



**Regular Council meeting for Public Hearings  
Tuesday, December 15, 2015**

Place: Council Chambers  
Richmond City Hall

Present: Mayor Malcolm D. Brodie  
Councillor Chak Au  
Councillor Derek Dang  
Councillor Carol Day  
Councillor Alexa Loo  
Councillor Bill McNulty  
Councillor Linda McPhail  
Councillor Harold Steves

Michelle Jansson, Acting Corporate Officer

Absent: Councillor Ken Johnston

Call to Order: Mayor Brodie opened the proceedings at 7:00 p.m.

1. **RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9291  
(RZ 14-674043)**

(Location: 7180 Railway Avenue; Applicant: Landcraft Homes Ltd.)

*Applicant's Comments:*

The applicant was available to respond to queries.

*Written Submissions:*

(a) Jaswant Bhopal, 9291 Gormond Road (Schedule 1)

(b) Vladimir Charvat, 7155 Lindsay Road (Schedule 2)

*Submissions from the floor:*

None.

PH15/11-1

It was moved and seconded

*That Richmond Zoning Bylaw 8500, Amendment Bylaw 9291 be given  
second and third readings.*

**CARRIED**



**Regular Council meeting for Public Hearings  
Tuesday, December 15, 2015**

**2. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9491  
(RZ 11-578758)**

(Location: 6571/6573 No. 4 Road; Applicant: Anwer Kamal)

*Applicant's Comments:*

The applicant was available to respond to queries.

*Written Submissions:*

None.

*Submissions from the floor:*

None.

PH15/11-2

It was moved and seconded

*That Richmond Zoning Bylaw 8500, Amendment Bylaw 9491 be given  
second and third readings.*

**CARRIED**

**3. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9500  
(ZT 15-710092)**

(Location: 7400 River Road; Applicant: City of Richmond)

*Applicant's Comments:*

The applicant was available to respond to queries.

*Written Submissions:*

None.

*Submissions from the floor:*

None.

PH15/11-3

It was moved and seconded

*That Richmond Zoning Bylaw 8500, Amendment Bylaw 9500 be given  
second and third readings.*

**CARRIED**

PH15/11-4

It was moved and seconded

*That Richmond Zoning Bylaw 8500, Amendment Bylaw 9500 be adopted.*

**CARRIED**



**Regular Council meeting for Public Hearings  
Tuesday, December 15, 2015**

**4. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9503  
(ZT 15-710920)**

(Location: 2760 Sweden Way; Applicant: Pacific Land Resource Group Inc.)

*Applicant's Comments:*

The applicant was available to respond to queries.

*Written Submissions:*

(a) Michael Cukoff, 6 Staples Avenue, Richmond Hill, ON (Schedule 3)

*Submissions from the floor:*

None.

PH15/11-5

It was moved and seconded

***That Richmond Zoning Bylaw 8500, Amendment Bylaw 9503 be given second and third readings.***

**CARRIED**

**5. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9504  
(RZ 15-693376)**

(Location: 10340 Odlin Road; Applicant: CIS Homes Ltd.)

*Applicant's Comments:*

The applicant was available to respond to queries.

*Written Submissions:*

None.

*Submissions from the floor:*

None.

PH15/11-6

It was moved and seconded

***That Richmond Zoning Bylaw 8500, Amendment Bylaw 9504 be given second and third readings.***

**CARRIED**



**Regular Council meeting for Public Hearings  
Tuesday, December 15, 2015**

**6. RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9505  
(RZ 15-703150)**

(Location: 9131 Steveston Highway; Applicant: Maryem Ahbib)

*Applicant's Comments:*

The applicant was available to respond to queries.

*Written Submissions:*

- (a) Qaiser Iqbal, Naureen Qaiser, Anandraj Dorairaj, and Nisha Cyril, 9093 and 9097 Steveston Highway (Schedule 4)
- (b) Anandraj Dorairaj, and Nisha Cyril, 9097 Steveston Highway (Schedule 5)
- (c) Jianxing Zhuo, 9091 Steveston Highway (Schedule 6)
- (d) Jie Feng, 9091 Steveston Highway (Schedule 7)
- (e) Qaiser Iqbal and Naureen Qaiser, 9093 Steveston Highway (Schedule 8)
- (f) Memorandum, Director of Development, November 19, 2015 (Schedule 9)
- (g) Qaiser Iqbal, Naureen Qaiser, Anandraj Dorairaj, and Nisha Cyril, 9093 and 9097 Steveston Highway (Schedule 10)
- (h) Wing Lam, Wai Li, and Peter Tsang, 9099 Steveston Highway (Schedule 11)
- (i) Qaiser Iqbal, 9093 Steveston Highway (Schedule 12)
- (j) Memorandum, Director, Development, December 10, 2015 (Schedule 13)
- (k) Qaiser Iqbal, 9093 Steveston Highway (Schedule 14)
- (l) Peter Tsang, Wing Lam, and Wai Li, 9099 Steveston Highway (Schedule 15)
- (m) Alex Sweezey, Goodwin and Mark LLP (Schedule 16)
- (n) Qaisar Iqbal, et al., 9091-9099 Steveston Highway (Schedule 17)
- (o) Qaiser Iqbal, 9093 Steveston Highway (Schedule 18)
- (p) Qaiser Iqbal, Naureen Qaiser, Taha Qaiser, and Yusra Qaiser, 9093 Steveston Highway (Schedule 19)



**Regular Council meeting for Public Hearings  
Tuesday, December 15, 2015**

- (q) Nisha Anand, 9097 Steveston Highway (Schedule 20)
- (r) Anandraj Dorairaj and Nisha Cyril, 9097 Steveston Highway (Schedule 21)

*Submissions from the floor:*

Peter Tsang, 9099 Steveston Highway, expressed concern that the width of the proposed driveway is insufficient to accommodate two vehicles travelling in opposite directions, resulting in congestion on Steveston Highway and the increased risk of a vehicular accident. The proximity of the proposed driveway to a bus stop and cyclists presents additional risks.

Mr. Tsang suggested that access to 9131 Steveston Highway be provided by extending the rear access lane east to Mortfield Gate, rather than directly onto Steveston Highway. Mr. Tsang provided examples of other housing developments that provide access through a rear lane rather than directly to an arterial road.

Discussion ensued regarding the access to the four neighbouring properties and the safety of the proposed driveway directly accessing Steveston Highway.

Staff confirmed that the rear lane connecting to Mortfield Gate would be constructed when the properties are redeveloped which would enable the dedication of the road allowance. The four properties currently with rear lane access were subdivided from one large lot where access through a rear lane was a condition of the approval of the subdivision.

Anandraj Dorairaj, 9097 Steveston Highway spoke in opposition to the application, commenting that the anterior lane adjacent to his property has not reached Steveston Highway after many years. No effort has been made to implement a permanent solution to provide access to the adjoining properties. Mr. Dorairaj remarked that there should be fewer driveways directly accessing Steveston Highway and causing congestion in front of residences.

Nisha Cyril, 9097 Steveston Highway requested that the City construct the rear lane access to the properties and require future developers to reimburse the City for the \$1 million cost when the properties are redeveloped.

There was discussion on the need to expropriate property in order to obtain the required road allowance to construct the rear lane at this time. Staff advised that when the four properties (9091 to 9099 Steveston Highway) come forward for rezoning and subdivision, they will be required to provide the land for an eastbound extension of the existing City-owned lane. Council



**Regular Council meeting for Public Hearings  
Tuesday, December 15, 2015**

requested that staff flag the properties to the south of the existing lane to require the expropriation of the back six metres of the property when a demolition permit application is received.

Discussion continued regarding whether the six metre setback requirement under the existing zoning would be sufficient if a large home were to be constructed on the corner lot on the north side of Mortfield Gate. Staff was questioned whether any development enquires have been received on the corner lot.

Staff confirmed that a latecomer agreement would require a developer to compensate the City for the construction of the lane, within 15 years of its initial construction.

PH15/11-7

It was moved and seconded

*That Richmond Zoning Bylaw 8500, Amendment Bylaw 9505 be given second and third readings.*

**CARRIED**

**ADJOURNMENT**

PH15/11-8

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 Tuesday, December 15, 2015.

---

Mayor (Malcolm D. Brodie)

---

Acting Corporate Officer  
(Michelle Jansson)

**MayorandCouncillors**

**From:** Webgraphics  
**Sent:** December-06-15 10:41 AM  
**To:** MayorandCouncillors  
**Subject:** Send a Submission Online (response #909)  
**Categories:** 12-8060-20-9291 (RZ 14-674043)

<b>To Public Hearing</b>	
Date:	Dec 15 /15
Item #	1
Re:	7180 Railway Ave Zoning 8500, Amend 9291

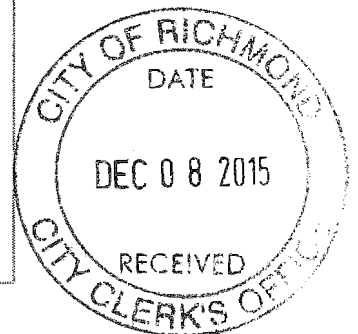
**Send a Submission Online (response #909)**

**Survey Information**

Site:	City Website
Page Title:	Send a Submission Online
URL:	<a href="http://cms.richmond.ca/Page1793.aspx">http://cms.richmond.ca/Page1793.aspx</a>
Submission Time/Date:	12/6/2015 10:40:30 AM

**Survey Response**

Your Name	Jaswant Singh Bhopal
Your Address	9291 Gormond Road, Richmond BC V7E 1N6
Subject Property Address OR Bylaw Number	7180 Railway Ave, Richmond BC
Comments	Bylaw 8500, Amendment 9291 (RZ14-674043). I am writing this letter in regards to the public notice sent by the David Weber of the City of Richmond. The City of Richmond intends to pass a bylaw to amend the Zoning Bylaw for the property at 7180 Railway Ave. I would like to express my opinion against such intentions in our community. This particular area is adjacent to condominiums and townhouses. I have a property at 7160 Railway Ave that I hope would eventually be used for condominiums/townhouses. Developing 7180 Railway in to two single family homes would prejudice future higher density condo development in this area. This area is ideal for being near bus stops, schools and community centres, which our growing community needs. We have invested in the development of townhomes and condos in this area already. 7180 Railway is being proposed for two single family homes. It makes little sense to



develop that property for TWO homeowners only, when this block is more suitable for higher density development. Therefore, I'm against the proposal.



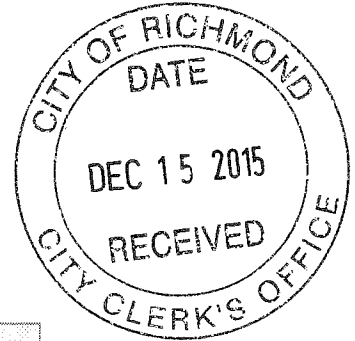
Schedule 2 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

To Public Hearing
Date: <u>Dec 15/15</u>
Item # <u>1</u>
Re: <u>7180 Railway Ave</u>
<u>R214-674043</u>

**MayorandCouncillors**

**From:** Webgraphics  
**Sent:** December-15-15 4:04 PM  
**To:** MayorandCouncillors  
**Subject:** Send a Submission Online (response #912)

**Categories:** 12-8060-20-9291 (RZ 14-674043)



**Send a Submission Online (response #912)**

**Survey Information**

Site:	City Website
Page Title:	Send a Submission Online
URL:	<a href="http://cms.richmond.ca/Page1793.aspx">http://cms.richmond.ca/Page1793.aspx</a>
Submission Time/Date:	12/15/2015 4:02:44 PM

**Survey Response**

Your Name	Vladimir Charvat
Your Address	7155 Lindsay Road
Subject Property Address OR Bylaw Number	7180 Railway Avenue #9291
Comments	I have to object to this development for the same reason I objected to the same one in the neighboring property, increased traffic in the lane, not obeying 20km speed limit and illegal overnight parking in the lane. So again, I'm asking council to monitor it on regular basis and consider installing speed bumps in that lane and also on Lindsay Road. Thank you.

Schedule 3 to the Minutes of the  
Public Hearing meeting of  
Richmond City Council held on  
Tuesday, December 15, 2015.

**CityClerk**

	INT
✓ DW	
MS	
SS	

**From:** Cukoff, Michael <Michael.Cukoff@staples.ca>  
**Sent:** Friday, 11 December 2015 09:56 AM  
**To:** Brownlee, David  
**Cc:** CityClerk; Dean Fader (DFader@dayhu.com)  
**Subject:** PROPOSED ZONING AMENDMENT - 2760 SWEDEN WAY, RICHMOND, BC

To Public Hearing  
Date: DECEMBER 11, 2015  
Item # 4  
Re: 2T 15-710920

**Categories:** 12-8060-20-009503

Dear Mr. Browlee,

As a current tenant on the Dayhu property, that seeks to amend the current zoning, we would offer our full endorsement.

