



City of Richmond

Memorandum

To: Mayor and Councillors
From: Claudia Jesson
Director, City Clerk's Office
Date: October 23, 2020
File: 12-8060-20-008057/Vol 01

Re: **Tree Permit Refusal Appeal Process – Mr. Nery Santos**

In accordance with the City's Tree Protection Bylaw No. 8057, an applicant or owner may apply to Council for reconsideration of a tree permit that was refused by the Director, Building Approvals. As this is a relatively rare occurrence at Council, the attached document titled *Tree Permit Refusal Reconsideration Process* is provided as a general reminder and guideline on the procedure for the meeting. Mr. Santos has been provided a copy of the general procedure and the Special (Open) Council agenda package.

Following the hearing, Council may:

1. Uphold the Director, Building Approvals' decision;
2. Overturn the Director, Building Approvals' decision;
3. Consider a motion to delay consideration of the matter (for example, pending further information requests by Council); or
4. Such other action as Council considers appropriate.

If you have any questions concerning this process, please feel free to contact me at 604-276-4006.

Claudia Jesson
Director, City Clerk's Office

Encl.

Tree Permit Refusal Reconsideration Process

Under Section 6.5 of Tree Protection Bylaw No. 8057, an applicant or owner of property is subject to a requirement or a decision made by the Director under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the City Council for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.

The Hearing or Council Meeting

Tree permit refusal reconsiderations are generally heard at Open City Council meetings, which means members of the public or media are free to attend and observe the proceedings. Reconsiderations are generally set for a Special Council meeting, rather than a regularly scheduled Council meeting.

Agendas and Minutes

In accordance with normal practice, open Council meeting agendas are published on the City website prior to the meeting. Materials such as any supporting documents and reports are typically attached to the agenda and published to the City website. For tree permit refusal reconsiderations, the agenda materials may include the applicant's appeal letter and supporting materials, procedural information regarding the conduct of the hearing, and other relevant documents. All documents that are to be provided to Council will normally be provided to the applicant at least 10 days prior to the Council meeting at which the reconsideration will be heard.

Minutes are taken at the meeting. These minutes document the reconsideration hearing and any decision arrived at by City Council. In accordance with normal practice, minutes for Open City Council meetings are also published on the City website in the days following the meeting.

Conduct of the Reconsideration

The Mayor presides as the Chair of the meeting and will provide direction to the applicant as the proceedings unfold. Applicants and their representatives should address the Mayor as "Your Worship" and all questions about how the meeting is being conducted are to be directed to the Mayor.

The order of proceedings will be as follows:

1. Staff (Director, Building Approvals or designate) will be called upon by the Mayor to review the file, explain why the permit was refused, and answer any questions that may be posed by Council members.

2. Once Council has heard from staff, the applicant will be called forward by the Mayor to present the appeal. The applicant may present the appeal or have a representative do so on their behalf. There is no time limit placed on the applicant's presentation, provided the information provided is relevant and the proceedings are not being obstructed.
3. Following the applicant's presentation of the appeal, Council members may pose questions to the applicant.
4. Following any questions by Council members, the applicant may pose questions to the Director, Building Approvals or designate.
5. If any additional witnesses were called upon to provide information to Council, Council and the applicant may pose questions to the additional witnesses.
6. Once all questions have been answered, the applicant will be excused by the Mayor, at which time the applicant would return to the audience.
7. Council members would then deliberate on the matter in open session (meaning in front of any members of the public or media who may be present at the meeting). During Council deliberations, the applicant is not permitted to participate and can only observe from the audience.
8. Following deliberations, Council will take one of several possible actions:
 - a. Uphold the Director, Building Approvals' decision;
 - b. Overturn the Director, Building Approvals' decision;
 - c. Consider a motion to delay consideration of the matter (for example, pending further information requests by Council); or
 - d. Such other action as Council considers appropriate.

Council's Decision

Council's decision on a reconsideration is final and can only be overturned by judicial review. Written confirmation of Council's decision will be provided to the applicant in the days following the meeting. Council's decision is also published in the minutes of the meeting, which is available on the City website.

Extract from Tree Protection Bylaw No. 8057

6.5 Right of Reconsideration

- 6.5.1 Where an applicant or owner of property is subject to a requirement or a decision made by the **Director** under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the **City Council** for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.
- 6.5.2 An application for reconsideration must be delivered in writing to the **City Clerk** and must set out the grounds upon which the applicant considers the requirement or decision of the **Director** is inappropriate and what, if any, requirement or decision the applicant or owner considers the **Council** ought to substitute.
- 6.5.3 At the meeting of **Council**, **Council** may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the **Director** or substitute its own requirement or decision.



City of Richmond

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

October 23, 2020
File: 12-8360-20

Legal and Legislative Services Division
City Clerk's Office
Telephone: 604-276-4007
Fax: 604-278-5139

Nery Santos
3260 Williams Road
Richmond, BC V7E 1J1

Attention: Nery Santos

Dear Mr. Santos:

Re: Appeal of Tree Removal Permit Refusal for 3260 Williams Road

This letter is in relation to your request to appear before Richmond City Council to appeal the Tree Removal Permit Refusal for the property at 3260 Williams Road.

Details of the appeal process are outlined in the attached document titled *Tree Permit Refusal Reconsideration Process*. Also, enclosed with this letter is the full document that will be presented to Council for the appeal hearing. Please review and familiarize yourself with this material and bring it with you to the meeting scheduled for **Monday, November 2, 2020 at 4:00 p.m.**, in Council Chambers, Richmond City Hall. In accordance with normal City practice, these documents will be published on the City website as part of the agenda for the open Council meeting at which your appeal will be heard.

Following receipt of this letter, please contact me directly at 604-276-4006 to confirm you have received this package and that you wish to proceed with the appeal.

If you have any further questions or concerns, please feel free to contact me.

