aircraft Noise Sensitive Development Policy

The subject site is located within the Aircraft Noise Sensitive Development (ANSD) Policy Area 4, which allows for all aircraft noise sensitive land uses to be considered. Although the proposed land use is not a defined aircraft noise sensitive use, a legal agreement addressing aircraft noise mitigation and public awareness is to be registered on Title prior to final adoption of the amendment bylaw.

Public Consultation

A development information sign has been installed on the subject property. Staff have not received any comments from the public about the application in response to the placement of the sign on the property.

Should the Planning Committee endorse this application and Council grant first reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment. Public notification for the Public Hearing will be provided as per the *Local Government Act*.

Analysis

Proposed Zoning Text Amendment

The subject site is zoned "Vehicle Sales (CV)," which allows for vehicle sales and repairs along with a limited number of related uses. "Veterinary Service" is permitted in most commercial zones, but not in the "Vehicle Sales (CV)" zone.

As previously noted, the Animal Hospital was granted a Temporary Use Permit (TU 17-762905) to allow the use on a temporary basis in May 2017. The existing space occupied by the animal hospital has been donated to the applicant by the property owner. A letter from the applicant describing the activities on site is provided in Attachment 5. These activities include administrative offices for RAPS, the animal hospital, and an animal adoption and education centre. Adoptions are limited to cats only.

"Veterinary Service" is a defined land use in Richmond Zoning Bylaw 8500, and describes a facility for the care, examination, diagnosis, and treatment of sick, ailing, infirm, or injured pets, including medical intervention and surgery, and may include accessory short-term accommodation of pets, pet grooming, and the sale of medicine and pet supplies. "Animal

Breeding and Boarding”, “Animal Shelters”, and “Animal Day Care” are separately defined land uses and are not included within the scope of “Veterinary Service”.

In addition to veterinary services, RAPS offers cat adoptions through the animal hospital. Animal adoption is not a defined use in the Zoning Bylaw. To accommodate animal adoptions, the proposed zoning amendment makes allowance for the adoption of domestic cats from the site provided that the cats are not boarded on the site. The applicant has confirmed that only cats receiving care will be boarded on site, and that cats available for adoption are boarded at an appropriately zoned site elsewhere in the city.

The proposed zoning text amendment would add “Veterinary Service” as a permitted use at the subject site only, with a site-specific regulation permitting animal adoption services associated with the “Veterinary Service” use and limited to cats and kittens as defined in Richmond Business Regulation Bylaw 7538. The proposed zoning text amendment would also limit the size of a “Veterinary Service” to no more than half of the total floor area of the building, to ensure that the property use remains generally consistent with the intent of the “Vehicle Sales (CV)” zone.

Business Licensing and Operations

RAPS is a registered non-profit and was issued a business license to operate an animal hospital on the property in 2017. Staff have confirmed that the animal hospital operated by RAPS is fully accredited by the College of Veterinarians of British Columbia consistent with the *Veterinarians Act*.

Transportation and Site Access

Vehicle access is provided via two driveway crossings to Smallwood Place. A parking area in front of the building contains 49 parking spaces, and additional parking is available on the street and behind the building on a property owned by Richmond Auto Mall Holdings Ltd. The animal hospital would require 13 parking spaces.

One loading space is provided on the north side of the building and is accessed via the neighbouring property. The vehicle parking and loading provided are generally consistent with the minimum requirements under Richmond Zoning Bylaw 8500.

Bicycle parking is not required for “Veterinary Service” uses, and currently there is no Class 2 bicycle parking for visitors on the subject site. The applicant has agreed to install one bike rack that could accommodate two bicycles. The bike rack must either be installed prior to final adoption of the amendment bylaw or secured through deposit of a security to the City based on a cost estimate for the purchase and installation of the bike rack.

Landscaping

No landscape improvements are proposed through this application. Refreshed on-site and boulevard landscaping for the entire Richmond Auto Mall area is under review through a separate Development Permit (DP 18-842750) and would include the subject site.

Financial Impact

None.

Conclusion

The purpose of this application is to amend the "Vehicle Sales (CV)" zone to add "Veterinary Service" as a permitted use at 13340 Smallwood Place.

The proposal is generally consistent with the applicable policies and land use designations contained in the Official Community Plan (OCP).

The list of rezoning considerations is included as Attachment 6, which has been agreed to by the applicants (signed concurrence on file).

It is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 10294 be introduced and given first reading.