We feel that any initiative that would provide some modest flexibility as it relates to permissible uses, makes sound practical sense and recognizes the evolving needs of area businesses.

We look forward to the opening of Lordco Auto Parts in the neighbouring premises.

Sincerely,

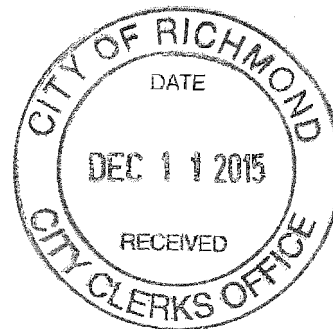
**Michael S. Cukoff**  
Director, Real Estate



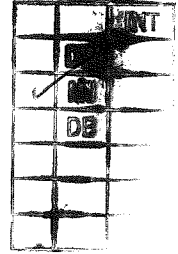
T: (905) 737-1147 ext. 2255  
C: (647) 239-4565  
F: (905) 780-5607  
[michael.cukoff@staples.ca](mailto:michael.cukoff@staples.ca)

[www.staples.ca](http://www.staples.ca)

6 Staples Avenue | Richmond Hill, ON, Canada | L4B 4W3



Schedule 4 to the Minutes of the  
Public Hearing meeting of  
Richmond City Council held on  
Tuesday, December 15, 2015.



BL 9505

**Attn: The Mayor/Councillors**

City of Richmond  
6911 No. 3 Road  
Richmond BC V6Y 2C1

November 13<sup>th</sup>, 2015

**RE: Objection to Rezoning Application number RZ15-703150 relating to 9131 Steveston Hwy property – Right of Way/Public Access over our Private properties**

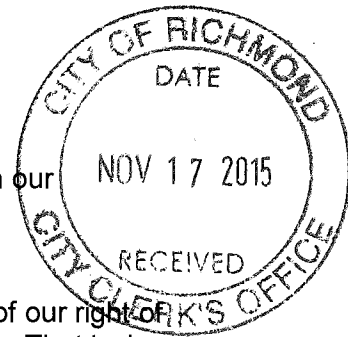
Dear Mayor/Councillors,

We strongly object to the above proposed usage of our properties regarding the use of the right-of-way over our properties (9093 & 9097 Steveston Hwy). We have attached all the chain of emails exchanges with the City Planning & Development department. These emails are self-explanatory. We contacted the City Planning development department in July 2015 and raised our concerns. Subsequently we had meeting with city planner (Cynthia) on July 31<sup>st</sup> in which it was assured that based on our legal documents no right of way to public will be given. Since then no information were given to us on the development of this application. We guess builder was in constant contact to find the loop hole to get the access through our private properties. We have no idea how City Planning department has changed the legal interpretation due to the builder's pressure. In the July 31<sup>st</sup> meeting it was made clear to us that no public access will be given until we agree. Amazingly the City Planning department did not bother to involve us during this legal interpretation process, we found out ourselves today that the application has gone that far based on the testimony/understanding of one party (Builder) only. We still have no idea which legal clause and which document city planning department is considering unilaterally?

We are approaching you to stop that kind of one sided decision. We are the affected parties and we strongly object to give any kind of public access through our properties. Earlier access was given to this block of four houses only.

Our strong objections are based on the following genuine facts:

1. Loss of privacy and intrusion to local community
2. Property damage due to vehicle hitting the walls (we have already seen 3 hits on our retaining walls by non-residents)
3. Inadequacy of parking, traffic generation and endangerment to resident safety
4. Noise and disturbance resulting from increased local traffic
5. Unfounded grounds for the application - This new one sided legal interpretation of our right of way does not provide evidence of giving the access to public through our properties. That lack of supporting evidence is contrary to city approval policy.



City should not support builder because they are rich and city will get more benefits from the builder in return taxes. We also pay heavy taxes every year including the land passage under question. City should support us being a long time tax payer in the city of Richmond. We do need piece of mind for our families. This is totally unfair on our part being a victim of misinterpretations of our SRW document. This forced land-grabbing must stop. The permission to use our property for re-zoning purpose in our view is excessive, unpleasant, and grotesque. Our original objection to give access to builder over our properties from July, 2015 still stands,

and we have included email correspondence in this regard. This is very narrow lane; with vehicles parked on one side put our kids in great danger due to many blind spots for turning traffic. Over and above few years back a pedestrian was hit by a visitor while turning onto the Steveston Hwy from this lane meaning more traffic more chances of hitting the pedestrian. City must stop giving any kind of access through our properties that will unnecessarily create very unsafe situation for our families. We preach a lot safety into our lives every day at home, at offices, on roads, etc but when it comes to vital decision that has long lasting effect city must not ignore the family safety and our piece of mind over small monetary gains (in terms of taxes).

We trust our objections will be put forward before the Planning Committee in due course prior to a decision being made on this application. We should be grateful if you would kindly keep us informed of the progress of the planning application.

Many thanks.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Qaiser'.

Qaiser/Naureen owner of 9093 Steveston Highway, Richmond BC

Phone: 604-277-6493

Email: [g\\_igbal@hotmail.com](mailto:g_igbal@hotmail.com)

A handwritten signature in blue ink, appearing to read 'Anand'.

Anand/Nisha owner of 9097 Steveston Highway, Richmond BC

Phone: 604-288-6067

Email: [anand.filmfx@gmail.com](mailto:anand.filmfx@gmail.com)

Attachment: Email correspondence with city

## Iqbal, Qaiser

---

**From:** Qaiser Iqbal <q\_iqbal@hotmail.com>  
**Sent:** 2015, November 16 8:42 AM  
**To:** Iqbal, Qaiser  
**Subject:** FW: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

---

**From:** q\_iqbal@hotmail.com  
**To:** clussier@richmond.ca; devapps@richmond.ca  
**CC:** anandnisha.dc@gmail.com; anand.dorairaj@yahoo.com  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
**Date:** Fri, 13 Nov 2015 16:42:45 -0800

Thanks Cynthia,

Can you refer to us which legal interpretation (Document #, Clause #, etc), we would like to know how City has unilaterally decided to proceed with this without involving the residents. We'll bring that document in the meeting if you could refer us to the right document.

Thanks,  
Qaiser

---

**From:** CLussier@richmond.ca  
**To:** q\_iqbal@hotmail.com; DevApps@richmond.ca  
**CC:** anandnisha.dc@gmail.com; anand.dorairaj@yahoo.com  
**Subject:** RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
**Date:** Sat, 14 Nov 2015 00:31:47 +0000

Hi Qaiser and Nisha

As discussed today by phone, the staff report on the proposed rezoning application at 9131 Steveston Hwy (RZ 15-703150) will be available hopefully this evening through a link on the City's website at  
: <http://www.richmond.ca/cityhall/council/agendas/planning.htm>

The staff report is scheduled to be presented at a Planning Committee meeting to be held on Tues Nov 17 in the Anderson Room at Richmond City Hall at 4pm, next week.

The meeting is open to the public, and there will be an opportunity to speak to the Committee when they are considering the application. A copy of the Meeting Agenda will also be available through the above link.

I understand your concerns regarding use of the right-of-way over your properties, however a legal interpretation has been provided to staff which indicates that the right-of-way may be used for the purpose of utilities and public-right-of-passage, and that it was envisioned at the time that your lots were created that the right-of-way provide temporary vehicle access to access adjacent lots in this block until such time that a permanent lane access is made available. It is on this basis that staff is recommending that the application be moved forward to the Planning Committee for their

consideration. The outcome of the proposal will be determined by Council with consideration given to the public's comments.

If the Planning Committee decides to move the application forward to the next step, there will be an opportunity for you to provide comments at a subsequent Council meeting and Public Hearing.

Cynthia Lussier  
Planner  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** Friday, 13 November 2015 3:47 PM  
**To:** Lussier, Cynthia; DevApps  
**Cc:** [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Cynthia,  
We need a little bit of more clarity on the rezoning "board" being displayed at the property of 9131 Steveston Hwy for Rezoning application number **RZ15-703150**. We made it very clear to the applicant (Maryem Ahbib) that we are not giving any kind of public/Vehicle access to the rear lane through the lane between 9093 & 9097 properties but display sign board is somewhat confusing with the wording "**To permit a subdivision to create (2) Lots, with Vehicle access from a Proposed Extension to the existing rear lane**". I am also attaching the display board photos. We all know that the extension of existing rear lane is not possible until all the houses are sold, under current situation access to the existing lane is not possible because we are not prepared to give any kind of public access through our ROW. Our this decision was clearly communicated to Maryem Ahbib and her partner (see below emails). A copy of that decision was also sent to City of Richmond on August 1st 2015. We also had a meeting with you at the city hall on July 31st, 2015, in which we made it clear that we don't want to give any public access through this lane.

Therefore please do not approve their rezoning application permitting the subdivision with Vehicle access from the rear lane as there is no way they can access to the proposed properties through rear lane.

We already left detail messages at your answering machines, feel free to contact us to discuss this if necessary.

Thanks,  
Qaiser  
604-839-3011 (Cell)

---

**From:** Iqbal, Qaiser  
**Sent:** 2015, August 09 12:14 PM  
**To:** Lussier, Cynthia ([CLussier@richmond.ca](mailto:CLussier@richmond.ca))  
**Cc:** 'Khalid Hasan ([info@khalidhasan.com](mailto:info@khalidhasan.com))'

**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

**For your information**

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** 2015, August 01 10:36 AM  
**To:** [mahbib@sutton.com](mailto:mahbib@sutton.com); [bpanesar@sutton.com](mailto:bpanesar@sutton.com)  
**Cc:** [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
**Subject:** Public ROW Access on Private Properties (9093 & 9097)

**Attention: Maryem Ahbib and Bhajan Panesar - Sutton Group (Seafair Realty)**

Please be informed that we the owners of properties 9093 Steveston Hwy & 9097 Steveston Hwy jointly decided not to give/allow any kind of public access through our properties as shown on Plan BCP # 13121. Therefore no further meetings/visits to our houses are necessary to pursue this matter with us. This matter deemed closed hereinafter.

Thank you,

Qaiser/Naureen owner of 9093 Steveston Highway, Richmond BC  
Anand/Nisha owner of 9097 Steveston Highway, Richmond BC

---

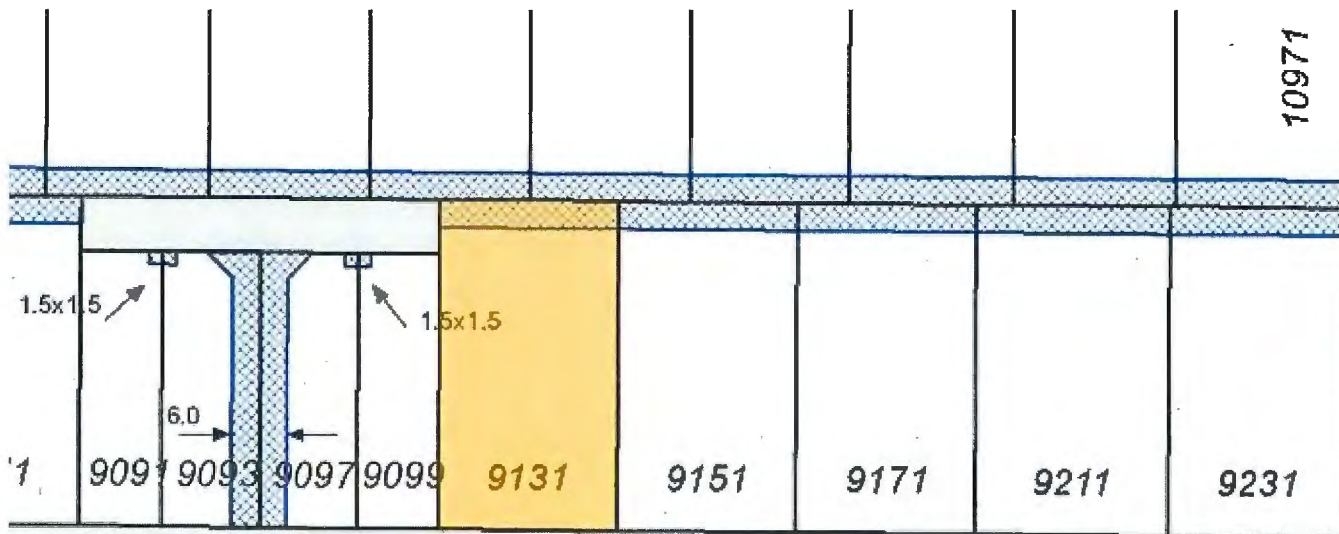
**From:** Lussier, Cynthia [<mailto:CLussier@richmond.ca>]  
**Sent:** 2015, July 27 3:42 PM  
**To:** Iqbal, Qaiser  
**Subject:** RE: Temporary Public Access on Private Property

Hello,

Thank you for taking the time to inquire about the proposed Rezoning application at 9131 Steveston Hwy (RZ 15-703150).

