



**Regular Council Meeting for Public Hearings
Monday, October 21, 2013**

- Place: Council Chambers
Richmond City Hall
6911 No. 3 Road
- Present: Mayor Malcolm D. Brodie
Councillor Chak Au
Councillor Linda Barnes
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Ken Johnston
Councillor Harold Steves
- David Weber, Corporate Officer
- Absent: Councillor Bill McNulty
Councillor Linda McPhail
- Call to Order: Mayor Brodie opened the proceedings at 7:00 p.m.

**1. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9010
(RZ 13-629294)**

(Location: 5831 Moncton Street; Applicant: Ajit Thaliwal and Aman Dhaliwal)

Applicant's Comments:

The applicant was available to answer questions.

Written Submissions:

None.

Submissions from the floor:

Ray Froh, 5771 Moncton Street, stated that he had no objection to the proposed subdivision into four lots but raised concern with the preservation of the trees on his property, particularly with the cedar tree, identified as C on the tree management drawing. The speaker report that at a site meeting, Norman Hall, Arborist for the developer, advised that 50% of the root system would be impacted on the cedar tree and was recommended for removal. Mr. Froh has not agreed to the trees removal and requested information as to what has been done to protect his property.



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Gordon Jaggs, Tree Preservation Coordinator, advised that the proposed interior side yard setback for Lot 1 had been increased to 2.3 metres and a contract with a Certified Arborist to monitor any mitigating impacts to the retained trees has been submitted.

Wayne Craig, Director of Development, stated that the purpose of the tree protection fencing is to ensure there is minimal impact to the tree and no incursion into the tree protection zone. There is limited work that would be required within this tree protection zone for this proposal which, as a requirement of the rezoning, there is the need for the contract with a certified Arborist throughout the construction phase. The contract includes monitoring throughout the construction phase and submitting post-construction assessment reports. Additionally, the minimum required building setback has been increased along the subject property line.

Mr. Froh asked that should 50% of the root system of the cedar tree be destroyed during the construction phase and should something happen to either to the tree, his property or family subsequent to construction, who would be liable for the damages?

In reply to a query, Mr. Craig advised that, in consultation with the Transportation Division on the subdivision, a corner cut road dedication is required, as well as, additional statutory rights-of-way for sidewalks. The development will include a servicing agreement for frontage improvements along both road right-of-ways.

With regard to lot configuration for the proposed subdivision, Mr. Craig noted that staff has not considered the subdivision layout as a measure for tree protection. A concern would be the ability of Lot 1 to meet the minimum lot area.

Norm Hall, Arbortech Consulting, advised that considerable work has been completed since the meeting with Mr. Froh. A revised Arborist report has been submitted detailing that the subject trees are being retained. Arbortech undertook an exploratory low impact excavation to expose and examine the volume of the cedar root system. Based on the tree size, soil conditions, exposure, and the species tolerance, the safe or appropriate setback of 2.3 metres from the property line was determined to ensure the tree's stability will not be compromised.



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Additionally, Mr. Hall noted that during construction, as per the condition of rezoning, his company has been retained by the applicant to undertake root pruning, grade protection of the area, and take any measurements required in order to ensure the tree is not de-stabilized. Mr. Hall indicated that he certifies that the mitigation measures have been followed throughout the course of construction and that professional standards have been met. With the increased setback of 2.3 metres the potential root loss to the cedar trees has decreased to 20%.

In response to a query, Mr. Hall stated that he has professional insurance for error and omissions liability which affords him the ability to make decisions based on professional standards. He is confident, with the proposed plan in place, that the tree will have sustained tolerable and negligible impact at the end of the construction term and that there would be no increased risk of failure from the work done.

Mr. Craig concurred with the Arborist's analysis regarding liability, risk, and certification.

In response to the information from the Arborist, Mr. Froh, speaking for a second time, indicated that the liability insurance would not protect his property or family. In Mr. Froh's opinion a loss of 10% of the root system would be too much and is asking Council's consideration of the situation.

Discussion ensued regarding possible referrals to staff for a review of the subdivision geometry or to the Development Permit Panel as a condition of approval. Mr. Craig advised that a referral to staff would take an approximate response time of three months. The rezoning application is not subject to a Development Permit and therefore Council could not direct that the application go before the Development Permit Panel to address the subdivision geometry. Mr. Craig noted that the cash security of \$5000.00 for the survival of the trees to be retained on-site could be extended to include the off-site trees.

In response to a query concerning trimming the height of the tree, Mr. Froh stated that he had not considered reducing the height of the tree and was not able to comment whether an Arborist would recommend such a measure.



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In response to a query regarding the subdivision configuration, Ajit Thaliwal, the applicant, stated that a number of layouts were considered and that a servicing right-of-way had been a major factor in determining the current subdivision proposal. Mr. Thaliwal suggested that a compensation package in the amount of \$5,000.00 for the survival of the tree could be extended to Mr. Froh. The applicant indicated that they had worked diligently with staff to provide solutions to the retention of the cedar tree including a substantial redesign of the floor plans for the adjacent lot.

Discussion ensued regarding a referral to staff or moving the application forward with direction that the geometry of the layouts be reviewed during the subdivision process, the cash securities for the on-site trees being extended to the off-site trees, and increasing the amount of securities particularly for the off-site trees.

PH13/9-1

It was moved and seconded

- (1) That Zoning Amendment Bylaw 9010 be given second and third readings;*
- (2) That the geometry of the layouts be reviewed during the subdivision process;*
- (3) That the cash securities for the on-site trees be extended to the off-site trees; and*
- (4) That the securities, for the off-site trees, be increased to \$10,000.00.*

The question was not called on Resolution No. PH13/9-1 as discussion ensued regarding the subdivision being reconfigured in order to develop the lots with minimal, if any, impact to the retained trees and that the suggestion to top the tree be considered. The question was then called and it was **CARRIED**.

2. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9012 (RZ 12-624849)

(Location: 11351 No. 1 Road; Applicant: Mike Young)

Applicant's Comments:

The applicant was available to answer questions.

Written Submissions:

None.



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Submissions from the floor:

None.

PH13/9-2

It was moved and seconded

That Zoning Amendment Bylaw 9012 be given second and third readings.

CARRIED

**3. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9048
(RZ 12-603352)**

(Location: 7311/7331 Lindsay Road; Applicant: Sukhvir Dosanjh)

Applicant's Comments:

The applicant was not available to answer questions.

Written Submissions:

None.

Submissions from the floor:

None.

PH13/9-3

It was moved and seconded

That Zoning Amendment Bylaw 9048 be given second and third readings.

CARRIED

**4. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9049
(RZ 13-631303)**

(Location: 7671 Bridge Street; Applicant: Ken Jarmana)

Applicant's Comments:

The applicant was available to answer questions.

Written Submissions:

None.

Submissions from the floor:

None.

PH13/9-4

It was moved and seconded

That Zoning Amendment Bylaw 9049 be given second and third readings.

CARRIED



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**5A. PROPOSED AMENDMENT TO SINGLE-FAMILY LOT SIZE
POLICY 5409**

**5B. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9050
(RZ 13-629950)**

(Location: 11140 King Road; Applicant: Rajni Sharma)

Applicant's Comments:

The applicant was available to answer questions.

Written Submissions:

None.

Submissions from the floor:

Graeme Masson, 9880 Seaton Court, did not support the proposed amendment to the Single-Family Lot Size Policy requesting that rezoning applications for each of the 15 lots affected by the proposed amendment be considered separately.

Mr. Craig advised that the rezoning is specific to the property on King Road. The staff recommendation is for the lot size policy to be amended to potentially allow these properties to seek rezoning in the future and that each application would proceed through the statutory rezoning process, including a public hearing, where it would be considered on a site specific basis. Mr. Craig further advised that when the rezoning application was submitted it triggered the need to amend the lot size policy with a more holistic point of view based on the number of existing duplexes in the area and other larger lots that had similar subdivision potential. There are a number of lot size policies throughout the City and each has a defined catchment area.

In reply to a query, Mr. Craig stated that should the lot size policy be amended as recommended there would be a potential for 15 additional lots within this area that could come forward for rezoning and subdivision. The additional lots were identified based on the dimensions of the existing lots.

Rajni Sharma, the applicant, expressed that the proposed subdivision meets the requirements for minimum lot areas and lot widths and will provide affordable housing for four family units, including rental suites.



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Mayor Brodie acknowledged the conclusion of the first round of public speakers. Speakers then addressed Council for the second time with new information.

Mr. Masson requested clarification whether any of the other 15 lots were currently being rezoned.

Mr. Craig stated that, though there had been previous applications for rezoning in this area, none of the other 15 lots are being rezoned at this time. A previous lot size policy amendment proposal in 1994 was not approved.

PH13/9-5

It was moved and seconded

That Single-Family Lot Size Policy 5409 for the area generally bounded by Shell Road, King Road, No. 5 Road, and properties fronting onto Seaton Road, in a portion of Section 25 Block 4 North Range 6 West, be amended to permit existing properties with duplexes to rezone and subdivide into a maximum of two (2) lots, and to permit properties that are a minimum of 24 m wide (26 m for corner lots) and 720 m² in area to rezone and subdivide in accordance with the "Single Detached (RS2/B)" zone.

The question on Resolution No. PH13/9-5 was not called as comments were made to clarify that the passing of the lot size policy amendment does not pre-suppose approval for any future rezoning application. Each subsequent rezoning application would be considered on an individual basis. The question was then called and it was **CARRIED**.

PH13/9-6

It was moved and seconded

That Zoning Amendment Bylaw 9050 be given second and third readings.

CARRIED

In accordance with Section 100 of the *Community Charter*, Councillor Derek Dang and Councillor Ken Johnston declared themselves to be in a conflict of interest as they each have an interest in the subject property for Item 6, and left the meeting (8:02 p.m.).



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**6. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9055
(RZ 13-627627)**

(Location: 5160 and 5180 Blundell Road; Applicant: Kensington Homes Ltd.)

Applicant's Comments:

The applicant was available to answer questions.

Written Submissions:

None.

Submissions from the floor:

Debora Harman, 5151 Chetwynd Avenue, requested clarification on the preservation of trees on the subject and neighbouring daycare properties.

Mr. Craig stated that a number of the poplar trees along the west property line are slated for removal and replacement and that a cluster of trees in the southwest corner of the site have been identified for retention under the current townhouse proposal.

It was moved and seconded

That Zoning Amendment Bylaw 9055 be given second and third readings.

CARRIED

PH13/9-7

Councillor Derek Dang and Councillor Ken Johnston returned to the meeting (8:04 p.m.).

**7. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9057
(RZ 13-636814)**

(Location: 8131 No. 3 Road; Applicant: Jacken Investments Inc.)

Applicant's Comments:

The applicant was available to answer questions.

Written Submissions:

None.

Submissions from the floor:

None.



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PH13/9-8 It was moved and seconded
That Zoning Amendment Bylaw 9057 be given second and third readings.
CARRIED

ADJOURNMENT

PH13/9-9 It was moved and seconded
That the meeting adjourn (8:05 p.m.).
CARRIED

Certified a true and correct copy of the
Minutes of the Regular Meeting for Public
Hearings of the City of Richmond held on
Monday, October 21, 2013.

Mayor (Malcolm D. Brodie)

Corporate Officer
City Clerk's Office (David Weber)