Jordan Rockerbie
Planner 1
(604-276-4092)

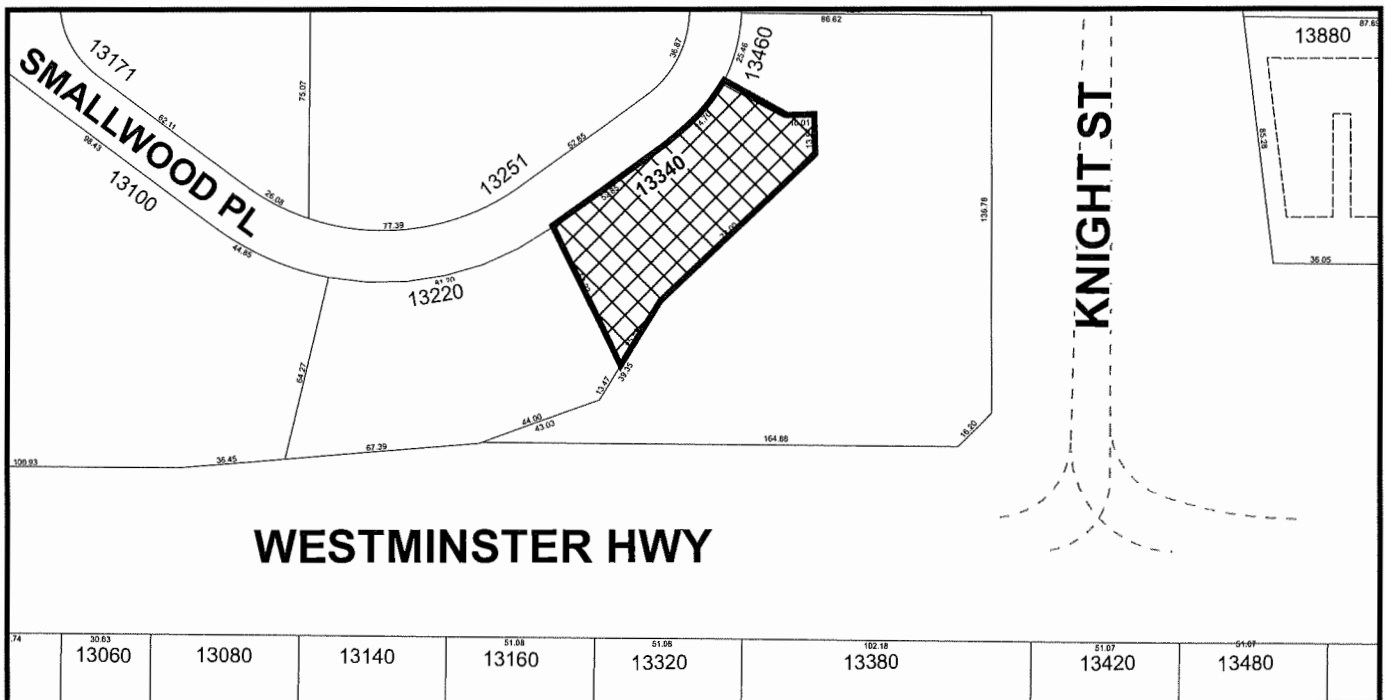
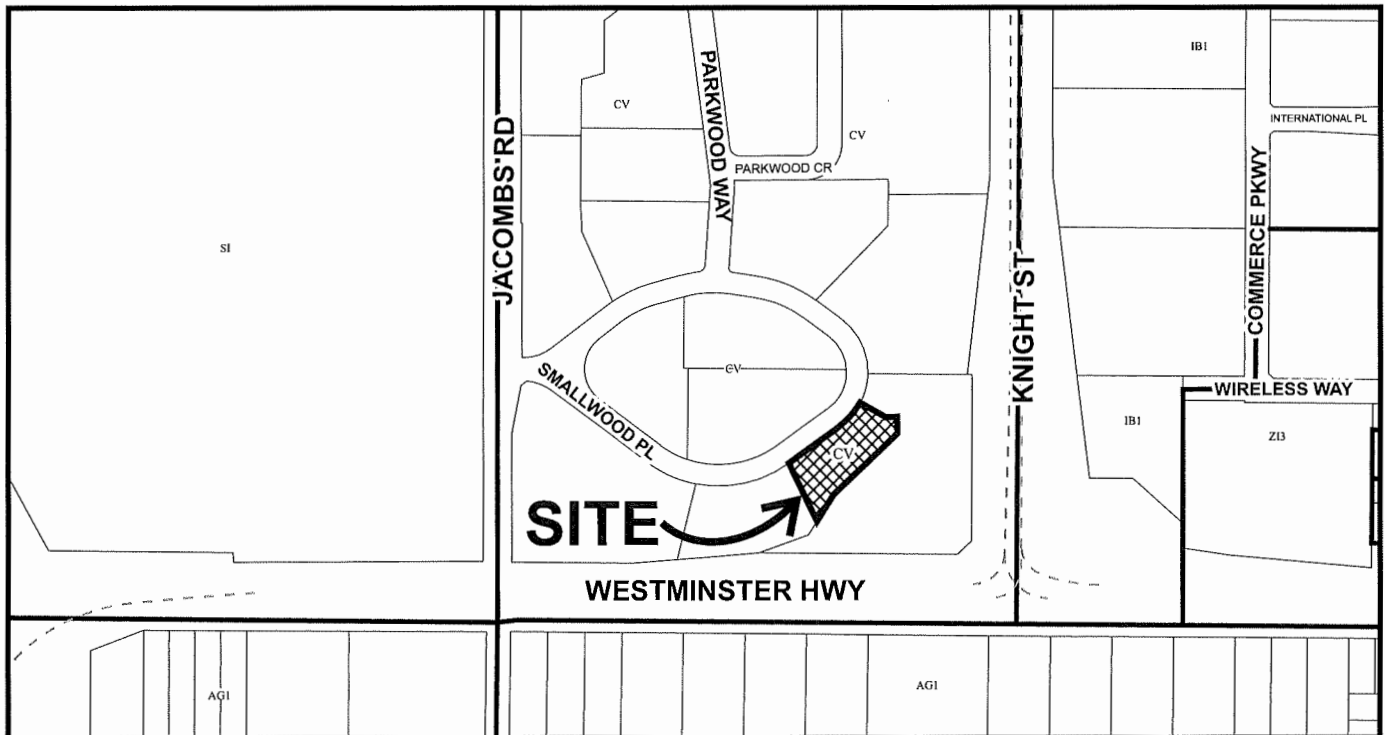
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Attachments:

- Attachment 1: Location Map and Aerial Photo
- Attachment 2: Development Application Data Sheet
- Attachment 3: Letters of Support
- Attachment 4: East Cambie Area Plan Land Use Map
- Attachment 5: Letter from the Applicant
- Attachment 6: Rezoning Considerations



City of
Richmond



ZT 21-930124

PLN 14

Original Date: 04/12/21

Revision Date: 04/26/21

Note: Dimensions are in METRES



City of
Richmond



ZT 21-930124

Original Date: 04/12/21

Revision Date: 04/26/21

Note: Dimensions are in METRES

PLN - 15



ZT 21-930124

Attachment 2

Address: 13340 Smallwood Place

Applicant: Regional Animal Protection Society

Planning Area(s): East Cambie

	Existing	Proposed
Owner:	TNC Automotive Inc.	No change
Site Size (m2):	3,696 m ²	No change
Permitted Land Uses:	Car Wash Office Restaurant Restaurant, drive-through Services, financial Vehicle body repair or paint shop Vehicle sale/rental Veterinary service previously permitted through a Temporary Commercial Use Permit	Addition of "veterinary service" as a permitted use at 13340 Smallwood Place only
OCP Designation:	Commercial	No change
Area Plan Designation:	Commercial	No change
Zoning:	Vehicle Sales (CV)	No change

	Bylaw Requirement	Proposed	Variance
Unit Size:	N/A	793 m ² (8,538 ft ²)	N/A
Off-street Parking Spaces Required for Proposed Use:	1.6 per 100 m ² (i.e. 13 spaces)	13 spaces	none
Off-street Parking Spaces – Total:	49 spaces	49 spaces	none
Bicycle Parking – Class 1	0	0	none
Bicycle Parking – Class 2 (Visitor)	0	2	none

**VERIFICATION LETTER RAPS' LEASE AGREEMENT WITH APPLEWOOD FOR
SECOND FLOOR SPACE AT 13340 SMALLWOOD PLACE, RICHMOND BC**

Mr. Norman Isaak
Principals1062031 BC Ltd. (aka: Applewood Motors)
16299 Fraser Highway
Surrey BC V4N 1W8 ("Donors")

AND

Regional Animal Protection Society
Unit 201 – 13340 Smallwood Place
Richmond, BC V6V 1W8 ("RAPS")

To whom it may concern,

This letter is to verify the support by the Donors (a.k.a. 1062031 BC Ltd.) for the Regional Animal Protection Society in donating the second floor of office building located at 13340 Smallwood Place, Richmond B.C. (the "space") and coincides with RAPS' Indenture of Lease Effective August 1st, 2016 for Unit 201 – 206, 13340 Smallwood Place expiring July 31st 2031.