Maryem Ahbib has submitted an application to request permission from City Council to rezone the land to enable a subdivision to create 2 lots with vehicle access from an eastbound extension of the existing City-owned lane along the north property line of 9091/9093/9097/9099 Steveston Hwy (see the map below showing your property and the City-owned lane along the north property line). City staff are currently reviewing the rezoning application. One of the issues that City staff need to review is the proposed vehicle access to the site.

I think it would be worth discussing the redevelopment history of the lots at 9091/9093/9097/9099 Steveston Hwy in person. Are you able to attend a brief meeting with me to discuss this? Please let me know your availability to meet with me. I am in the office this week and then out of the office next week, returning on Monday August 10<sup>th</sup>.



**STEVESTON HWY**

Thank you,

Cynthia Lussier  
 Planning Technician  
 Development Applications Division  
 City of Richmond  
 Tel: 604-276-4108  
 Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

**From:** Iqbal, Qaiser [<mailto:Qaiser.Iqbal@bchydro.com>]  
**Sent:** Monday, 27 July 2015 12:41  
**To:** DevApps  
**Cc:** InfoCentre  
**Subject:** Temporary Public Access on Private Property

Attention: The Land Title Manager

I have been approached by two realtors from Sutton group (refer attached file) asking me to sign an authorization granting them a temporary public access to develop the property in the block of 9100 (east side) giving them access from back lane to the future residents as well. My understanding is; this lane between my house at 9093 Steveston Hwy and our neighbour at 9097 Steveston Hwy is not public property. This vehicle access is provided jointly by us and our neighbour so that vehicles can access the garages at the rear of the 4 houses in this complex only. Since builder is developing the adjacent block they should have their own private lane similar to us instead of asking us to provide the access. By giving access traffic in this lane is going to be increased, over and above this lane is not built for heavy and more traffic. Over the past number of years we have noticed that this lane is already sinking due to current traffic conditions. Before we sign or refuse to sign, we would like to know, what are our legal rights in case we refuse to grant any additional public access through this lane? What are the legal implications for refusing to give access.? Does City support us in any decision we would like to put forward in future?

Can we get our previously signed copy of the access that we have given to the current property owners? Please advise in detail. If you are not the right person to deal with such inquires please forward our request to the concerned department.



Regards,

***Qaiser Iqbal/Naureen Qaiser***

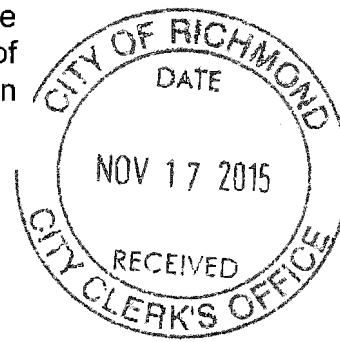
**Folio Number:** 074-841-012

**Civic Address:** 9093 STEVESTON HWY RICHMOND, BC V7A 1M6

Tel: 604-528-1777 (W)      Cell: 604-839-3011

Email: [qaiser.iqbal@bchydro.com](mailto:qaiser.iqbal@bchydro.com)

Schedule 5 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.



		INT
	DW	
✓	MJ	
	DB	

BL9505

Attn: The Mayor/ Councillors  
City of Richmond  
6911 No. 3 Road  
Richmond BC V6Y 2C1

Re: Expressing our strong objections to re-zoning application at 9131 Steveston Hwy (RZ 15-703150)

Dear Mayor, Councillors,

We are writing to express our objections to the re-zoning application at 9131 Steveston Hwy (RZ 15-703150). We live at the neighboring plot - 9097 Steveston Hwy. The re-zoning application proposes to use our lane (private property) as the access to the new homes. A "right of way" exists for the City to maintain public works for the lane and the builder wishes to take advantage of that. We have already objected to this for the reasons below at a City hall meeting earlier but the re-zoning application is going forward regardless with the planning committee meeting on Nov. 17<sup>th</sup>.

- 1) **Safety** – The front of our home is Steveston hwy where vehicles are typically traveling at high speed (65+ kmph). The lane is already being used by 4 homes and 10 cars! It is not a wide lane but more of a driveway. Turning in to our lane often forces the drivers to make wide turns due to the speeds on Steveston hwy. If another car is also going out, it poses a serious risk of collision. We cannot even see the cars coming out of the driveway until we are almost there because of the tall tree hedges and a sharp right hand turn design (please see picture attached). A vehicle needs to be slowed to an almost stop motion before we can turn in close to the curb in order to not hit any out-bound vehicle. This causes inconvenience for fast moving Steveston hwy traffic as well. Allowing two more homes to use this lane (and likely more homes once we open the door to this sort of thing) will make for increased two way traffic in this narrow lane with quite high risks of collision.

Also we have a 2 year old child. The Steveston hwy side is very dangerous so we keep that gate closed and only use the side gate from the lane to access our home. A continuous stream of traffic on both the access sides of our home will make it an unsafe place for our children.

- 2) **Basic rights** – We bought our home 5 months ago (first time home owners). The land value alone was 533,000 CAD assessed for a plot size of 3606 sq ft (please refer the tax assessment). The lane we are talking about is 1119 sq ft of our lot. The price we have paid for this lane is 163,000 CAD. This is from down-payment we took 10 years to save and mortgage we will pay for the next 30 years. To allow new houses to use our land would make it a public thoroughfare. Both the city and the builders seem richer than us. To expect that we should pay monthly payments for the land for 30 years, property tax on it every year, as well as a hefty land transfer tax to buy it but then donate it for public use, seems not only unfair but also a form of pushing us in to a corner and forcibly taking our property away. Over-ruling us in this decision seems to be denying us any rights or consideration. We hope the City will protect young and growing working-class families from this kind of forced land-grabbing by builders for new developments.

There is also one more thing to consider:

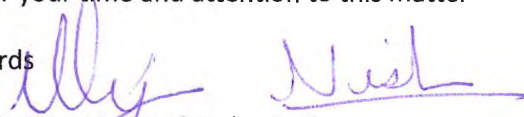
The builder uses the word **temporary access** to sell his idea to the city and Cynthia L from City Hall expressed that as being the builder's plan. That eventually there will be a back-lane from Mortfield Gate to access all our homes. There is nothing temporary about the proposal unless they are willing to put a hard end date on it and state how long they need access for and that they take responsibility for bringing the alternative solution in to being by that time. As of now, everything is left to chance. If even one of the homes adjacent to 9131 Steveston Hwy remains unsold or are converted in to a large single family home with no back-lane, there will be no possibility of any other access to these homes except through our driveway and this access becomes permanent.

If the builder is sincere about this alternative proposal, it is only right that they take the steps to enforce it now for their development rather than to try to exploit our situation. The back-lane will also make for safer access to the existing 4 homes using our lane. We urge the city to mandate the builders to develop the back-lane for their use and close the access from Steveston hwy all together at the earliest both in the interest of public safety and returning our land to us.

Our neighbour from 9093 Steveston Hwy owns the other half of the lane and also is strongly against this. He will also be voicing his concerns.

Thanks for your time and attention to this matter

Best regards



M. Anandraj Dorairaj and Nisha Cyril  
9097 Steveston Hwy  
Richmond, BC – V7A1M6



Schedule 6 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

TO: MAYOR & EACH COUNCILLOR  
FROM: CITY CLERK'S OFFICE

November 17, 2015

To: City of Richmond Mayor, Planners and Counsellors,

Ref: Planning Nov 17/15  
Item #3

Pc: Wayne Craig  
Joe Erceg

Re: Rezoning application at 9131 Steveston Hwy, Richmond, BC (RZ 15-703150)

I am the home owner of property #9091 Steveston Hwy, Richmond, BC. My wife and I oppose the idea to give the Right-of-Way of the private drive lane in between properties #9093 & #9097 Steveston Hwy, Richmond, BC to the general public, the builders and the home owners of property #9131 Steveston Hwy, Richmond, BC. We are concerned if the City of Richmond grant the Right-of-Way of this drive lane to the builders or to the home owners of property #9131 Steveston Hwy, Richmond, BC, it will increase the traffic volume and noises to the neighborhood of properties #9091, #9093, #9097 & #9099 Steveston Hwy, Richmond, BC, and also affect our safety and privacy.

The private drive lane in between properties #9093 & #9097 Steveston Hwy, Richmond, BC was granted to only owner of properties #9091, #9093, #9097 & #9099 Steveston Hwy, Richmond, BC temporarily until public access at the rear of the properties from Mortfield Gate or another public street is available. It is my understanding that the owners of #9093 & #9097 have provided the rights to this drive lane only to owners/residents of #9091 & #9099 and the City of Richmond for general maintenance work. It is not appropriate for the City of Richmond to grant access to anyone else without the consent of the current home owners of properties #9091, #9093, #9097 & #9099 Steveston Hwy, Richmond, BC. As Canadian citizens and residents of City of Richmond, we expect our government to respect and protect our right of private properties.

Therefore, we strongly disagree to the proposal or decision of offering the access to the private drive lane in between properties #9093 & #9097 Steveston Hwy, Richmond, BC to the general public, the builders and the home owners of property #9131 Steveston Hwy, Richmond, BC.

Thanks and regards,

Jianxing (George) Zhuo

Contact phone # (604) 532-7200 extension 241 (work) or (604) 295-7166 (Home)

P.S. I have called Ms. Cynthia Lussier and left a voice message today regarding this matter.

PHOTOCOPIED

NOV 17

& DISTRIBUTED



**MayorandCouncillors**

---

**From:** soly feng <solyfeng@hotmail.com>  
**Sent:** November-17-15 4:30 PM  
**To:** Weber,David; MayorandCouncillors; Lussier, Cynthia; DevApps  
**Subject:** Re: Rezoning application at 9131 Steveston Hwy, Richmond, BC (RZ 15-703150)

**Categories:** 12-8060-20-9505 - RZ 15-703150

November 17, 2015

Hello,

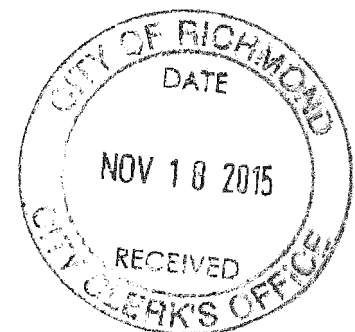
I am the home owner of property #9091 Steveston Hwy, Richmond, BC. My husband and I oppose the idea to give the Right-of-Way of the private drive lane in between properties #9093 & #9097 Steveston Hwy, Richmond, BC to the general public, the builders and the home owners of property #9131 Steveston Hwy, Richmond, BC. We are concerned if the City of Richmond grant the Right-of-Way of this drive lane to the builders or to the home owners of property #9131 Steveston Hwy, Richmond, BC, it will increase the traffic volume and noises to the neighborhood of properties #9091, #9093, 9097 & #9099 Steveston Hwy, Richmond, BC, and also affect our safety and privacy.

The private drive lane in between properties #9093 & #9097 Steveston Hwy, Richmond, BC was only granted to the owners of properties #9091, #9093, #9097 & #9099 Steveston Hwy, Richmond, BC temporarily until public access at the rear of the properties from Mortfield Gate or another public street is available. It is my understanding that the owners of #9093 & #9097 have provided the rights to this drive lane only to owners/residents of #9091 & #9099 and the City of Richmond for general maintenance work. It is not appropriate for the City of Richmond to grant access to anyone else without the consent of the current home owners of properties #9091, #9093, #9097 & #9099 Steveston Hwy, Richmond, BC. As a Canadian citizen and resident of City of Richmond, we expect our government to respect and protect our rights of private properties.

Therefore, we strongly disagree to the proposal or decision of offering the access to the private drive lane in between properties #9093 & #9097 Steveston Hwy, Richmond, BC to the general public, the builders and the home owners of property #9131 Steveston Hwy, Richmond, BC.

Thanks and regards,

Jie (Soly) Feng  
Tel: (604) 295-7166 (Home)



TO: MAYOR & EACH  
COUNCILLOR  
FROM: CITY CLERK'S OFFICE

**MayorandCouncillors**

**From:** MayorandCouncillors  
**Sent:** November-17-15 1:58 PM  
**To:** 'Qaiser Iqbal'  
**Subject:** RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

PC: Wayne Craig  
Joe Erceg

This is to acknowledge and thank you for your email of November 16, 2015 to the Mayor and Councillors, in connection with the above matter, a copy of which has been forwarded to the Mayor and each Councillor for their information and will be available at the Planning Committee Meeting today at 4pm.

In addition, your email has been referred to Wayne Craig, Director, Development. If you have any questions or further concerns at this time, please call Mr. Craig at 604.276.4000.

Thank you again for taking the time to make your views known.