Yours truly,

Claudia Jesson
Director, City Clerk's Office

CJ:eb

Att. 1

pc: Joe Erceg, General Manager, Planning and Development
James Cooper, Director, Building Approvals



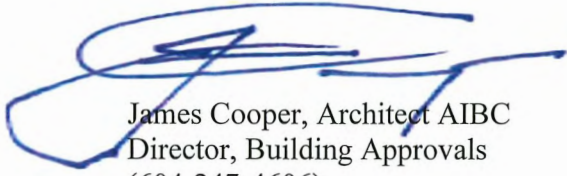
City of Richmond

Report to Council

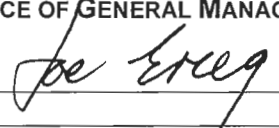


To: Richmond City Council **Date:** October 8, 2020
From: James Cooper, Architect AIBC **File:** 12-8360-20-AMANDA
 Director, Building Approvals #/2020-Vol 01
Re: **Appeal of Tree Removal Permit Refusal for 3260 Williams Road**

Staff Recommendation

That the decision to deny the removal of the subject tree that is healthy, structurally sufficient and has recovered from previous over-trimming on the property at 3260 Williams Road be upheld.



James Cooper, Architect AIBC
 Director, Building Approvals
 (604-247-4606)

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER	
	
SENIOR STAFF REPORT REVIEW	INITIALS:
	
APPROVED BY CAO	
	

Staff Report

Origin

The purpose of this report is to assist Council in making a decision on the current appeal made by Mr. Nery Santos. Mr. Santos is appealing to Council to reconsider City staff's decision to refuse the issuance of a tree removal permit of a large western red cedar tree on his property at 3260 Williams Road.

Under the Richmond Tree Protection Bylaw No. 8057:

6.5.1 Where an applicant or owner of property is subject to a requirement or a decision made by the Director under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the City Council for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.

Analysis

Mr. Santos hired a landscape contractor to trim a row of five large coniferous trees on his property in September of 2018. He had previously submitted a tree removal permit application to cut one of those trees in 2015 and also in 2017 but was denied in both cases. Mr. Santos alleges that without his permission, his landscape contractor removed the tree that he had previously applied for removal and damaged the rest by over-trimming/limbing. Upon being alerted to the situation, City staff assessed the situation and placed a Stop Work Order to prevent further damage. In order to fairly assess the damage to the remaining trees for determining appropriate fines, staff requested Mr. Santos provide the City with an arborist report as an independent third party documenting the health of the remaining trees. Mr. Santos provided an arborist report in October of 2018. The western red cedar tree currently requested by Mr. Santos for removal is one of the surviving trees as indicated in the arborist report.

After review of the arborist report, staff decided to reassess the remaining trees to allow one year of recovery time. Staff found that none of the trees were of high risk of structural failure despite the western red cedar tree in question being noted as moderate risk in the arborist report due to the over-trimming. After monitoring the trees over the ensuing months and conducting the re-inspection on December 4, 2019, staff concluded that all remaining trees including the western red cedar tree were not damaged to the point of requiring removal. Staff issued a fine of \$1,000 for the previous illegal removal of the single tree, served as a municipal ticket on December 12, 2019 (approximately one year after the removal). At that time, staff concluded that the remaining damaged trees had made robust recovery and are structurally sufficient, and no further regulatory action was required.

On January 9, 2020, Mr. Santos applied for the removal of the western red cedar tree as based on his 2018 arborist report. His application was denied since the inspection of the tree by City staff in February 2020 determined that the tree in question remained sufficiently recovered with "new lateral branching, new upper crown growth, dark green canopy." These conclusions were made through independent inspections by City staff, who are certified arborists holding tree assessment qualifications from the International Society of Arboriculture (ISA).

The western red cedar tree has continued to heal between the time of the initial arborist report and Mr. Santo's application for its removal, and is now both structurally sufficient and capable of sustaining itself. The removal of the tree would be unnecessary and may reinforce actions such as illegal over-trimming causing damage. Since conifers rely on a shallow root mat system for structural stability, removing one of the contributing members would also weaken the stability of the remaining trees.

Financial Impact

None.

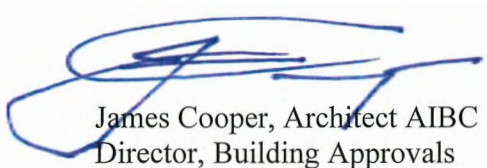
Conclusion

After due investigation, the conclusions and process followed by staff have been found to be professional and correct in the assessment of the tree requested for removal. There is no arboricultural reason to permit removal of a healthy tree that is structurally sufficient, having recovered from over trimming.

Mr. Santos is also appealing the decision based on his opinion that the tree roots would damage the foundation drains around his house. The tree is more than 20 feet away from the house foundations and perimeter drainage, and the likelihood of causing damage to the drain is minimal and does not constitute rationale for removal.

Tree Protection Bylaw No. 8057 stipulates that a tree permit application is required for the City to consider removal of any tree, and the application fee for considering one tree per year is waived. However, the tree permit application serves only to initiate assessment under strict criteria intended to prevent removal of healthy trees. In this case, the criteria for removal have not been met.

It is recommended that Council uphold staff's refusal to issue a Tree Removal Permit for the removal of the subject cedar to Mr. Santos for the property at 3260 Williams Road.



James Cooper, Architect AIBC
Director, Building Approvals
(604-247-4606)

JC:aa

BASED ON THE FOLLOWING MY REQUEST TO THE COUNCIL MEMBERS TO GRANT PERMISSION FOR REMOVAL OF (1) TREE (Tag 611)

(1) Plans submitted by home owner on December 11 2015 (Development Related Tree Permit) for removal of 7 trees(Tag 609/610/611/612/613/615/616)on the south side of above property due to drain tile issue and damage to sewage sewer, 1 tree on the west side of the property(fence issue Tag 617) and one tree on the north side of the property (building envelope Tag 548)

(2) City of Richmond approved on November 17 2015 (4)Trees : as per details listed below. Permit valid up to Dec 14 2016

- (a) 1 coniferous (0.50 trunk diameter Tag 548) tree on the north side of the property.
- (b) 1 small tree on the west side of the property (fence issue- Tag 617)
- (c) 1 stump on the south side of the property Marked X Tag 616
- (d) 1 Deciduous 1.40 Diameter Tag 612 , 1 coniferous tree 0.60 Diameter Tag 613 (hand removed)

3) Development Related Tree Permit issued by the City of Richmond dated 15 December 2017 was issued to protect and retain 5 Cedar trees (Tag 609/610/611/614/615)

(4) Home owner(s) Mr Nery Satish Santos & Lourdes Wilma Santos applied for 1 tree removal on May 1 2017 which was rejected by City of Richmond letter dated May 10 2017. The letter confirms that if the report from ISA Certified Tree Risk Assessor (CRTA) report substantiates the tree is a hazard, a permit will be issued for the tree(s) removal (letter attached)

(5) Home owner(s) reapplied on January 4 2020 for removal of 1 Tree at the above property.