The intent of the Indenture of Lease signed between the parties is for the Donor to donate the basic rent for the space and for RAPS to pay the additional rent costs for the space. The additional rent schedule (triple net lease) shall start at \$6,000 plus GST per month August 1st, 2016 reaching \$10,000 plus GST per month in 2028.

RAPS commit to be an occupant of the space for the following duration (the "Duration"):

- Duration Commencement Date: June 1st, 2017
- Duration End Date: May 31st, 2023

RAPS shall provide, if requested by the Donors, tax receipts for the donated space as long as such tax receipts are allowed by CRA rules and guidelines for in-kind donation of space.

RAPS shall be governed by the Three-Way Agreement between Applewood, RAMA (Richmond Auto Mall Association) and RAPS signed November 19, 2020.

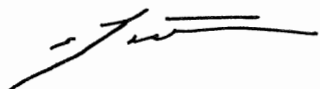
Signed this day 13th day of May 2021.

1062031 BC Ltd.



Mr. Norman Isaak
Authorized Signatory

RAPS



Mr. Eyal Lichtmann
Authorized Signatory



September 17, 2021

Jordan Rockerbie
Planning and Development
City of Richmond
6911 No. 3 Road
Richmond, British Columbia
V6Y 2C1

Re: RAPS Animal Hospital Rezoning Application

Dear Mr. Rockerbie,

RAPS Animal Hospital provides an important service to the public. Their state of the art veterinary hospital has been a wonderful addition to the City of Richmond and beyond, allowing the multitudes of pet owners in the Lower Mainland affordable access to quality pet care.

The Richmond Auto Mall Association supports the RAPS hospital location in the Auto Mall and endorses the proposed zoning change from temporary to permanent for this purpose.

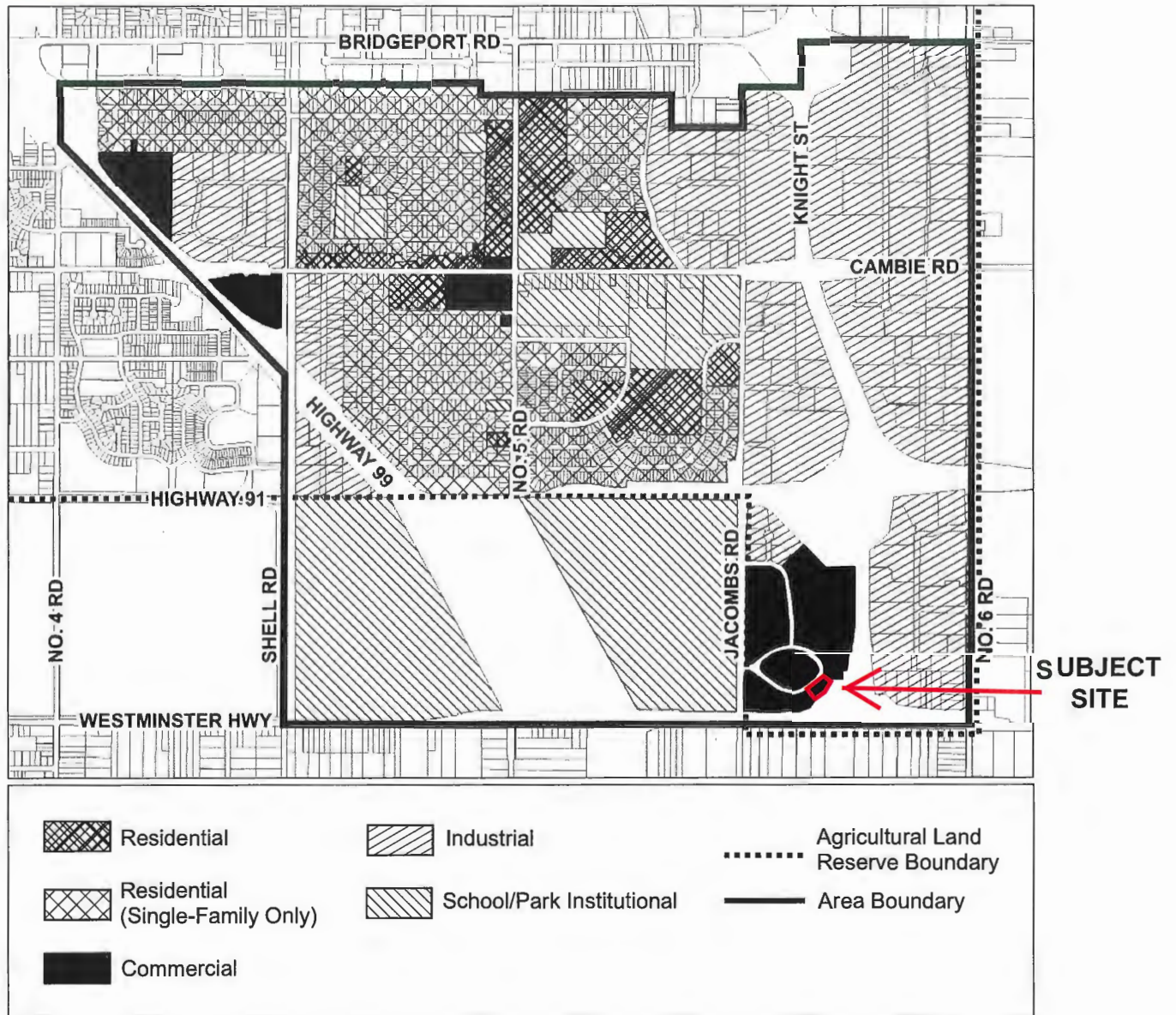
Should you require anything further, please don't hesitate to contact me.