Yours truly,

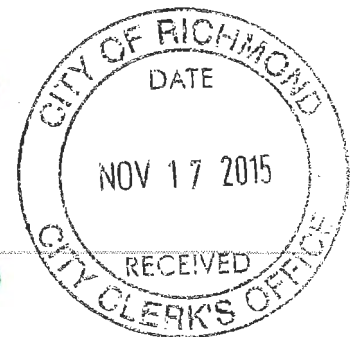
*Michelle Jansson*

**Michelle Jansson, CMC**  
**Manager, Legislative Services**

City of Richmond, 6911 No. 3 Road, Richmond, BC V6Y 2C1  
Phone: 604-276-4006 | Email: [mjansson@richmond.ca](mailto:mjansson@richmond.ca)

PHOTOCOPIED

NOV 17



& DISTRIBUTED

**From:** Qaiser Iqbal [mailto:[q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** November-16-15 6:45 PM  
**To:** Lussier, Cynthia; MayorandCouncillors  
**Cc:** 'anandnisha.dc@gmail.com'; 'anand.dorairaj@yahoo.com'  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Cynthia;

Then how we would know what is the "legal interpretation" builder has put forward? How come without disclosing to us the planning committee unilaterally decided to move forward with the application. How come all our information related to this SRW is available to builder but we have no access to his "Legal Interpretation"? It seems we have been blindfolded and city is putting gun on our heads asking us to accept this decision. This is not fair on our part, we even don't know what is this "Legal Interpretation", To us its just a "Miss-Interpretation" that's why city is hiding from us under the blanket Called "Legal Interpretation". When we bought these houses we were clearly told that these are temporary SRW given to these four houses only and no public access is allowed accept for the city maintenance staff. This same understanding we got it from you when we had meeting with you on July 31st, 2015.

We are still unable to understand why the city is listening to one side only and trying to impose the decision on us. We should also be given fair trial before its too late. Your report even does not mention about our last meeting in which we had shown great opposition to this idea of using our property for public access. Your report casually mentioned that we are not supportive of this decision. Why would we support this? we are strongly opposing that the city is moving forward with builder application.

Please forward our objection to your superior chain of command so that our voice could be heard. I hope proper information will be given to us in due course. Thanks for listening

Qaiser

---

From: [CLussier@richmond.ca](mailto:CLussier@richmond.ca)  
To: [g\\_igbal@hotmail.com](mailto:g_igbal@hotmail.com)  
CC: [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
Subject: RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
Date: Tue, 17 Nov 2015 01:08:49 +0000

Hi Qaiser

The direction that I've been given is that the legal interpretation obtained by the applicant, is not available to the public.

The staff report includes all of the information that is available to the public. Please review my staff report available via this link: [http://www.richmond.ca/agendafiles/Open\\_Planning\\_11-17-2015.pdf](http://www.richmond.ca/agendafiles/Open_Planning_11-17-2015.pdf)

Please let me know if you have any questions about any of the information that I've included in my staff report.

Thanks,

Cynthia Lussier  
*Planner 1*  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

From: [CLussier@richmond.ca](mailto:CLussier@richmond.ca)  
To: [g\\_igbal@hotmail.com](mailto:g_igbal@hotmail.com); [DevApps@richmond.ca](mailto:DevApps@richmond.ca)  
CC: [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
Subject: RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
Date: Mon, 16 Nov 2015 20:55:34 +0000

Hi Qaiser

I was not able to provide you with a response late Friday afternoon.

I am currently looking into whether the legal interpretation of the right-of-way is available to the public. If so, then you would be welcome to view the file here at City Hall.

I will find out and let you know as soon as possible.

Cynthia Lussier  
*Planner 1*  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108



Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** Friday, 13 November 2015 4:43 PM  
**To:** Lussier, Cynthia; DevApps  
**Cc:** 'anandnisha.dc@gmail.com'; 'anand.dorairaj@yahoo.com'  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Thanks Cynthia,

Can you refer to us which legal interpretation (Document #, Clause #, etc), we would like to know how City has unilaterally decided to proceed with this without involving the residents. We'll bring that document in the meeting if you could refer us to the right document.

Thanks,

Qaiser

---

**From:** [CLussier@richmond.ca](mailto:CLussier@richmond.ca)  
**To:** [q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com); [DevApps@richmond.ca](mailto:DevApps@richmond.ca)  
**CC:** [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
**Subject:** RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

**Date:** Sat, 14 Nov 2015 00:31:47 +0000

Hi Qaiser and Nisha

As discussed today by phone, the staff report on the proposed rezoning application at 9131 Steveston Hwy (RZ 15-703150) will be available hopefully this evening through a link on the City's website at  
: <http://www.richmond.ca/cityhall/council/agendas/planning.htm>

The staff report is scheduled to be presented at a Planning Committee meeting to be held on Tues Nov 17 in the Anderson Room at Richmond City Hall at 4pm, next week.

The meeting is open to the public, and there will be an opportunity to speak to the Committee when they are considering the application. A copy of the Meeting Agenda will also be available through the above link.

I understand your concerns regarding use of the right-of-way over your properties, however a legal interpretation has been provided to staff which indicates that the right-of-way may be used for the purpose of utilities and public-right-of-passage, and that it was envisioned at the time that your lots were created that the right-of-way provide temporary vehicle access to access adjacent lots in this block until such time that a permanent lane access is made available. It is on this basis that staff is recommending that the application be moved forward to the Planning Committee for their consideration. The outcome of the proposal will be determined by Council with consideration given to the public's comments.

If the Planning Committee decides to move the application forward to the next step, there will be an opportunity for you to provide comments at a subsequent Council meeting and Public Hearing.

Cynthia Lussier  
*Planner*  
Development Applications Division  
City of Richmond

Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** Friday, 13 November 2015 3:47 PM  
**To:** Lussier, Cynthia; DevApps  
**Cc:** [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Cynthia,

We need a little bit of more clarity on the rezoning "board" being displayed at the property of 9131 Steveston Hwy for Rezoning application number **RZ15-703150**. We made it very clear to the applicant (Maryem Ahbib) that we are not giving any kind of public/Vehicle access to the rear lane through the lane between 9093 & 9097 properties but display sign board is somewhat confusing with the wording "**To permit a subdivision to create (2) Lots, with Vehicle access from a Proposed Extension to the existing rear lane**". I am also attaching the display board photos. We all know that the extension of existing rear lane is not possible until all the houses are sold, under current situation access to the existing lane is not possible because we are not prepared to give any kind of public access through our ROW. Our this decision was clearly communicated to Maryem Ahbib and her partner (see below emails). A copy of that decision was also sent to City of Richmond on August 1st 2015. We also had a meeting with you at the city hall on July 31st, 2015, in which we made it clear that we don't want to give any public access through this lane.

Therefore please do not approve their rezoning application permitting the subdivision with Vehicle access from the rear lane as there is no way they can access to the proposed properties through rear lane.

We already left detail messages at your answering machines, feel free to contact us to discuss this if necessary.

Thanks,  
Qaiser  
604-839-3011 (Cell)

---

**From:** Iqbal, Qaiser  
**Sent:** 2015, August 09 12:14 PM  
**To:** Lussier, Cynthia ([CLussier@richmond.ca](mailto:CLussier@richmond.ca))  
**Cc:** 'Khalid Hasan ([info@khalidhasan.com](mailto:info@khalidhasan.com))'  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

#### **For your information**

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** 2015, August 01 10:36 AM  
**To:** [mahbib@sutton.com](mailto:mahbib@sutton.com); [bpanesar@sutton.com](mailto:bpanesar@sutton.com)  
**Cc:** [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
**Subject:** Public ROW Access on Private Properties (9093 & 9097)

**Attention: Maryem Ahbib and Bhajan Panesar - Sutton Group (Seafair Realty)**

Please be informed that we the owners of properties 9093 Steveston Hwy & 9097 Steveston Hwy jointly decided not to give/allow any kind of public access through our properties as shown on Plan BCP # 13121. Therefore no further meetings/visits to our houses are necessary to pursue this matter with us. This matter deemed closed hereinafter.

Thank you,

Qaiser/Naureen owner of 9093 Steveston Highway, Richmond BC  
 Anand/Nisha owner of 9097 Steveston Highway, Richmond BC

---

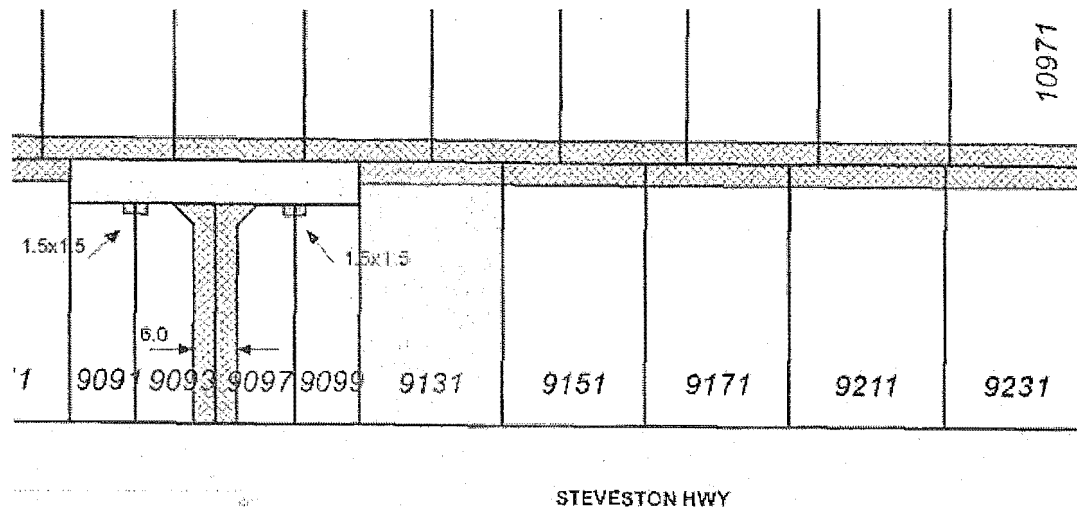
**From:** Lussier, Cynthia [mailto:CLussier@richmond.ca]  
**Sent:** 2015, July 27 3:42 PM  
**To:** Iqbal, Qaiser  
**Subject:** RE: Temporary Public Access on Private Property

Hello,

Thank you for taking the time to inquire about the proposed Rezoning application at 9131 Steveston Hwy (RZ 15-703150).

Maryem Ahbib has submitted an application to request permission from City Council to rezone the land to enable a subdivision to create 2 lots with vehicle access from an eastbound extension of the existing City-owned lane along the north property line of 9091/9093/9097/9099 Steveston Hwy (see the map below showing your property and the City-owned lane along the north property line). City staff are currently reviewing the rezoning application. One of the issues that City staff need to review is the proposed vehicle access to the site.

I think it would be worth discussing the redevelopment history of the lots at 9091/9093/9097/9099 Steveston Hwy in person. Are you able to attend a brief meeting with me to discuss this? Please let me know your availability to meet with me. I am in the office this week and then out of the office next week, returning on Monday August 10<sup>th</sup>.



Thank you,

Cynthia Lussier  
 Planning Technician

Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Iqbal, Qaiser [<mailto:Qaiser.Iqbal@bchydro.com>]  
**Sent:** Monday, 27 July 2015 12:41  
**To:** DevApps  
**Cc:** InfoCentre  
**Subject:** Temporary Public Access on Private Property

Attention: The Land Title Manager

I have been approached by two realtors from Sutton group (refer attached file) asking me to sign an authorization granting them a temporary public access to develop the property in the block of 9100 (east side) giving them access from back lane to the future residents as well. My understanding is; this lane between my house at 9093 Steveston Hwy and our neighbour at 9097 Steveston Hwy is not public property. This vehicle access is provided jointly by us and our neighbour so that vehicles can access the garages at the rear of the 4 houses in this complex only. Since builder is developing the adjacent block they should have their own private lane similar to us instead of asking us to provide the access. By giving access traffic in this lane is going to be increased, over and above this lane is not built for heavy and more traffic. Over the past number of years we have noticed that this lane is already sinking due to current traffic conditions. Before we sign or refuse to sign, we would like to know, what are our legal rights in case we refuse to grant any additional public access through this lane? What are the legal implications for refusing to give access.? Does City support us in any decision we would like to put forward in future?

Can we get our previously signed copy of the access that we have given to the current property owners? Please advise in detail. If you are not the right person to deal with such inquires please forward our request to the concerned department.