(6) See Exhibit "A" (see attached) detailing chronological dates where the home owner has been in communication with the City of Richmond for the removal of 1 Tree Tag 611 New Tag 4660). As per Woodridge Tree Arborist ISA Certified Tree Risk Assessor (CRTA) report dated October 12 2018 indicating as follows :

Action : Remove tree is damaged to point whereby its ability to provide self sustenance greatly impaired.

(S) Since all trees(Tag nos 609/610/611/612/613/614/615/616) are in the same line of each other on the south side of the property. However Tag no 612/613/615 were approved by the City of Richmond. **It is rather strange that the City of Richmond only approved Tag 612/613/615 and disallowed Tag 609/610/611/614/615**

(6) Sanitary sewer is 3-5 ft away from Tag 609 & Tag 611. The roots of the all trees can damage the flow of the sewer drainage and drain tile situated on the south side of the property.

Home owner(s) based on the following facts:

(a) During the winter months as we are in the close proximity of the dyke. The home owner has experienced branches of the trees to fall and could cause personal injury and damage to home owner and neighbouring property. This is due to high winds in the neighbourhood. Moreover Tag 615 is 3.5 ft from the garden shed foundation which potentially can cause foundation damage

(b) Sanitary sewer is 4 ft away from tree tag no 609 & 611. Home owner is requesting Tag 611 to be removed as per arborist report (see attached) Roots of tag 609 & 611 can severely damage the big pipes leading to the sanitary sewage drain causing a back up which can be a huge impact on the home owner residence and neighbourhood (See Bansal & Associates - Geo technical Engineer letter dated October 26 2020)

(c) In the neighbourhood of Williams Road and Springmont Road. a developer has a tree removed during the construction of a new home with a similar situation where the tree was close to the sanitary sewer. I would like to know reasoning how this was done and the city has been not granted me the permission to have the tree cut on my property.

The Municipal Ticket Information M59129 issued on December 19 2019 shows the date of the incident as " The by law enforcement officer says that he or she has reasonable and probable ground to believe and does believe that the above named on or about 19/12/09 December 19 2019 (YY/MM/DO format) at 1300 hours" is incorrect. The date of the incident was on or around **September 21 2018**. (Error on the part of the issuing Officer) This has been brought to the notice of James Cooper several times and no proper answer was obtained.

Further the home owner(s) have abided with City of Richmond request to preserve trees as per the letter dated December 15 2017

My appeal is based on the above and grant me the permit to remove one tree Tag 611 as per Arborist report.

TREE REMOVAL 3260 WILLIAMS ROAD RICHMOND, B.C

- (1) Woodridge Tree Arborist assessment report dated Oct 12 2018 removal of tree Tag 4660 Thuja Plicata from the property. Report sent to Hanna on October 16 2020
- (2) Home owner(s) applied for tree removal permit application (Non development) January 8 2020
- (3) Letter from City of Richmond dated January 14 2020 disallowing above request from the home owner.
- (4) Email sent by home owner to Gordon Jaggs regarding tree cutting. As per arborist report the tree is to be removed.
- (5) Gorgon Jaggs visited site on February 19 2020 (without prior appointment) advised via verbal decision not to allow the tree to be removed.
- (6) Email from James Cooper dated May 29 2020 appealing decision of City of Richmond
- (7) Email to James Copper on June 6 2020 regarding removal of tree
- (8) Home owner email to City Council regarding tree cutting application being rejected.
- (9) Email resent by home owner on June 18 2020
- (10) Email to James Cooper March 3 2020 as a follow up.
- (11) Email to James Cooper dated March 4 regarding "Appeal"
- (11) Email to James Cooper regarding site visit by city staff (tree department "Matt" (new hire)
- (12) Email sent by home owner to James Cooper March 20 2020 regarding appeal
- (13) Several emails sent to Mathew O'Halloran (City Clerk Office) regarding appeal. Meeting was scheduled for October 26 2020 and later postponed by City Clerk Office to November 6 2020
- (14) Email from Mathew O'Halloran dated August 12 2020 regarding appeal meeting to be held with Council Members.
- (15) Email from Matthew O'Halloran dated October 13 2020 advising the meeting to be held on October 26 2020 and later postponed to November 2 2020. Home owner agreement to attend meeting as requested on November 2 2020 at 4 PM
- (16) Tree is not cut down as of date.

EXHIBIT A

TREE REMOVAL 3260 WILLIAMS ROAD RICHMOND, B.C

- (1) Woodridge Tree Arborist assessment report dated Oct 12 2018 removal of tree Tag 4660 Thuja Plicata from the property. Report sent to Hanna on October 16 2020
- (2) Home owner applied for tree removal permit application (Non development) January 8 2020
- (3) Letter from City of Richmond dated January 14 2020 disallowing above request from the home owner.
- (4) Email sent by home owner to Gordon Jaggs regarding tree cutting. As per arborist report the tree is to be removed.
- (5) Gordon Jaggs visited site on February 19 2020 (without prior appointment) advised via verbal decision not to allow the tree to be removed.
- (6) Email from James Cooper dated May 29 2020 appealing decision of City of Richmond
- (7) Email to James Copper on June 6 2020 regarding removal of tree
- (8) Home owner email to City Council regarding tree cutting application being rejected.
- (9) Email resent by home owner on June 18 2020
- (10) Email to James Cooper March 3 2020 as a follow up.
- (11) Email to James Cooper dated March 4 regarding "Appeal"
- (11) Email to James Cooper regarding site visit by city staff (tree department "Matt" (new hire)
- (12) Email sent by home owner to James Cooper March 20 2020 regarding appeal
- (13) Several emails sent to Mathew O'Halloran (City Clerk Office) regarding appeal. Meeting was scheduled for October 26 2020 and later postponed by City Clerk Office to November 6 2020
- (14) Email from Mathew O'Halloran dated August 12 2020 regarding appeal meeting to be held with Council Members.
- (15) Email from Matthew O'Halloran dated October 13 2020 advising the meeting to be held on October 26 2020 and later postponed to November 2 2020. Home owner agreement to attend meeting as requested on November 2 2020 at 4 PM