Kind regards,

A handwritten signature in black ink, appearing to read 'Gail Terry', is positioned above the printed name.

Gail Terry
General Manager
Richmond Auto Mall
Office: 604-273-3243
Direct: 604-341-9928
gailterry@richmondautomall.com

City of Richmond

Land Use MapBylaw 8948
2016/10/24



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RAPS
ANIMAL
HOSPITAL

RAPS is a Registered Charitable Organization – visit us online at www.rapsbc.com

May 11th, 2021

THE CITY OF RICHMOND
6911 NO. 3 ROAD
RICHMOND, B.C. V6Y 2C1

Re: Site activities at 13340 Smallwood Place (2nd floor)

To whom it may concern,

The location of the RAPS Animal Hospital at the Richmond Auto Mall is due to the fact that RAPS has been donated 7,000 square feet of otherwise unused second floor space for a period of 15 years. This equates to approximately \$3.6 million in-kind donation to RAPS.

The space occupied by RAPS, on the second floor of 13340 Smallwood Place:

1. Was previously utilized for financing and offices. It stood empty for five years before the space was donated to RAPS.
2. RAPS spent close to \$500,000 renovating the space.
3. RAPS invested approximately another \$600,000 outfitting the hospital with fixtures and equipment.
4. The space occupied by RAPS on the entire floor of 13340 Smallwood Place does not impede any car sales space at the Auto Mall. On the first floor of 13340 Smallwood Place are Applewood Mitsubishi and their dealership occupies all available space for a car dealership. It is not possible for another car dealership to operate out of the space utilized by RAPS because there is no place to display vehicles by the nature of the second floor location and there is absolutely no area around the building available for another car dealership. RAPS Animal Hospital does not impede any existing or prospective vehicle operator at the Richmond Auto Mall.
5. The RAPS Animal Hospital attracts close to 12,000+ additional visitations to the Auto Mall each year, which is good for local businesses.
6. We estimate the value of the community-owned RAPS Animal Hospital to be approximately \$4.6 million.
7. In addition to regular veterinary services for the public, we estimate the community benefit of the services (alone) from the RAPS Animal Hospital to be \$2.5 million in partial or whole veterinary care subsidies. Some of the groups RAPS assists through the hospital include Chimo Services (for women in crises), Salvation Army, Salvation Army Richmond House homeless shelter, Rain City Housing, Richmond's transitional housing facility, seniors, veterans, teachers, people living in social housing, single parents, students, people experiencing unemployment, people who are hospitalized or otherwise temporarily unable to care for their companion animals, the Royal Canadian Legion, BC Yukon Branch, first responders, nurses, other animal rescue agencies such as Rabbitats, service animals and many others.