Regards,

***Qaiser Iqbal/Naureen Qaiser***

**Folio Number:** 074-841-012

**Civic Address:** 9093 STEVESTON HWY RICHMOND, BC V7A 1M6

Tel: 604-528-1777 (W)      Cell: 604-839-3011

Email: [qaiser.iqbal@bchydro.com](mailto:qaiser.iqbal@bchydro.com)



# City of Richmond

**Memorandum**  
Planning and Development Division  
Development Applications

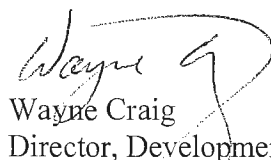
**To:** Mayor and Councillors  
**From:** Wayne Craig  
Director, Development  
**Date:** November 19, 2015  
**File:** RZ 15-703150  
**Re:** **Item # 3 – November 17<sup>th</sup> Planning Committee Meeting (9131 Steveston Hwy)**

At the Planning Committee meeting held on November 17, 2015, the Committee considered a staff report on an application to rezone 9131 Steveston Hwy (Agenda Item # 3) from the "Single Detached (RS1/E)" zone to the "Compact Single Detached (RC2)" zone, with vehicle access from an established City lane system to the west that must be extended to service the subject site (RZ 15-703150). The rezoning application proposes to access the established lane from Steveston Hwy via a statutory right-of-way (SRW) for utilities and public-rights-of-passage that is registered on title of the adjacent lots to the west at 9093 and 9097 Steveston Hwy.

Following the Planning Committee's consideration of the staff report, the Planning Committee requested that staff meet with the applicant and neighbouring property owners at 9093 and 9097 Steveston Hwy to discuss the concerns raised regarding the proposed use of the SRW providing access to the rear lane.

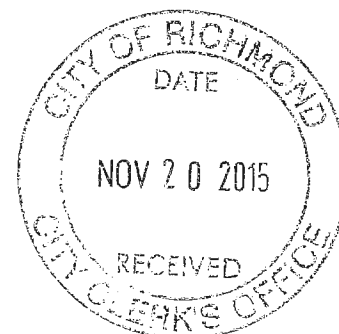
This memo intends to inform Council that staff have been in touch with the applicant and the neighbouring property owners at 9093 and 9097 Steveston Hwy about scheduling a meeting in response to the Planning Committee's direction and a meeting has been tentatively scheduled for Tuesday, November 24, 2015. Should this rezoning application be advanced to a Public Hearing, staff will provide Council with a memo outlining the outcome of this meeting and any potential responses to address the concerns regarding the use of the SRW, prior to the Public Hearing.

If you have any questions, please contact me at 604-247-4625.

  
Wayne Craig  
Director, Development

WC:cl

pc: Joe Erceg, MCIP, General Manager, Planning and Development



PHOTOCOPIED

NOV 20

& DISTRIBUTED



Schedule 10 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

Mayor and Councillors

TO: MAYOR & EACH COUNCILLOR  
FROM: CITY CLERK'S OFFICE

Pat  
Wanda Craig  
Jan. Eng,

**From:** Qaiser Iqbal <q\_iqbal@hotmail.com>  
**Sent:** Thursday, 19 November 2015 20:01  
**To:** Lussier, Cynthia; Mayor and Councillors  
**Cc:** 'anandnisha.dc@gmail.com'; 'anand.dorairaj@yahoo.com'; 'anand.filmfx@gmail.com'  
**Subject:** Setting up a meeting - 9131 Steveston Hwy (RZ 15-703150)

Re: Council Agenda, Item 12  
November 23, 2015  
9131 Steveston Highway

**Categories:** 12-8060-20-9505 - RZ 15-703150

Thanks for your reply, yes myself and Nisha would like to meet you and Barry Konkin at 1pm on Monday Nov 23rd before the Council meeting, please confirm.

Regarding the legal interpretation information we will be sending a separate email to Dovel Buie as per your instructions. We strongly believe that this information must be given to us as we are directly being affected by this decision. We are part of this so called "Privileged Information". I hope someone in City Hall will realize that how badly we are being penalized without being given this important information.

What time is the city council meeting on Monday Nov 23rd? Are we allowed to attend this meeting so that we could raise our concerns? Sometimes 5 minutes is not sufficient to address these kind of issues.

Thanks,  
Qaiser  
604-839-3011(Cell)

PHOTOCOPIED

**From:** CLussier@richmond.ca  
**To:** q\_iqbal@hotmail.com; Mayor and Councillors@richmond.ca  
**CC:** anandnisha.dc@gmail.com; anand.dorairaj@yahoo.com; anand.filmfx@gmail.com  
**Subject:** RE: Setting up a meeting - 9131 Steveston Hwy (RZ 15-703150)  
**Date:** Thu, 19 Nov 2015 23:28:20 +0000

& DISTRIBUTED



Hi Qaiser,  
Thank you for your email expressing your concerns about the meeting time.

The Council meeting being held on November 23<sup>rd</sup> is the first opportunity that Richmond City Council will have to consider the rezoning application at 9131 Steveston Hwy. No decision will be made about rezoning approval at that Council meeting. There will be additional opportunity to present your concerns to City Council if the Council should decide to move the rezoning application forward to a Public Hearing. The Public Hearing will provide another opportunity for you to address City Council about your concerns. I have attached a brochure that explains the Rezoning Application process and the opportunities for public participation at the various stages of the process. This information is also available on the City's website at the following link: <http://www.richmond.ca/plandev/devzoning/rezoning.htm>.

That said, however, if you wish to meet to discuss your concerns and the rezoning process in advance of Monday's Council meeting, myself and Barry Konkin, Program Coordinator are available to meet at either 9:30am or 1:00pm. Please let me know.

With respect to your inquiry about submitting a Freedom of Information Act request to view City records, you are welcome to submit a formal request by contacting the City's FOI Coordinator, Dovel Buie at [dbuie@richmond.ca](mailto:dbuie@richmond.ca) (604-

276-4165). It is my understanding, however, that the legal interpretation of the statutory right-of-way is not available to the public as it is privileged information.

Thank you,

Cynthia Lussier  
Planner 1  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: clussier@richmond.ca  
www.richmond.ca

---

**From:** Qaiser Iqbal [mailto:q\_iqbal@hotmail.com]  
**Sent:** Wednesday, 18 November 2015 2:42 PM  
**To:** Lussier, Cynthia; MayorandCouncillors; DevApps  
**Cc:** anandnisha.dc@gmail.com; anand.dorairaj@yahoo.com; anand.filmfx@gmail.com  
**Subject:** Setting up a meeting - 9131 Steveston Hwy (RZ 15-703150)

Cynthia,

It was mentioned in the yesterday's meeting that the next Planning Committee meeting will be next Monday to discuss this case again, shouldn't we meet this week so that we could atleast consolidate our case again. Postponing after the staff meeting will further jeopardize our case. Is it necessary that your director has to be in that meeting? In any way he is opposing our request and he is supporting the builder application. I don't know how its going to help us meeting after the staff meeting (Monday) in which they will move forward further. If your director's presence is a must then please request him to find some time this week so that we could atleast discuss more options that could solve this issue?

Planning committee also recommended that we should have access to this "Legal Interpretation" of this SRW, please send us a copy for our review. Under the "Freedom of Information Act" it is legal to share this kind of information with the affect parties.

Thanks,  
Qaiser  
604-839-3011 (Cell)

---

**From:** CLussier@richmond.ca  
**Subject:** Setting up a meeting - 9131 Steveston Hwy (RZ 15-703150)  
**Date:** Wed, 18 Nov. 2015 20:51:39 +0000

Hi all,

To follow-up from the Planning Committee's request that staff liaise with the rezoning applicant and property owners at 9093 and 9097 Steveston Hwy, I mentioned that I would be contacting each of you to schedule a meeting.

Wayne Craig, Director of Development will be attending the meeting and he is not available to meet this week. Right now, my Director is available at 3:30pm on Tuesday November 24<sup>th</sup>.

Please confirm by 3pm tomorrow (Thurs Nov 19) that you are available to meet on that date/time, here at City Hall.

Thank you,

Cynthia Lussier

*Planner 1*

Development Applications Division

City of Richmond

Tel: 604-276-4108

Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)



## MayorandCouncillors

---

**From:** Qaiser Iqbal <q\_iqbal@hotmail.com>  
**Sent:** Thursday, 19 November 2015 09:37  
**To:** MayorandCouncillors; DevApps  
**Cc:** anandnisha.dc@gmail.com; anand.dorairaj@yahoo.com; anand.filmfx@gmail.com  
**Subject:** Setting up a meeting - 9131 Steveston Hwy (RZ 15-703150)  
  
**Categories:** 12-8060-20-9505 - RZ 15-703150

Attention: The Mayor/Councillors - City of Richmond

Unfortunately we are still not getting any reply from your Development planning department. Below email was sent by my other affected neighbour resident of 9097 Steveston Hwy, they have the same concern which I raised in my yesterday's email. Please follow up with your your planning department for proper answers to our questions.

Thanks,  
Qaiser  
9093 Steveston Hwy  
Richmond

---

**To:** [CLussier@richmond.ca](mailto:CLussier@richmond.ca); [anand.filmfx@gmail.com](mailto:anand.filmfx@gmail.com); [q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)  
**From:** [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com)  
**Subject:** RE: Setting up a meeting - 9131 Steveston Hwy (RZ 15-703150)  
**Date:** Thu, 19 Nov 2015 07:27:13 -0800

Hi Cynthia,

This time works for both Anand and me (Nisha). We share Mr. Qaiser's concern that it may be too late. Please consider an earlier date if possible.

Also at what time is the planning meeting on Monday? And is it with the same team of Councillors? – just so we can understand what to expect.

Thanks!

Nisha and Anand

---

**From:** Lussier, Cynthia  
**Sent:** Wednesday, November 18, 2015 12:51 PM  
**Subject:** Setting up a meeting - 9131 Steveston Hwy (RZ 15-703150)  
**Importance:** High

Hi all,

To follow-up from the Planning Committee's request that staff liaise with the rezoning applicant and property owners at 9093 and 9097 Steveston Hwy, I mentioned that I would be contacting each of you to schedule a meeting.

Wayne Craig, Director of Development will be attending the meeting and he is not available to meet this week. Right now, my Director is available at 3:30pm on Tuesday November 24<sup>th</sup>.

Please confirm by 3pm tomorrow (Thurs Nov 19) that you are available to meet on that date/time, here at City Hall.

Thank you,

Cynthia Lussier  
*Planner 1*  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

\* COPY OF NOV. 17 2015  
Planning Agenda + Minutes  
attached to email.

**Mayor and Councillors**

FOLLOW-UP / RESPONSE  
TO COUNCIL  
CORRESPONDENCE

**From:** Lussier, Cynthia  
**Sent:** Tuesday, 24 November 2015 10:00  
**To:** 'TsangPeter'; DevApps; 'dwebber@richmond.ca'; Mayor and Councillors  
**Subject:** RE: File No. RZ15-703150  
**Attachments:** Minutes Nov 17 2015.pdf; Staff Report.pdf  
**Categories:** 12-8060-20-9505 - RZ 15-703150

Schedule 11 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

Hi Mr. Tsang

This is to acknowledge and thank you for your emails of November 17<sup>th</sup> and 19<sup>th</sup>, 2015 (below and attached), regarding the proposed rezoning application at 9131 Steveston Hwy (RZ 15-703150).

I also received a voice mail message from you on November 17<sup>th</sup> in connection with this matter. I tried calling you back the morning of Wednesday November 18<sup>th</sup>, 2015 at the number you provided (604-532-7200 x 410), but the person that answered that line indicated that you were not there.

I have attached a copy of the staff report and the minutes to the Planning Committee meeting held Tuesday November 17<sup>th</sup>, 2015.

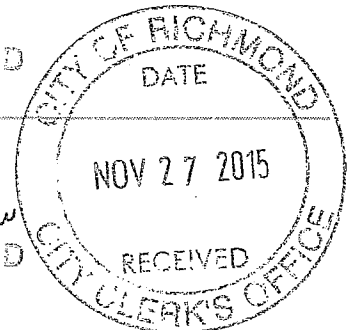
There will be additional opportunity to voice your concerns to City Council about the proposed rezoning application as part of the Public Hearing process. A Public Hearing on the proposed rezoning application is scheduled for Tuesday December 15<sup>th</sup>, 2015. 10 days prior to the meeting, the City will send out a Notice of Public Hearing to all property owners and residents within 50 m of the subject site.

I would be happy to meet with you to discuss the proposed rezoning application and the rezoning process. Please let me know a date and time that you are available to meet.

Thank you again for taking the time to make your views known.

Cynthia Lussier  
Planner 1  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

PHOTOCOPIED



NOV 27

& DISTRIBUTED

**From:** TsangPeter [<mailto:petertsang8@hotmail.com>]  
**Sent:** Thursday, 19 November 2015 12:31 AM  
**To:** Lussier, Cynthia; DevApps; [dwebber@richmond.ca](mailto:dwebber@richmond.ca); Mayor and Councillors  
**Subject:** RE: File No. RZ15-703150

Dear Cynthia,

We are the owner and residents of 9099 Steveston Hwy. We understand that an application

to rezone the property at 9131 Steveston Hwy to build 2 houses. It is the City planning and we agree with that. Base on the following reasons we strongly disagree that they will use the drive way between #9093 and #9097.