City Charter
MUNICIPAL TICKET INFORMATION
 ISSUED TO:

TC3101 M 59129

Personal Cheque

SURNAME OR CORPORATE NAME SANTOS		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONT'D) MERY	GENDER M F	BIRTHDATE YY MM DD	
ADDRESS 3260 WILLIAMS RD			
CITY RICHMOND	PROVINCE BC	POSTAL CODE V7E1J1	

The by-law enforcement officer says that he or she has reasonable and probable grounds to believe, and does believe, that the above named

on or about

 at the time of

at or near **3260 WILLIAMS ROAD**, City of Richmond,
 STREET ADDRESS Province of British Columbia

Did commit the offence indicated, under the following by-law:

TREE PROTECTION BYLAW 8057
 <By-law Name>

DESCRIPTION OF OFFENCE	USE FOR ONE OFFENCE ONLY	SECTION	FINE AMOUNT
CUTTING OR REMOVING ANY TREE OR REPLACEMENT TREE WITHOUT A VALID PERMIT		3.1.1	\$ 1,000.-

If you wish to dispute the allegation contained in this ticket, you may appear at the following location to give notice of dispute:

City of Richmond
 6911 No. 3 Road
 Richmond, B.C. V6Y 2C1

or deliver, have delivered, or mail a **Notice of Dispute** to the above address as described on the reverse. The fine amount may be paid in accordance with the prescribed instructions (see reverse).

For Court Use If Ticket Disputed		DATE YY MM DD	
AT HEARING			
<input type="checkbox"/> CONVICTED. FINE AMOUNT IMPOSED \$ _____	<input type="checkbox"/> DISMISSED		
SIGNATURE OF JUSTICE			
BY-LAW ENFORCEMENT OFFICER NAME OR NUMBER 087682		DATE OF SERVICE YY MM DD 19 12 12	
BY-LAW ENFORCEMENT OFFICER SIGNATURE <i>[Signature]</i>			
AREAS OF THIS TICKET SHADED IN GREY ARE NOT PART OF THE OFFENCE CHARGED			

If the fine is not paid or the allegation contained in this ticket is not disputed (see reverse) within 14 days from the date of service of this ticket, you will be deemed to have pleaded guilty to the offence charged and the fine amount will be immediately payable.

BANSAL AND ASSOCIATES

CONSULTING ENGINEERS INC.

Unit # 216 - 12899 76th AVENUE, SURREY, BC V3W 1E6

Tel: (604) 501 7788

October 26, 2020

TO WHOM IT MAY CONCERN



Dear Sir:

RE: STRUCTURAL ELEMENTS UNDER THE TREE ROOTS INFLUENCE LINE.

This is our professional opinion that no structural foundations, any service line, concrete driveways and drain tiles should be placed within the tree roots influence zone. We have seen the tree roots damaging shallow foundations, driveways and drain tiles.

We trust that this documentation meets your current requirements. If you have any queries, please do not hesitate to contact us.

Yours Truly



Jaswinder S Bansal P.Eng.



City of
Richmond

24 Hour Emergency Line
604-270-8721

Tree Protection Enquiries
604-247-4684

City Tree Removal Permit

15 717 490

Tree Permit No.

3260 WILLIAMS

Address

4

TREE(S) ONLY

Approval to Remove

DEC. 14, 2016

Permit Expiration Date

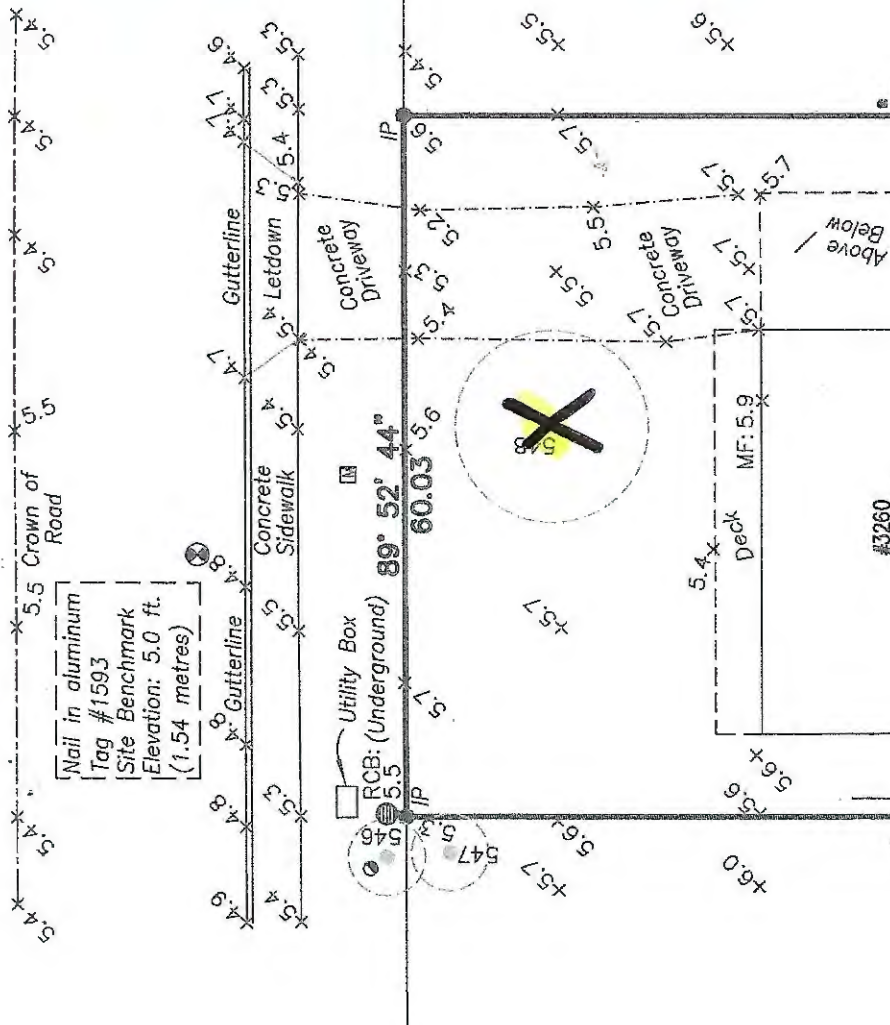
This card **MUST** be posted on property frontage 72 hours prior to removal.