The site activities RAPS is operating at 13340 Smallwood Place, in conjunction and approval of the Richmond Auto Mall Association (RAMA) include:



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- RAPS Animal Hospital Veterinary Services - Open 8 a.m. – 6 p.m. daily
 - Examination, diagnosis and treatment of sick, ailing, infirm or injured pets, including medical intervention and surgery
 - Sale of medicine and pet supplies
 - Short-term accommodation for sick pets
 - Future expansion to 8AM to 8PM and then to a 24/7 available operation
- RAPS Hospital and Organization Administrative Offices – 9 a.m. – 5 p.m. Monday - Friday
- Educational and Adoption Centre – Noon – 4 p.m. daily (only 4 hours per day)
 - Provide the public with educational materials and telephone support related to animal guardianship and care
 - Educational programs for the public on animal care and advocacy
 - Elementary and high school educational programs on animal welfare, safe interactions and the joys and responsibilities of animal companions
 - Meet-and-greets for adoptable cats (only). There will be NO DOGS – this is strictly for cats and no dogs will be going through the Education and Adoption Center
 - Holding bay for feral cats for the hospital (the cats must be separated until they, treated for lice and other ailments, are vaccinated and then transferred to the RAPS Cat Sanctuary unless adoptable).

RAPS has been trapping feral cat colonies in Richmond for 25 years.

1. Feral cats are trapped, held at the Educational and Adoption Centre for medical treatment at the RAPS Animal Hospital across the hall. The Educational and Adoption Centre plays a role as outreach for the RAPS Animal Hospital. Kittens are held temporarily until they are old enough to be spayed/neutered and then adopted out.
2. Feral cats that can be socialized are adopted out and unadoptable cats are sent to the RAPS Cat Sanctuary, located at 3380 No. 6 Road, Richmond. Most other organization do trap and release (TnR) programs, where the spayed/neutered cats are released back into the wild. RAPS does not do this and that activity would not be beneficial for Richmond or the health of the cats or for the safety of wildlife, especially birds.
3. Because of RAPS' feral cat trapping efforts over the past 25 years, Richmond does not have a feral cat problem. (Surrey has an estimated 34,000 feral cats.) <https://bc.ctvnews.ca/surrey-facing-cat-astrophe-with-up-to-34-000-wild-felines-1.2263011> When there is any indication of a feral cat colony in Richmond, RAPS traps and then treats the cats.
4. All feral cats are spayed or neutered at our expense at the RAPS Animal Hospital. They are then adopted or sent to the RAPS Cat Sanctuary to live out their lives.
5. No other municipality in B.C. has similar combined resources to those of RAPS in controlling cat populations. These include a team of volunteer trappers, the RAPS Cat Sanctuary, the RAPS Animal Hospital and RAPS' Educational and Adoption Centre. These resources are ALL located in Richmond.

Feral cat populations (starting with 12 cats), if left alone and facing no predators, can expand to 66,000 cats in six years. <https://www.animalleague.org/wp-content/uploads/2017/06/cats-multiply-pyramid.pdf>



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RAPS is a Registered Charitable Organization – visit us online at www.rapsbc.com

6. We can assume the health of Richmond residents are impacted by how many feral animals there are within the municipality. RAPS traps feral cats everywhere – in the City, on farmland and even at the Lafarge cement factory. We know that the feral rabbit situation is a problem in Richmond. A direct correlation can be made to the overpopulation of rabbits in Richmond. There is no overpopulation of feral cats in Richmond because of RAPS' consistent and ongoing activities related to trapping and caring for feral cats.

City of Richmond Precedence: Animal Rescue Operations in Other or Same Areas

- **BC SPCA Richmond Education & Adoption Centre** at 7791 Steveston Hwy Richmond BC V7A 1L9 has been operating for at least 14 years despite not being zoned for that purpose. 7791 Steveston Hwy Richmond is zoned for Mixed Use as **CN**, or Neighbourhood Commercial. This type of zoning allows **animal grooming** and **veterinary services**, however animal shelter or animal boarding are not listed as permitted uses. However, the BCSPCA has been using that space for these non-permitted uses.
- **Rabbitats** - <https://rabbitats.org/> has operated (until one year ago) for many years at the Richmond Auto Mall trapping, spaying and neutering rabbits and then adopting them out or transferring them to their sanctuary in Surrey. There were at least, we estimate, 100 rabbits at a time on the premises in the care of Rabbitats. This greatly reduced the rabbit population in the area. Similarly, the Auto Mall was not zoned for this purpose.

Financing – the financing RAPS has with Vancity Savings Credit Union is directly connected to the 15-year no-rent use agreement with Applewood and the approval received from RAMA which required approval of the dealerships. Without the 15-year agreement (the loan is amortized over 15 years), RAPS would not be able to afford running the animal hospital as a charity hospital benefiting Richmond residents because the monthly costs would be debilitating for RAPS and inhibit our operations. We hope more Richmond businesses provide these types of donations for Richmond based charities.

Conclusion - we believe, and hope you agree, there is great value in RAPS' operations for the residents of Richmond and precedence in Richmond for allowing RAPS to operate the Hospital and the Educational and Adoption Centre at the same location at the Richmond Auto Mall. These activities do not impede any existing or prospective vehicle sales at the Richmond Auto Mall.