- 1) Steveston Hwy is heavy traffic road and most vehicle drivers drive more than the speed limit. A lot of vehicle drivers are caught for speeding on this road. We are always afraid of accident when we drive out to and from opposite lane. It is very dangerous.
- 2) The existing drive way between #9093 and #9097 is somewhat a little bit narrow. When one car waiting to go out and the other car come back from outside, we always find the drive way is too narrow. When we slow down and prepare to drive into the drive way, the car follows is so close and we afraid they can hit from the back.
- 3) The drive way between #9093 and #9097 is for 4 house residents to use right now, and we already find it is too crowded. If it is open for more property residents to use the same lane from the busy Steveston Hwy. I am sure it will increase the chance to accident.
- 4) Our neighbour's children are always playing in the drive way. More property use the same drive way will increase the chance for accident. Is is saturated for these 4 property's residents to use this drive way right now and cannot accommodate more users.

Please consider seriously about the above reasons and not grant the application to use this drive way any more. They have to open a lane from Mortfield Gate. It is because the traffic from Mortfield Gate is far less slow comparing from Steveston Hwy. The 9000 and 10000 block on Williams Road have a back lane open from the side road. and the traffic on Williams is much less heavy and fast compare with Steveston Hwy. So for the safety of us and our neighbours, Please DON'T grant this application. Whoever grant this application and will be responsible for the safety of our life. Please make a second thought and think it carefully.

Your kindest consideration to this matter is much appreciated.

Yours truly,

Wing Yee Lam (owner of 9099 )

Wai Chun Li (resident of 9099)

Peter Tsang (resident of 9099)

c.c. [DevApps@richmond.ca](mailto:DevApps@richmond.ca)

c.c. [dwebber@richmond.ca](mailto:dwebber@richmond.ca)

c.c. [mayorandcouncillors@richmond.ca](mailto:mayorandcouncillors@richmond.ca)

---

**From:** Qaiser Iqbal <q\_iqbal@hotmail.com>  
**Sent:** Monday, 7 December 2015 11:40  
**To:** Nisha Anand; Lussier,Cynthia  
**Cc:** Konkin, Barry; anand dorairaj  
**Subject:** Follow Up Nov 24th Meeting - 9131 Steveston Hwy (RZ 15-703150)

Thanks, we'll be there.  
Qaiser

<b>To Public Hearing</b>
Date: <u>DECEMBER 9, 2015</u>
Item #: <u>6</u>
Re: <u>RZ 15-703150</u>
<u>9131 Steveston Hwy</u>

---

Date: Mon, 7 Dec 2015 09:27:07 -0800  
Subject: RE: Follow Up Nov 24th Meeting - 9131 Steveston Hwy (RZ 15-703150)  
From: anandnisha.dc@gmail.com  
To: CLussier@richmond.ca  
CC: bkonkin@richmond.ca; q\_iqbal@hotmail.com; anand.filmfx@gmail.com

Cynthia, Barry,  
Anand and I will be there as well  
Regards  
Nisha

On Dec 7, 2015 8:52 AM, "Lussier,Cynthia" <CLussier@richmond.ca> wrote:  
Hi Mr. Iqbal,  
Myself and my supervisor, Barry Konkin are available at 8:30am on Tuesday morning (Dec 8).

When you arrive at City Hall, please proceed to the Information counter and let them know that you have a meeting with us. The staff at the Information counter will call us to come down and greet you.

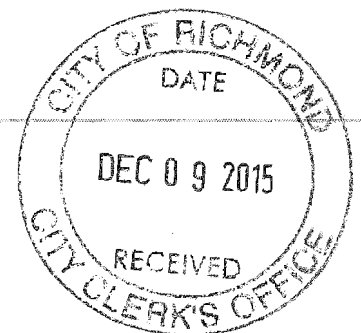
Thanks,  
Cynthia Lussier  
Planner 1  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** Friday, 04 December 2015 9:01 PM  
**To:** Lussier,Cynthia; MayorandCouncillors; Konkin, Barry; Craig, Wayne  
**Cc:** 'anandnisha.dc@gmail.com'; 'anand.dorairaj@yahoo.com'; 'anand.filmfx@gmail.com'  
**Subject:** Follow Up Nov 24th Meeting - 9131 Steveston Hwy (RZ 15-703150)

Cynthia,  
After discussing with Nisha and her husband (Anand) we all would like to meet you on Tuesday (Dec 8th) morning at 8:30am (before going to our offices), please confirm.

Thanks,



Qaiser

---

From: [Clussier@richmond.ca](mailto:Clussier@richmond.ca)  
To: [g\\_iqbal@hotmail.com](mailto:g_iqbal@hotmail.com); [MayorandCouncillors@richmond.ca](mailto:MayorandCouncillors@richmond.ca); [BKonkin@richmond.ca](mailto:BKonkin@richmond.ca); [WCraig@richmond.ca](mailto:WCraig@richmond.ca)  
CC: [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com); [anand.filmfx@gmail.com](mailto:anand.filmfx@gmail.com)  
Subject: RE: Follow Up Nov 24th Meeting - 9131 Steveston Hwy (RZ 15-703150)  
Date: Sat, 5 Dec 2015 01:05:53 +0000

Hi Mr. Iqbal, and Mr. & Mrs. Anand,

As discussed by phone with Mr. Iqbal this afternoon, I anticipate receiving the complete information about the proposed construction traffic and parking management plan from the applicant on Monday morning. I would then like to meet with you to go over their submission on Monday Dec 7<sup>th</sup> in the afternoon or on Tuesday Dec 8<sup>th</sup> in the afternoon.

Please let me know which date and time works for all of you.

Thank you,

Cynthia Lussier  
Planner 1  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Qaiser Iqbal [[mailto:g\\_iqbal@hotmail.com](mailto:g_iqbal@hotmail.com)]  
**Sent:** Friday, 04 December 2015 3:33 PM  
**To:** Lussier,Cynthia; MayorandCouncillors; Konkin, Barry  
**Cc:** '[anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com)'; '[anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)'; '[anand.filmfx@gmail.com](mailto:anand.filmfx@gmail.com)'  
**Subject:** Follow Up Nov 24th Meeting - 9131 Steveston Hwy (RZ 15-703150)

Cynthia & Barry,

Following up the above meeting with your director "Craig" and with the builder in which it was promised to provide the traffic plan during the construction period. Below were the commitments builder and the City was supposed to provide to us for review via City planning department by Wednesday Dec 2nd, 2015 but till to date no information were passed on to us.

1. Builder agreed no heavy trucks through this lane except while building the back lane extension and that duration will be very short.
2. Builder agreed not to park any construction vehicle during construction period in this SRW lane and in the back lane provided city will keep open the front entrances of 9131 which City agreed to do that.
3. City transport will re-visit the lane and will assess the safety/condition of the lane and report back to planning department?
4. Craig agreed to provide the written assurance regarding the fencing of the SRW as per NISHA's request.
5. The City agreed to enforce the construction vehicle parking restrictions and will monitor the activities. We have no idea, will there be a hotline to call for violators?

Please let us know the status of these commitments.

Thanks,  
Qaiser

From: [CLussier@richmond.ca](mailto:CLussier@richmond.ca)

Subject: Setting up a meeting - 9131 Steveston Hwy (RZ 15-703150)

Date: Wed, 18 Nov 2015 20:51:39 +0000

Hi all,

To follow-up from the Planning Committee's request that staff liaise with the rezoning applicant and property owners at 9093 and 9097 Steveston Hwy, I mentioned that I would be contacting each of you to schedule a meeting.

Wayne Craig, Director of Development will be attending the meeting and he is not available to meet this week. Right now, my Director is available at 3:30pm on Tuesday November 24<sup>th</sup>.

Please confirm by 3pm tomorrow (Thurs Nov 19) that you are available to meet on that date/time, here at City Hall.

Thank you,

Cynthia Lussier

*Planner 1*

Development Applications Division

City of Richmond

Tel: 604-276-4108

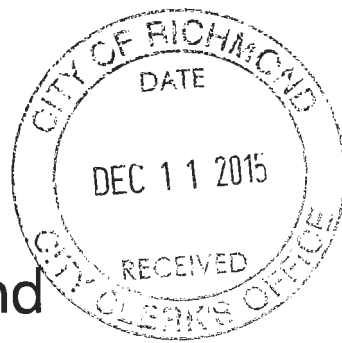
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)





City of  
Richmond



Schedule 13 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

## Memorandum

Planning and Development Division  
Development Applications

**To:** Mayor and Councillors

**Date:** December 10, 2015

**From:** Wayne Craig  
Director, Development

**File:** RZ 15-703150

**Re:** December 15<sup>th</sup> Public Hearing-9131 Steveston Hwy, Bylaw 9505

### Purpose

This memorandum provides City Council with an update on staff discussions with the applicant and some of the affected residents to address the concerns raised regarding access and traffic associated with the subject rezoning application.

### Background

Bylaw 9505 to rezone 9131 Steveston Highway from the "Single Detached (RS1/E)" zone to the "Compact Single Detached (RC2)" zone will be considered at the Public Hearing on Tuesday December 15<sup>th</sup>, 2015 (Item # 6). The application proposes vehicle access from an established City lane system to the west accessed through a statutory right-of-way (SRW) for utilities and public-rights-of-passage (connecting the lane to Steveston Hwy), which is registered on title for two (2) adjacent lots at 9093 and 9097 Steveston Highway.

At the Planning Committee and City Council meetings held on November 17<sup>th</sup> and 23<sup>rd</sup>, respectively, concerns were raised by neighbouring residents about the use of the SRW for vehicle access to the subject site.

As directed by the Planning Committee, staff met with the applicant and the neighbouring property owners at 9093 and 9097 Steveston Hwy to discuss the proposed access and to identify options to address the residents' concerns.

Staff note that the proposed use of the SRW access would be temporary until a permanent lane access becomes available from Mortfield Gate to the east. Once the permanent lane connection to Mortfield Gate is functional, the use of the SRW for the purpose of public-rights-of-passage would be discontinued and the property owners at 9093 and 9097 Steveston Hwy can make an application to the City to remove the allowance for public-rights-of-passage in the SRW area.

### Meetings with the applicant and neighbouring residents

Staff met with the applicant and with some of the affected residents, both individually and collectively on multiple occasions to discuss specific concerns regarding the use of the statutory right-of-way and traffic.

PHOTOCOPIED

REC 11

& DISTRIBUTED



### The applicant's proposal to address residents' concerns

In response to the discussions with staff, the applicant has outlined a construction management plan to address the concerns raised by the residents.

- The existing building will be demolished, with all equipment and clearing to occur from the two (2) existing driveways on Steveston Highway. The SRW/lane will not be used for access.
- The dedicated rear lane will be constructed prior to the construction of any single-family dwelling on the proposed lots, with all equipment and construction to be staged from the development site, with access from Steveston Highway. The SRW/lane will not be used for access.
- During the house construction phase, vehicle access to the proposed lots, and delivery of equipment and construction materials is to occur from the existing driveways on Steveston Highway. The SRW/lane will not be used for this purpose.
- As required during all phases of development, should the applicant need to have large construction vehicles parked on Steveston Hwy, the applicant will submit a request to the City for a temporary single westbound curb lane closure to occupy Steveston Highway along the front of the subject site, and engage a qualified traffic control company during the closure. Any lane closures would be subject to City approval and be restricted to non-peak traffic hours (i.e., 9:00 am-3:00pm).

### The applicant's proposal for additional parking

The applicant has also identified a proposal to secure additional parking that may be required for construction crews and trades during the project. The applicant has acknowledged that parking in the SRW/lane is not permitted.

The applicant has obtained permission from the property owners at 10971 Mortfield Gate to park construction crews and trades vehicles in front of their property.

### Construction hours

The applicant has advised staff that they wish to follow the standard hours for construction in accordance with the City's Noise Regulation bylaw No. 8856 (e.g. 7:30am-7:30pm non-holiday weekdays; and 10:00 am-7:30 pm on non-holiday Saturdays).

The applicant has advised that they may consider compressed work hours if neighbouring residents express concerns.

### Sightline concerns at the intersection of the SRW and Steveston Hwy

In response to concerns raised about sightlines at the intersection of the SRW and Steveston Highway, Transportation Department staff have conducted a site inspection and note that the line of sight from a vehicle exiting the SRW is clear of the existing hedge to a sufficient distance to the east and west.

December 10, 2015

- 3 -

If you have any questions about this memo, please contact me directly at 604-247-4625.

Handwritten signature of Wayne Craig, consisting of the letters 'W', 'C', and 'r' in a cursive style. To the right of the signature is a large, simple arrow pointing to the left.

dr: Wayne Craig  
Director, Development

WC:cl

pc: Joe Erceg, MCIP, General Manager, Planning and Development  
Victor Wei, P. Eng., Director, Transportation

Schedule 14 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

To Public Hearing
Date: <u>Dec 15/15</u>
Item # <u>6</u>
Re: <u>9131 Steveston Hwy</u>
<u>RZ 15-703150</u>

**MayorandCouncillors**

**From:** Qaiser Iqbal <q\_iqbal@hotmail.com>  
**Sent:** December-10-15 9:14 AM  
**To:** MayorandCouncillors; Jansson, Michelle  
**Subject:** Public SRW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
**Attachments:** Private Property Email.pdf  
**Categories:** 12-8060-20-9505 - RZ 15-703150

Michelle,  
Sometimes back in 2011, I did complained about Off-leash dog activities in this private lane, although that was a mistake to complain about the neighbour's dog but now its kind of blessing in disguise in a sense that City Bylaw manager sent me in writing that this is a private lane and Bylaws enforcement does not apply to the private property. He clearly mentioned in that letter that This is NOT a PUBLIC ROAD.