**TOPOGRAPHIC SURVEY OF LOT 358 SECTION 33
BLOCK 4 NORTH RANGE 7 WEST
NEW WESTMINSTER DISTRICT PLAN 37608**

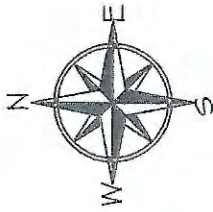
#3260 WILLIAMS ROAD,
RICHMOND, B.C.
P.I.D. 003-531-236

Tree Protection Bylaw Section, Building Approvals
 Maintain existing grades within Tree Protection Barriers.
 Adding fill material within the Tree Protection Zone is prohibited (prior to, during or post construction) as per Tree Protection Bylaw 8057. Refer to Tree Protection Bylaw Information Bulletin Tree-03 and Tree-07.
 Construction of continuous footings associated with free standing walls are prohibited in the Tree Protection zone.

WILLIAMS ROAD



Nail in aluminum
Tag #1593
Site Benchmark
Elevation: 5.0 ft.
(1.54 metres)



SCALE: 1 INCH = 16 FEET



ALL DIMENSION ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE INDICATED

Tree Plan/Landscape Plan Approval
 Tree Retention, Removal and Replacement as indicated has been approved in accordance with Tree Protection Bylaw 8057 and applicable tree protection guidelines as per Tree Permit #15-717490
 Trees Retained and Protected on site.....5
 Trees Retained on City Property.....0
 Trees Retained on Neighboring Property.....0
 Trees Approved for Removal.....4
 Required Replacement Trees.....1

RECEIVED
DEC 11 2019
CITY OF RICHMOND

Tree Table

Tree Number	Type	Trunk Diameter (ft.)	Dripline (ft.)	Elevation (ft.)	Notes
616	--	1.0	--	--	Stump
546	Deciduous	0.3, 0.3, 0.3	6.6	5.5	3 Trunks
547	Holly	0.7	6.6	5.5	
548	Deciduous	1.1, 0.6	16.4	6.0	2 Trunks
583	Coniferous	0.5	6.6	6.4	
584	Coniferous	0.5	3.3	6.5	
585	Coniferous	0.3	3.3	6.4	
586	Coniferous	0.3	3.3	6.1	
587	Coniferous	0.3	3.3	6.1	
588	Coniferous	0.3	3.3	6.1	
589	Coniferous	0.3, 0.3	3.3	6.1	2 Trunks
590	Coniferous	0.3	3.3	6.0	

3260 Williams Road, Richmond

City of
RICHMOND

TREE PERMIT
APPLICATION/PERMIT

6911 No. 3 Road
RICHMOND, B.C. V6Y 2C1

DEVELOPMENT RELATED TREE PERMIT

Site Address:	3260 Williams Rd	Permit #:	15 717490
Folder Name:	3260 Williams Rd	Issued:	December 15, 2015
Legal:	Plan: 37608 Lot: 358 Sec/BN/RW: 33/4/7	Expires:	December 14, 2016
Zone:	RS1/E		(if no construction activity)
Sub Type:		Work Proposed:	
Description:	4 trees approved for removal: #584/612/613/617 and stump #616	Access Code:	1173405

Applicant: Nery Santos

personal phone
number

Owner: Peter J Smith
3260 Williams Rd RICHMOND BC V7E 1J1

Owner: Norma J Smith
3260 Williams Rd RICHMOND BC V7E 1J1

Existing Use	Single family	Applicant's Phone N:	6045935251	Property Owner's Ph:	6042743834
Future Use	Single Family	Trees APPLIED for	1 10	# Trees Approved For	4
# of replacement tree	1	Size of Coniferous R	2m tall	Size of Deciduous R	6 cm caliper

CONDITIONS: Protect and retain 5 Cedar trees(#609/610/611/614/615)
Trees to be retained and all trees within 2m on neighbouring properties require installation of Tree Protection Fencing. Protection to be installed prior to demolition & must remain in place throughout construction (Bulletin Tree 3). INSPECTION REQUIRED. Applicant must plant 1 new trees and have them inspected. CALL 604-276-4158 FOR INSPECTION. All work within tree protection area to be supervised by ISA Certified Arborist. No more than 25% of live crown to be removed in one growing season.

PERMIT IS VALID FOR 1 YEAR FROM ISSUED DATE.
APPROVAL OF A TREE CUTTING PERMIT DOES NOT AUTOMATICALLY IMPLY THAT A TREE MAY BE PRUNED OR REMOVED. The landowner is responsible for any and all of the following: restrictive covenants; property boundaries to identify shared trees, neighbouring private trees, City or other agency owned or maintained trees; conditions placed on the property through current Subdivision, Rezoning, Development Permit approval processes; the presence of watercourses and riparian areas protected under the Provincial Fish Protection Act and the Federal Fisheries Act; the presence of nests for birds or wildlife that may be protected under the Provincial Wildlife Act or the Federal Species At Risk Act. TREE PROTECTION FENCING IS REQUIRED FOR ALL CONSTRUCTION PROJECTS.

Name: _____

Phone: _____

Signature: _____

Issued By: 

Nery Santos

**CNCL - 19
(Special)**



City of Richmond

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

May 10, 2017
File: 17 771225

Planning and Development Department
Fax: 604-276-4063

LOURDES W SANTOS NERY S SANTOS/
3260 WILLIAMS RD
RICHMOND BC V7E 1J1

Dear Owner:

Re: Tree Cutting application for 3260 Williams Rd

This letter is in regards to your application for a tree cutting permit dated Monday, May 1, 2017 for the removal of 1 tree located at 3260 Williams Rd.

An inspection was conducted to confirm the reasons for tree removal as stated on your application. Based on observations only at the time of the inspection it has been determined that: The tree should be preserved. We recommend that the trees be crown raised and pruned by an ISA Certified Arborist.