The RAPS Animal Hospital and the Education and Adoption Centre, we hope you agree, does not impede, in any way, the auto sales or operations of the Auto Mall. Our presence at the Auto Mall has been approved by RAMA.

We hope our application for permanent zoning for our current operations are approved. Thank you for your consideration.

Sincerely,

Eyal Lichtmann,
Executive Director & CEO



Address: 13340 Smallwood Place

File No.: ZT 21-930124

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10294, the developer is required to complete the following:

1. Registration of an aircraft noise indemnity covenant on title (ANSO Area 4).
2. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 2.9 m GSC.
3. Installation of a bike rack and inspection by the City, or deposit of a security based on a cost estimate for the purchase and installation of a bike rack. 100% of the security will be returned following an inspection by the City.

Note:

- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

Signed _____

Date _____



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10294 (ZT 21-930124)
13340 Smallwood Place**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning Bylaw 8500, as amended, is further amended at Section 10.7 [Vehicle Sales (CV)] by:

- a) Adding Additional Uses (Section 10.7.3.B), renumbering the previous sections accordingly, and adding the following text into the Additional Uses (Section 10.7.3.B):

“Veterinary service”

- b) Inserting the following as new Section 10.7.11.3, and renumbering the remaining sections accordingly:


- “3. a) A **veterinary service** shall be permitted on the following listed **site** and is limited to one per **site**:
13340 Smallwood Place
P.I.D. 000-955-558
Lot 5 Section 5 Block 4 North Range 5 West New Westminster District Plan 68775
- b) Notwithstanding the definition of **veterinary service**, a **veterinary service** may include animal adoption services limited to the adoption of “cats” and “kittens” as defined in the Richmond Business Regulation Bylaw 7538 and no other animal.
- c) The total **floor area** of a **veterinary service** shall not exceed the total **floor area** of all other permitted **uses** on the **site**. ”

2. This Bylaw may be cited as **“Richmond Zoning Bylaw 8500, Amendment Bylaw 10294”**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