Please consider that firm statement while evaluating the final application and also you may send that to your legal department they may change their legal interpretation of this SRW Document # **BW406323**. I am attaching the related script of that letter for your circulation to the council and for your legal department who is hiding this legal interpretation information from us.

Awaiting for your favourable response.

Thanks,  
Qaiser

---

**From:** MayorandCouncillors@richmond.ca  
**To:** q\_iqbal@hotmail.com  
**Subject:** RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
**Date:** Tue, 17 Nov 2015 21:57:59 +0000

This is to acknowledge and thank you for your email of November 16, 2015 to the Mayor and Councillors, in connection with the above matter, a copy of which has been forwarded to the Mayor and each Councillor for their information and will be available at the Planning Committee Meeting today at 4pm.

In addition, your email has been referred to Wayne Craig, Director, Development. If you have any questions or further concerns at this time, please call Mr. Craig at 604.276.4000.

Thank you again for taking the time to make your views known.

Yours truly,

**Michelle Jansson, CMC**  
**Manager, Legislative Services**  
City of Richmond, 6911 No. 3 Road, Richmond, BC V6Y 2C1  
Phone: 604-276-4006 | Email: [mjansson@richmond.ca](mailto:mjansson@richmond.ca)

---

**From:** Qaiser Iqbal [mailto:q\_iqbal@hotmail.com]  
**Sent:** November-16-15 6:45 PM  
**To:** Lussier, Cynthia; MayorandCouncillors  
**Cc:** 'anandnisha.dc@gmail.com'; 'anand.dorairaj@yahoo.com'  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Cynthia,

Then how we would know what is the "legal interpretation" builder has put forward? How come without disclosing to us the planning committee unilaterally decided to move forward with the application. How come all our information related to this SRW is available to builder but we have no access to his "Legal Interpretation"? It seems we have been blindfolded and city is putting gun on our heads asking us to accept this decision. This is not fair on our part, we even don't know what is this "Legal Interpretation", To us its just a "Miss-Interpretation" that's why city is hiding from us under the blanket Called "Legal Interpretation". When we bought these houses we were clearly told that these are temporary SRW given to these four houses only and no public access is allowed except for the city maintenance staff. This same understanding we got it from you when we had meeting with you on July 31st, 2015.

We are still unable to understand why the city is listening to one side only and trying to impose the decision on us. We should also be given fair trial before its too late. Your report even does not mention about our last meeting in which we had shown great opposition to this idea of using our property for public access. Your report casually mentioned that we are not supportive of this decision. Why would we support this? we are strongly opposing that the city is moving forward with builder application.

Please forward our objection to your superior chain of command so that our voice could be heard. I hope proper information will be given to us in due course. Thanks for listening

Qaiser

---

**From:** [CLussier@richmond.ca](mailto:CLussier@richmond.ca)  
**To:** [q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)  
**CC:** [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
**Subject:** RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
**Date:** Tue, 17 Nov 2015 01:08:49 +0000  
Hi Qaiser

The direction that I've been given is that the legal interpretation obtained by the applicant, is not available to the public.

The staff report includes all of the information that is available to the public. Please review my staff report available via this link: [http://www.richmond.ca/agendafiles/Open\\_Planning\\_11-17-2015.pdf](http://www.richmond.ca/agendafiles/Open_Planning_11-17-2015.pdf)

Please let me know if you have any questions about any of the information that I've included in my staff report.

Thanks,

Cynthia Lussier  
Planner 1  
Development Applications Division

City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

From: [CLussier@richmond.ca](mailto:CLussier@richmond.ca)  
To: [g\\_igbal@hotmail.com](mailto:g_igbal@hotmail.com); [DevApps@richmond.ca](mailto:DevApps@richmond.ca)  
CC: [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
Subject: RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
Date: Mon, 16 Nov 2015 20:55:34 +0000  
Hi Qaiser  
I was not able to provide you with a response late Friday afternoon.

I am currently looking into whether the legal interpretation of the right-of-way is available to the public. If so, then you would be welcome to view the file here at City Hall.

I will find out and let you know as soon as possible.

Cynthia Lussier  
*Planner 1*  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Qaiser Iqbal [[mailto:g\\_igbal@hotmail.com](mailto:g_igbal@hotmail.com)]  
**Sent:** Friday, 13 November 2015 4:43 PM  
**To:** Lussier, Cynthia; DevApps  
**Cc:** 'anandnisha.dc@gmail.com'; 'anand.dorairaj@yahoo.com'  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Thanks Cynthia,  
Can you refer to us which legal interpretation (Document #, Clause #, etc), we would like to know how City has unilaterally decided to proceed with this without involving the residents. We'll bring that document in the meeting if you could refer us to the right document.  
Thanks,  
Qaiser

---

From: [CLussier@richmond.ca](mailto:CLussier@richmond.ca)  
To: [g\\_igbal@hotmail.com](mailto:g_igbal@hotmail.com); [DevApps@richmond.ca](mailto:DevApps@richmond.ca)  
CC: [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
Subject: RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
Date: Sat, 14 Nov 2015 00:31:47 +0000  
Hi Qaiser and Nisha

As discussed today by phone, the staff report on the proposed rezoning application at 9131 Steveston Hwy (RZ 15-703150) will be available hopefully this evening through a link on the City's website at

: <http://www.richmond.ca/cityhall/council/agendas/planning.htm>

The staff report is scheduled to be presented at a Planning Committee meeting to be held on Tues Nov 17 in the Anderson Room at Richmond City Hall at 4pm, next week.

The meeting is open to the public, and there will be an opportunity to speak to the Committee when they are considering the application. A copy of the Meeting Agenda will also be available through the above link.

I understand your concerns regarding use of the right-of-way over your properties, however a legal interpretation has been provided to staff which indicates that the right-of-way may be used for the purpose of utilities and public-right-of-passage, and that it was envisioned at the time that your lots were created that the right-of-way provide temporary vehicle access to access adjacent lots in this block until such time that a permanent lane access is made available. It is on this basis that staff is recommending that the application be moved forward to the Planning Committee for their consideration. The outcome of the proposal will be determined by Council with consideration given to the public's comments.

If the Planning Committee decides to move the application forward to the next step, there will be an opportunity for you to provide comments at a subsequent Council meeting and Public Hearing.

Cynthia Lussier

Planner

Development Applications Division

City of Richmond

Tel: 604-276-4108

Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]

**Sent:** Friday, 13 November 2015 3:47 PM

**To:** Lussier, Cynthia; DevApps

**Cc:** [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)

**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Cynthia,

We need a little bit of more clarity on the rezoning "board" being displayed at the property of 9131 Steveston Hwy for Rezoning application number **RZ15-703150**. We made it very clear to the applicant (Maryem Ahbib) that we are not giving any kind of public/Vehicle access to the rear lane through the lane between 9093 & 9097 properties but display sign board is somewhat confusing with the wording "**To permit a subdivision to create (2) Lots, with Vehicle access from a Proposed Extension to the existing rear lane**". I am also attaching the display board photos. We all know that the extension of existing rear lane is not possible until all the houses are sold, under current situation access to the existing lane is not possible because we are not prepared to give any kind of public access through our ROW. Our this decision was clearly communicated to Maryem Ahbib and her partner (see below emails). A copy of that decision was also sent to City of Richmond on August 1st 2015. We also had a meeting with you at the city hall on July 31st, 2015, in which we made it clear that we don't want to give any public access through this lane.

Therefore please do not approve their rezoning application permitting the subdivision with Vehicle access from the rear lane as there is no way they can access to the proposed properties through rear lane.

We already left detail messages at your answering machines, feel free to contact us to discuss this if necessary.

Thanks,  
Qaiser  
604-839-3011 (Cell)

---

**From:** Iqbal, Qaiser  
**Sent:** 2015, August 09 12:14 PM  
**To:** Lussier, Cynthia ([CLussier@richmond.ca](mailto:CLussier@richmond.ca))  
**Cc:** 'Khalid Hasan ([info@khalidhasan.com](mailto:info@khalidhasan.com))'  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

#### **For your information**

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** 2015, August 01 10:36 AM  
**To:** [mahbib@sutton.com](mailto:mahbib@sutton.com); [bpsanesar@sutton.com](mailto:bpsanesar@sutton.com)  
**Cc:** [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
**Subject:** Public ROW Access on Private Properties (9093 & 9097)

#### **Attention: Maryem Ahbib and Bhajan Panesar - Sutton Group (Seafair Realty)**

Please be informed that we the owners of properties 9093 Steveston Hwy & 9097 Steveston Hwy jointly decided not to give/allow any kind of public access through our properties as shown on Plan BCP # 13121. Therefore no further meetings/visits to our houses are necessary to pursue this matter with us. This matter deemed closed hereinafter.

Thank you,

Qaiser/Naureen owner of 9093 Steveston Highway, Richmond BC  
Anand/Nisha owner of 9097 Steveston Highway, Richmond BC

---

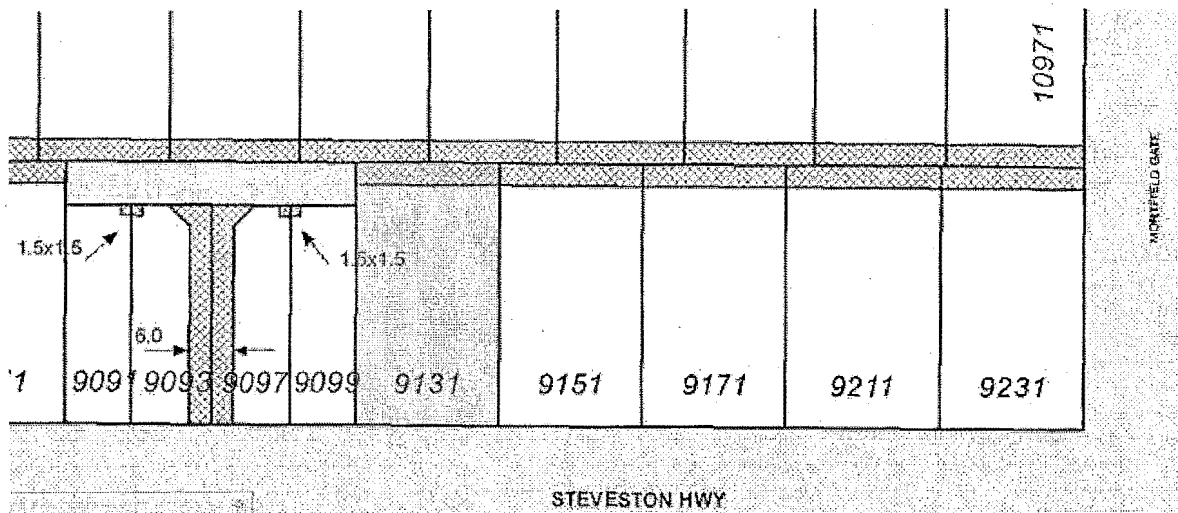
**From:** Lussier, Cynthia [<mailto:CLussier@richmond.ca>]  
**Sent:** 2015, July 27 3:42 PM  
**To:** Iqbal, Qaiser  
**Subject:** RE: Temporary Public Access on Private Property

Hello,  
Thank you for taking the time to inquire about the proposed Rezoning application at 9131 Steveston Hwy (RZ 15-703150).

Maryem Ahbib has submitted an application to request permission from City Council to rezone the land to enable a subdivision to create 2 lots with vehicle access from an eastbound extension of the existing City-owned lane along the north property line of 9091/9093/9097/9099 Steveston Hwy (see the map below showing your property and the City-owned lane along the north property line). City staff are currently reviewing the rezoning application. One of the issues that City staff need to review is the proposed vehicle access to the site.



I think it would be worth discussing the redevelopment history of the lots at 9091/9093/9097/9099 Steveston Hwy in person. Are you able to attend a brief meeting with me to discuss this? Please let me know your availability to meet with me. I am in the office this week and then out of the office next week, returning on Monday August 10<sup>th</sup>.