A written request to the Tree Preservation Coordinator may be submitted within 30 days of receipt of this letter to review the reasons for refusal. If the permit application refusal is upheld, the applicant can submit a report from an ISA Certified Tree Risk Assessor (CTRA). If the CTRA report substantiates the tree is a high hazard, a permit will be issued for the tree(s) removal.

Please call 604-247-4684 or email treeprotection@richmond.ca to request a list of ISA Certified Arborists that are licensed to do business in the City of Richmond or if you have any questions regarding this refusal.

As the property owner, you are responsible for the proper care and management of all trees on your property.

For information on tree care, pruning and planting, go to www.treesaregood.com.

Yours truly,

Sue Davis
Tree Preservation Official

Hanae Sakurai
Tree Preservation Official

Gordon Jaggs
Tree Preservation Coordinator

CNCL - 20
(Special)



October 12, 2018

Re: Arborist assessment of four trees located at the back of property at 3260 Williams Rd, Richmond.

Assignment:

Arborist to outline existing conditions, risk ratings and provide recommendations.

Observations:

I arrived on site on the afternoon of October 10, 2018. I observed the presence of four trees lining the backyard property line and one stump belonging to a recently removed fifth tree.

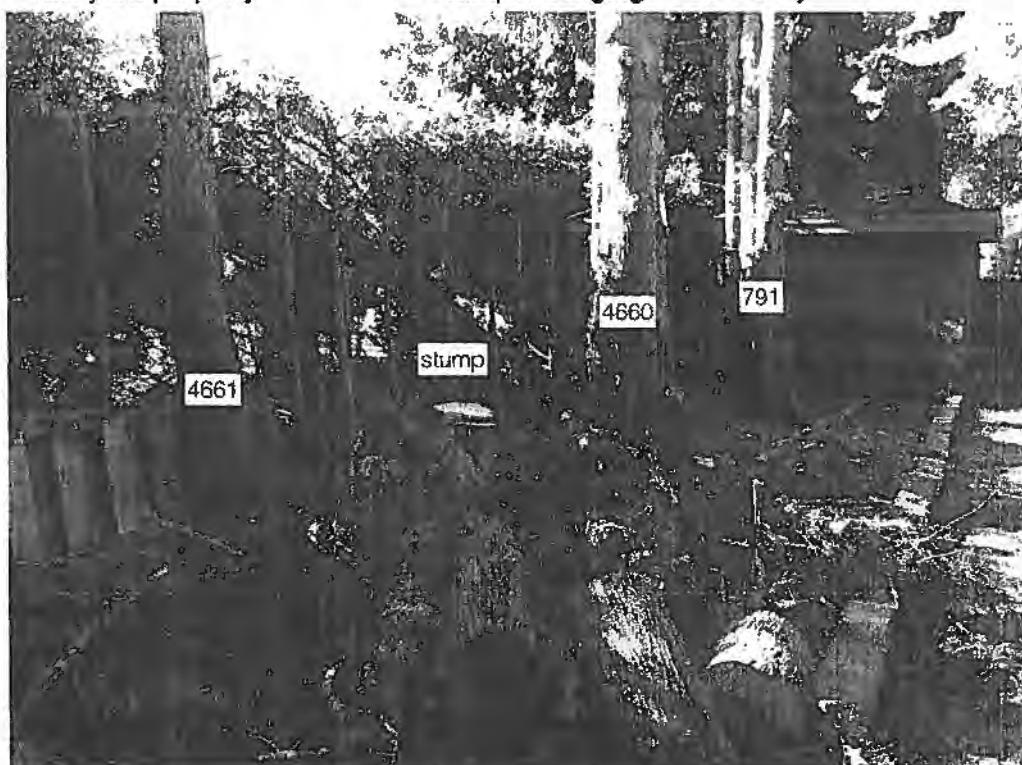


IMAGE 1- Site at time of observation.

Arborist assessment at 3260 Williams Road
Woodridge Tree Consulting Arborists Ltd.

tag 4661	species <i>Cedrus deodara</i> Deodar Cedar	dbh 34cm	description Tree stands with a natural, phototropic lean towards the South neighbour. Live crown is entirely to the south due to the presence of tree which had stood in shared crown space. TRAQ detail: Target- neighbour house Tree Defects- natural lean in stem- unbalanced crown- dual leader at top- small branch dieback- LCR 35% Main concern- lean and off balance Load on defect- moderate Likelihood of failure- improbable Impact- medium Likelihood of impacting target- unlikely Risk Rating- Low	action No action, reassess in one years time.
tag stump	species <i>Thuja plicata</i> Western Red Cedar	dbh 40cm	description 30cm tall stump of tree that was recently cut down. Counted 43 annual growth rings.	action N/A
tag 4660	species <i>Thuja plicata</i> Western Red Cedar	dbh 69cm	description A dual stemmed tree from 1.4m and up. Observe bark inclusion at the union of the leaders. Crown has been lifted by 85%. Some branches were left as stubs, some others were overcut into the trunk. Tree is excessively damaged due to excess pruning. TRAQ detail: Target- neighbour house, owner house	action Remove- tree is damaged to point whereby its ability to provide self sustenance greatly impaired.

Arborist assessment at 3260 Williams Road
Woodridge Tree Consulting Arborists Ltd.

Automatic reply: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Cooper, James <JCooper2@richmond.ca>

Fri, 2020-08-04 9:05 AM

To: Nery Santos [personal email address]

I am out of the office today returning on Tuesday, August 4. I will return your message as soon as I return. If the matter is urgent, please contact Mr. Fred Tewflik for inspections at ftewfik@richmond.ca or Ms. Serena Trachta for plan review at strachta@richmond.ca.

Thanks,

James

Re: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Nery Santos [personal email address]

Tue 2020-08-04 9:05 AM

To: Cooper, James <JCooper2@richmond.ca>

From: Nery Santos [personal email address]

Sent: July 13, 2020 8:48 AM

To: Cooper, James <JCooper2@richmond.ca>

Subject: Re: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James:

Thank you for the long awaited response to my emails sent to you.

I am quoting the Municipal Ticket Information " The by-law enforcement officer says that he or she has reasonable and probable grounds to believe and does believe, that the above named on or about **19 12 04** at the time of **1300** hours at or near 3260 Williams Road City of Richmond Province of British Columbia".