CITY OF RICHMOND
APPROVED by 
APPROVED by Director or Solicitor LB

THIRD READING

MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE APPROVAL

OTHER CONDITIONS SATISFIED

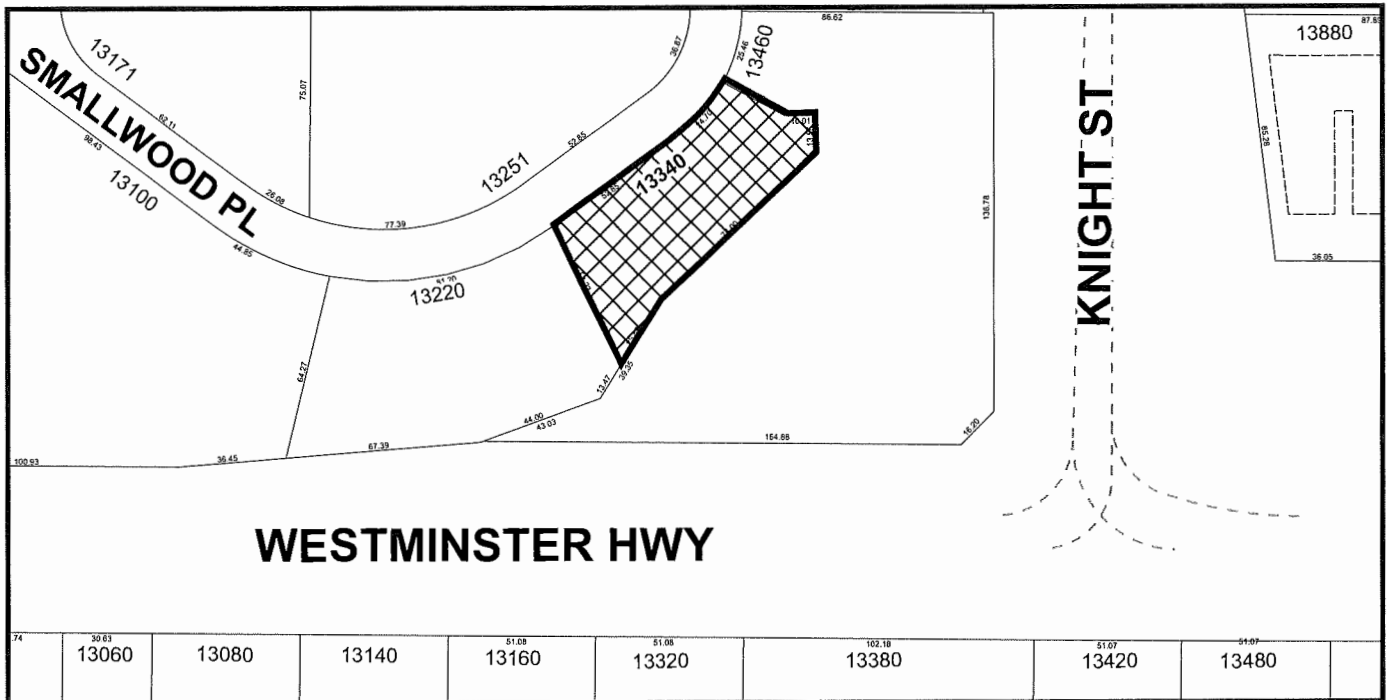
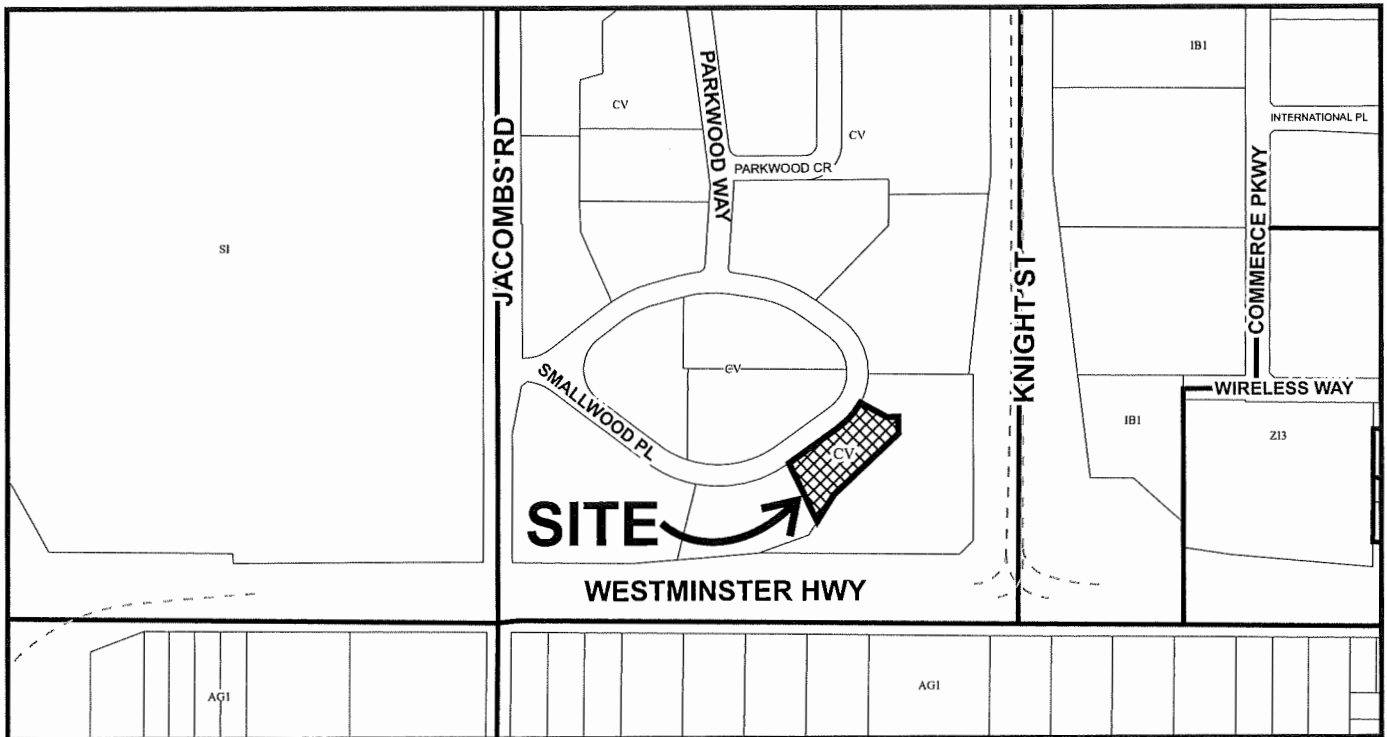
ADOPTED

MAYOR

CORPORATE OFFICER



City of Richmond



ZT 21-930124

PLN 27

Original Date: 04/12/21

Revision Date: 04/26/21

Note: Dimensions are in METRES