I am not satisfied with your reply that the City Staff are qualified Arborist. If they are so (which I do not debate) it is not necessary to obtain an arborist report which you have the authority to over rule.

The offence happened on or about September 21 2018 and not on December 4 2019. I fail to understand why there is an inconsistency in the Municipal Ticket information

Further you have not as of date responded to my queries about how trees have been cut at various addresses provided. It been a couple of months since I brought this to your notice and have had no response.

Your prompt response would be appreciated.

Thanks

Nery

From: Cooper, James <JCooper2@richmond.ca>

Sent: July 10, 2020 3:37 PM

To: 'Nery Santos' [personal email address]

Subject: RE: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Good afternoon, Mr. Santos

As I stated, there are 2 dates on the ticket. December 4 as you confirm as written on the ticket is the enforcement date at the top of the ticket and December 12 on the bottom is the date the ticket was served. I don't see any

benefit to debating this. We have the record ticket.

The tree was cut down in September of 2018 without permit and the adjacent trees were damaged by over-trimming. The request for an arborist report is to allow an independent assessment of the damaged trees in order to determine a fair and reasonable response in relation to the scope of damage. Deliberations taking into account inspection by staff and your arborist report resulted in a fine solely for the one tree that was illegally removed and not for structural damage to the remaining trees since it was determined that the damage would not result in loss of those trees in future.

Since the time in 2018 of your arborist report, the cedar tree you have recently applied for removal has recovered from the overly aggressive trimming as confirmed in further inspections by staff who are ISA certified arborists holding tree assessment qualifications from the ISA as well as Science degrees in Urban Forestry and Forest Management. It is their combined professional opinion that the tree is sustaining itself, structurally sound and healthy. Under those circumstances, removal was denied.

Mr. Santos, it is not our intention to be deliberately in opposition. Please be assured that our conclusions are based on professional inspection and knowledge gained over many years and training amongst staff holding the same or higher qualifications as arborists in industry.

I trust this answers your questions.

James

James Cooper, Architect AIBC
Director, Building Approvals
City of Richmond | 6911 No. 3 Road, Richmond BC V6Y 2C1
Direct (604) 247-4606 | jcooper2@richmond.ca

From: Nery Santos [personal email address]
Sent: June 30, 2020 10:36 AM
To: Cooper, James <JCooper2@richmond.ca>
Subject: Re: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James

In order to help you get the correct date here is the scenario:

1, Why would an arborist report dated Oct 12 2018 would be done as per the request of the City? The date of offence is the Municipal Ticket Information Dated 12 December 2019.

Something does not jive/match.

Your immediate response would be appreciated.

Nery

From: Nery Santos [personal email address]
Sent: June 30, 2020 7:44 AM

To: Cooper, James <JCooper2@richmond.ca>

Subject: Re: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James

Thank you for your response.. I would like to bring to your notice the following inconsistencies:

1. The date of offence as indicated in the Municipal Ticket Information M 59128 dated December 12 2019 was Dec 4 2019 which is incorrect. Please go back to your file and research the correct date.
2. I do not agree with you regarding the health of the trees. The City staff are not arborist and why did it take over 2 years for someone to come and assess the health of the tree. Moreover I was put to unnecessary expense in hiring a certified arborist to give me a report which the city has over ruled. Kindly call me to discuss
3. A couple of months ago I mentioned 3 address in Richmond where trees were cut. I have had no response to these issues raised. Please reply via email as it has taken a long time for you to reply to my inquiry.

Looking forward to a immediate response.

From: Cooper, James <JCooper2@richmond.ca>

Sent: June 29, 2020 5:49 PM

To: Nery Santos [personal email address]

Cc: Jaggs, Gordon <GJaggs@richmond.ca>

Subject: Re: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Good afternoon, Mr. Santos

Thank you for your patience. I have recently reviewed the entire file to affirm the information communicated in regards to the points you made on your email of April 17.

For item 1 on that email, subsequently re-raised in your later email of May 29, there are typically 2 dates on a municipal ticket. The first date is the Enforcement date of December 4, 2019 at the top of your ticket, that is the date the tree protection officer attended your property to assess the damage. The second date, at the bottom of the ticket, is the service date which is the date the ticket was served on December 12, 2019. I find no inconsistency after investigation of this matter.

For item 2, when all 3 tree protection officers independently inspected the tree requested for removal in late January and February of 2020, the conclusions were the same, that the tree had recovered from the overly aggressive trimming and is healthy and structurally viable now. I have read the excerpt attached to your May 29 email as taken from the Woodridge Tree Consulting report from 2018 that recommends removal due to "impaired ability to sustain itself" at that time. However, the more recent observations made more than one year later by city tree protection staff, who are also trained arborists, showed healthy new growth and healing from the inflicted damages. It is only logical and professional that we base our decision on the most current professional observations and conclusions. As based on these observations and the professional opinion of staff, I can only conclude that the tree is not hazardous and is today self sustaining and structurally sound. I find no need to allow removal.

10/18/2020

Mail - Nery Santos - Outlook

Mr. Santos, I know this is not the outcome you may be expecting, but in light of all the information provided to me, I support the decision made to deny removal of the tree in question.

James

James Cooper, Architect AIBC
Director, Building Approvals
City of Richmond | 6911 No. 3 Road, Richmond BC V6Y 2C1
Direct (604) 247-4606 | jcooper2@richmond.ca

From: Nery Santos [personal email address]
Sent: June 9, 2020 4:02 PM
To: Cooper, James
Subject: Re: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James

I am awaiting to your response which you indicated that I would get a reply early last week.. It seems its over 3 months since we had emails going back and forth.

Thanks

Nery

From: Nery Santos [personal email address]
Sent: May 30, 2020 7:04 AM
To: Cooper, James <JCooper2@richmond.ca>
Subject: Re: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James:

Attached is Woodridge Arborist report which clearly indicates the removal of the tree. I hope the explanation provided meets your requirements.

Regards

Nery

From: Nery Santos [personal email address]
Sent: May 29, 2020 6:25 PM
To: Cooper, James <JCooper2@richmond.ca>
Subject: Re: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James

I totally disagree with Item 1. Please read Page 2 of Woodridge Tree Consulting Arborists Ltd: wherein Tag no 4660 under Action "Quote un Quote". Remove - Tree is damaged to point whereby its ability to provide self sustenance greatly impaired. I was informed by Gordon Jags to obtain a Arborist report and would only comply on receipt of the arborist report.

Item # 2 : Un answered despite several requests. There is no confusion of the date of incident. Needs to be investigated why the wrong date was inserted on the Municipal Ticket Information M 5912 dated Decemeber 12 2019 showing the date of the incident as 04 Dec 2019 (wrong date)

Further I had brought to your notice about tree removal at different locations in Richmond and you would look as to the reason how and why the trees were removed. Kindly respond to my inquiry.(UN ANSWERED DESPITE SEVERAL REQUEST)

Kindly reply to my email no later than Monday June 1 2020

Thanks

Nery

From: Cooper, James <JCooper2@richmond.ca>
Sent: May 29, 2020 5:46 PM
To: 'Nery Santos' [personal email address]
Subject: RE: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Good afternoon, Mr. Santos

Thank you for your kind wishes and I hope you and your family are well and keeping safe.

I have spoken with staff in response to your points raised in your email of April 17. Please see below my response.

For your item 1,

It is my understanding that your arborist's report does not state that the tree required removal. The report was requested in order to provide an unbiased opinion on which to base a decision, and in no way committed the city to abide by any recommendations. As per a previous message on the matter, the tree in question when examined by City staff showed that it had recovered from the damaged caused by excessive trimming, becoming structurally sound and healthy. For those reasons, the request to remove was denied.

For your item 2,

I have instructed staff to fine copies of the fine and coordinate. I suspect there is some confusion regarding the service date of the fine and the issuance date. I will confirm on Monday and update.

Thank you for your patience.

James

To: Cooper, James <JCooper2@richmond.ca>

Subject: Re: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James

I do not agree with your comments and would like to bring a few points :

1. I was advised by the Tree Department Mr Gorgon Jaggs that I need to get an arborist report and the city would abide by the arborist report. The report clearly indicates that the tree should be removed. Why did I have to spend money with the report and the City is now not accepting the Arborist Report.
2. The date of the tree branches cut was Sept 21 2018. When I was presented the by law Municipal Ticket Information M59129 o December 19 2019 the date mentioned of by law 8057 was 04.12.2019 which is incorrect. The fine was paid on December 12 2019. I need to know why the date mentioned was incorrect. I find it wrong on the part of Hanna to have the wrong date mentioned. Need clarification on this issue. Something does not add up.

Further I had brought to your notice about tree removal at different locations in Richmond and you would look as to the reason how and why the trees were removed. Kindly respond to my inquiry,

Thanks

Nery

From: Cooper, James <JCooper2@richmond.ca>

Sent: April 16, 2020 12:59 PM

To: 'Nery Santos' [personal email address]

Cc: Jaggs, Gordon <GJaggs@richmond.ca>; Huk, Matthew <MHuk@richmond.ca>; Sakurai, Hanae <HSakurai@richmond.ca>

Subject: RE: Phone conversation March 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Good afternoon, Mr. Santos

Firstly, I hope that you and your family are doing well and are safe. I appreciate your patience during these trying times.

In addressing your appeal of a decision by Tree Protection staff to deny the removal of one western red cedar on your property at 3260 Williams Road, I have reviewed the file and come to the conclusion that the decision is valid.

- The on-site evaluation of the tree in question by all three members of the Tree Protection staff conclude that it has recovered as of February 19, 2020 from the excessive trimming that took place previously, and there is no present evidence of structural instability that would require its removal.
- Based on the healthful new growth having taken place after your arborist's report of 2018, the conclusion is that it is viable and healthy.
- Also, since the tree is approximately 25 feet away from the house and shows no sign of producing root intrusion into perimeter foundation drains, there is no current rationale for assuming potential damage to the house and its drainage system.
- As part of staff's decision, the removal of the tree in question would actually diminish the structural integrity of the adjacent conifers since its removal would diminish the collective root support system that is typical for conifers.

- Based on the healthful new growth having taken place after your arborist's report of 2018, the conclusion is that it is viable and healthy.
- Also, since the tree is approximately 25 feet away from the house and shows no sign of producing root intrusion into perimeter foundation drains, there is no current rationale for assuming potential damage to the house and its drainage system.
- As part of staff's decision, the removal of the tree in question would actually diminish the structural integrity of the adjacent conifers since its removal would diminish the collective root support system that is typical for conifers.

For the reasons described above, I cannot agree with your appeal. Please feel free to contact me for any clarification.

Thank you for your patience.

James

James Cooper, Architect AIBC
Director, Building Approvals
City of Richmond | 6911 No. 3 Road, Richmond BC V6Y 2C1
Direct (604) 247-4606 | jcooper2@richmond.ca

From: Nery Santos [personal email address]
Sent: March 23, 2020 2:24 PM
To: Cooper, James <jcooper2@richmond.ca>
Subject: Re: Phone conversation Maarch 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James

Did you get a chance to look into my appeal dated March 3 2020

Thanks

Nery

From: Nery Santos [personal email address]
Sent: March 20, 2020 10:57 AM
To: Cooper j <jcooper2@richmond.ca>
Subject: Re: Phone conversation Maarch 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James

Further to my email dated March 4 and March 13 2020 I have not received any response regarding the appeal made for the tree cutting and the Arborist report. Further I have not received any written letter from the City of Richmond.

Your prompt response would be appreciated.

Regards

Nery

From: Nery Santos [personal email address]
Sent: March 13, 2020 10:05 AM
To: Cooper j <jcooper2@richmond.ca>
Subject: Re: Phone conversation Maarch 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James

Can you please reply to my email dated March 4 2020

Thanks

From: Nery Santos
Sent: March 4, 2020 1:48 PM
To: Cooper j <jcooper2@richmond.ca>
Subject: Phone conversation Maarch 4 2020 "Appeal 3260 Williams Road Richmond" Tree removal

Hi James

Thank you for taking the time to speak to me about tree issues. As per my email dated January 22 ,2020 I had appealed Matts decision on refusal of the tree application permit. Further Gordon Gaggs visited the site around first week of February 2020 and a verbal decision not to allow the tree to be removed, even though the Arborist had indicated that the tree needs to be removed.

I am pursuing the matter as an "Appeal" with you. Please advise by email your decision.

Regards

Neryed