Thank you,

Cynthia Lussier  
Planning Technician  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Iqbal, Qaiser [<mailto:Qaiser.Iqbal@bchydro.com>]  
**Sent:** Monday, 27 July 2015 12:41  
**To:** DevApps  
**Cc:** InfoCentre  
**Subject:** Temporary Public Access on Private Property

Attention; The Land Title Manager

I have been approached by two realtors from Sutton group (refer attached file) asking me to sign an authorization granting them a temporary public access to develop the property in the block of 9100 (east side) giving them access from back lane to the future residents as well. My understanding is; this lane between my house at 9093 Steveston Hwy and our neighbour at 9097 Steveston Hwy is not public property. This vehicle access is provided jointly by us and our neighbour so that vehicles can access the garages at the rear of the 4 houses in this complex only. Since builder is developing the adjacent block they should have their own private lane similar to us instead of asking us to provide the access. By giving access traffic in this lane is going to be increased, over and above this lane is not built for heavy and more traffic. Over the past number of years we have noticed that this lane is already sinking due to current traffic conditions. Before we sign or refuse to sign, we would like to know, what are our legal rights in case we refuse to grant any additional public access through this lane? What are the legal implications for refusing to give access.? Does City support us in any decision we would like to put forward in future?

Can we get our previously signed copy of the access that we have given to the current property owners? Please advise in detail. If you are not the right person to deal with such inquires please forward our request to the concerned department.

Regards,

***Qaiser Iqbal/Naureen Qaiser***

**Folio Number:** 074-841-012

**Civic Address:** 9093 STEVESTON HWY RICHMOND, BC V7A 1M6

Tel: 604-528-1777 (W)      Cell: 604-839-3011

Email: [qaiser.iqbal@bchydro.com](mailto:qaiser.iqbal@bchydro.com)

## Iqbal, Qaiser

---

**To:** Mercer, Wayne  
**Cc:** MacKinnon, Deb; MayorandCouncillors; Toews, Curt  
**Subject:** RE: Alleged Dogs Off Leash - 9000 blk Steveston Hwy

---

**From:** Mercer, Wayne [<mailto:WMercer@richmond.ca>]  
**Sent:** 2011, September 06 2:49 PM  
**To:** Iqbal, Qaiser  
**Cc:** MacKinnon, Deb; MayorandCouncillors; Toews, Curt  
**Subject:** Alleged Dogs Off Leash - 9000 blk Steveston Hwy

Mr. Iqbal:

Your message to the Mayor's Office has been referred to my office for investigation and response.

Thank you very much for forwarding the video as you did – it makes it very clear as to where your neighbours are removing the leashes from their dogs' collars.

**In reviewing the area between your house at 9093 Steveston Hwy and your neighbour at 9097 Steveston Hwy, where the unleashing took place, this is not public property.** This vehicle access is provided jointly by you and your neighbour so that vehicles can access the garages at the rear of the 4 houses in this complex. I would expect that, when you purchased your home, you agreed to provide such access as part of the purchase agreement.

**Because this is private property, evenly split between you and your neighbor, the leashing requirements for dogs under the City's Animal Control Regulation Bylaw do not apply – they only apply on City-owned property.** Therefore, your neighbours are not acting contrary to the Bylaw in releasing their dogs from their leashes in this area and we will not be pursuing any enforcement for these actions.

Thanks.....

---

**Wayne G. Mercer**  
Manager, Community Bylaws

**City of Richmond**  
6911 No 3 Road  
Richmond, BC V6Y 2C1

direct: 604.247.4601  
fax: 604.276.4036  
email: [wmerc@richmond.ca](mailto:wmerc@richmond.ca)  
web: [www.richmond.ca](http://www.richmond.ca)

---

Schedule 15 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

To Public Hearing
Date: <u>Dec 15, 2015</u>
Item # <u>6</u>
Re: <u>9151 Steveston Hwy</u>
<u>RZ 15-703150</u>

**MayorandCouncillors**

**From:** TsangPeter <petertsang8@hotmail.com>  
**Sent:** December-13-15 9:20 PM  
**To:** MayorandCouncillors; Lussier,Cynthia; dwebber@richmond.ca  
**Subject:** RE: File No. RZ15-703150  
**Attachments:** 掃描0050.jpg; 掃描0050.jpg  
**Categories:** 12-8060-20-9505 - RZ 15-703150

Mayor and all Councillors,

Before you make decision please consider the safety of your people, not only the bylaws. Increase the people using this driveway means increase the danger of our life, our neighbour's life and the life of the people using this Steveston hwy. You will put all the people using this driveway in danger. You are welcomed to come down to our driveway to experience the danger of using this driveway. I bought this house 10 years ago, the traffic is not heavy as today. I won't buy this house now. Please look before you approve more people using this driveway. Don't be a slaughter, be a saviour. Hope you can understand our worry, hope you can hear our voice, hope you really consider your people's life not only the developer's benefit, not only the bylaws.

Thank you so much for your time.

you remain,

Peter Tsang  
resident of 9099

---

From: MayorandCouncillors@richmond.ca  
To: petertsang8@hotmail.com

Subject: RE: File No. RZ15-703150

Date: Thu, 19 Nov 2015 21:46:59 +0000

This is to acknowledge and thank you for your email of November 19, 2015 to the Mayor and Councillors, in connection with the above matter, a copy of which has been forwarded to the Mayor and each Councillor for their information.

In addition, your email has been referred to Wayne Craig, Director, Development. If you have any questions or further concerns at this time, please call Mr. Craig at 604.276.4000.

Thank you again for taking the time to make your views known.

Yours truly,

**Michelle Jansson, CMC**

**Manager, Legislative Services**

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

Phone: 604-276-4006 | Email: [mjansson@richmond.ca](mailto:mjansson@richmond.ca)

---

**From:** TsangPeter [<mailto:petertsang8@hotmail.com>]

**Sent:** November-19-15 12:31 AM

**To:** Lussier, Cynthia; DevApps; [dwebber@richmond.ca](mailto:dwebber@richmond.ca); MayorandCouncillors

**Subject:** RE: File No. RZ15-703150

Dear Cynthia,

We are the owner and residents of 9099 Steveston Hwy. We understand that an application to rezone the property at 9131 Steveston Hwy to build 2 houses. It is the City planning and we agree with that. Base on the following reasons we strongly disagree that they will use the drive way between #9093 and #9097.

- 1) Steveston Hwy is heavy traffic road and most vehicle drivers drive more than the speed limit. A lot of vehicle drivers are caught for speeding on this road. We are always afraid of accident when we drive out to and from opposite lane. It is very dangerous.
- 2) The existing drive way between #9093 and #9097 is somewhat a little bit narrow. When one car waiting to go out and the other car come back from outside, we always find the drive way is too narrow. When we slow down and prepare to drive into the drive way, the car follows is so close and we afraid they can hit from the back.

- 3) The drive way between #9093 and #9097 is for 4 house residents to use right now, and we already find it is too crowded. If it is open for more property residents to use the same lane from the busy Steveston Hwy. I am sure it will increase the chance to accident.
- 4) Our neighbour's children are always playing in the drive way. More property use the same drive way will increase the chance for accident. Is is saturated for these 4 property's residents to use this drive way right now and cannot accommodate more users.

Please consider seriously about the above reasons and not grant the application to use this drive way any more. They have to open a lane from Mortfield Gate. It is because the traffic from Mortfield Gate is far less slow comparing from Steveston Hwy. The 9000 and 10000 block on Williams Road have a back lane open from the side road. and the traffic on Williams is much less heavy and fast compare with Steveston Hwy. So for the safety of us and our neighbours, Please DON'T grant this application. Whoever grant this application and will be responsible for the safety of our life. Please make a second thought and think it carefully.

Your kindest consideration to this matter is much appreciated.

Yours truly,

Wing Yee Lam (owner of 9099 )

Wai Chun Li (resident of 9099)

Peter Tsang (resident of 9099)

c.c. [DevApps@richmond.ca](mailto:DevApps@richmond.ca)

c.c. [dwebber@richmond.ca](mailto:dwebber@richmond.ca)

c.c. [mayorandcouncillors@richmond.ca](mailto:mayorandcouncillors@richmond.ca)

Schedule 16 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

### Goodwin & Mark LLP

Barristers & Solicitors  
Trade Mark Agents

JOHN R. GOODWIN (Ret.)  
ALEX SWEZEY  
PETER J. GOODWIN  
MICHELLE J. RANDALL

DONALD T. MARK (Ret.)  
VIRGINIA HAYES (Ret.)  
HERMAN C. CHEUNG  
PATRICK J. MARCH

To Public Hearing
Date: December 15, 2015
Item # 6
Re: Amendment Bylaw 9505
RZ 15-703150

TELEPHONE (604) 522-9884  
FAX (604) 526-8044  
E-mail: alex@goodmark.ca

217 WESTMINSTER BUILDING  
713 COLUMBIA STREET  
NEW WESTMINSTER, B.C. V3M 1B2

REPLY ATTENTION OF: Alex Swezey  
OUR FILE #41,403s

December 11, 2015

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

Fax to: (604)278-5139

Attention: Director, City Clerk's Office

Dear Sirs/Mesdames:

**Re: Application RZ 15-703150 by Maryem Ahbib for Rezoning at 9131 Steveston Hwy - Amendment Bylaw 9505 to Zoning Bylaw 8500 - Public Hearing December 15, 2015 - 7PM**

We have been consulted by Qaiser Iqbal and Naureen Qaiser, the owners of 9093 Steveston Highway, and by M. Anandraj Dorairaj and Nisha Cyril the owners of 9097 Steveston Highway, with respect to this rezoning application.

This letter will not address the merits of the rezoning application generally; our clients and other neighbours have done that separately.

However, our clients have consulted us more specifically about the significance of Statutory Right of Way ("SRW") BW406323 to the rezoning application. Our clients have expressed surprise at the recent change in the City's interpretation of the SRW. City staff have always looked at the SRW as simply for sewers, drains, etc., and what our clients and their neighbours otherwise did with the SRW area over their property was up to them.

Now, however, the City seems to be viewing the SRW as a public roadway, available to the current applicant, for example, to use for access instead of their own driveway.

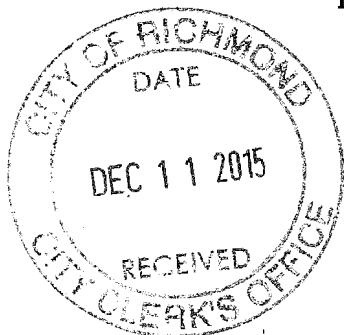
In our opinion, this is an untenable interpretation of the SRW, as well as an unrealistic one.

It is instructive to read the SRW carefully.

In Part 1, setting out the objectives of the SRW

*"(b) Richmond desires to obtain from the Owner a statutory right of way to construct certain Works on, over and under the hereinafter described portion of the land;*

*"(c) The statutory right of way is necessary for the operation and maintenance of Richmond's undertaking."*



- 2 -

This is the whole of the purpose of the SRW. There is no other purpose or objective.

In Part 2, the specific grant is stated:

*"...the Owner does hereby grant unto Richmond the full, free and uninterrupted right of way for Richmond, its licensees, servants, officials, workmen, machinery and vehicles, at any time and at their will and pleasure for the benefit of Richmond."*

Again, the grant itself does nothing to expand the purpose set out in Part 1.

Part 3 then merely sets out the usual specific ways in which Richmond can exercise the grant given in Part 2, for the purpose set out in Part 1. Anything in Part 3 must be interpreted as merely implementing Parts 1 and 2, and not as expanding them. If the intent of the SRW was to establish a public roadway, that would have been stated in Parts 1 and 2.

Or, in the normal way, in a wholly separate SRW, not imbedded in two or three words buried away in a sewer and drainage SRW.

In fact, in 40 years of practice, I don't believe I have ever seen one single combined SRW used for both purposes, rather than separate SRWs.

And a SRW intended for a public roadway would have considerably more provisions specific to such use.

To illustrate the impracticality of this being intended for a public roadway, consider the very limited restrictions placed upon the Owner. He is not required to do any maintenance of a roadway, or even to provide one at all. In fact he is prohibited from having a concrete driveway.

There is nothing to prevent him from removing all existing ground cover and replace it with grass, bushes or other vegetation (as long as he does not diminish or increase the depth), and allowing children to play in the whole area.

There is nothing to prevent him from parking vehicles across the SRW area, or installing a fence (so long as he allows Richmond access for its "Works".)

There is a "Lane" across the North end of the Lots, and perhaps the Applicant can access that from the West end. But, in our opinion, Richmond has no right to purport to allow the Applicant the use of the SRW.

If you have a legal opinion to the contrary, please provide a copy, and we would be pleased to address it.

Yours truly,

**GOODWIN & MARK LLP**

*Alex Swezey*  
ALEX SWEEZEY



**SUBMISSION FOR PUBLIC HEARING ON DEC 15<sup>TH</sup>, 2015**

**FAX NO. 604-278-5139**

Attn: The Mayor and Councillors – Director, City Clerk’s Office  
City of Richmond  
6911 No. 3 Road  
Richmond BC V6Y 2C1

To Public Hearing
Date: Dec 15/15
Item # 6
Re: 9131 Steveston Hwy
RZ 15-703150

From: The residents of 9091, 9093, 9097 and 9099 Steveston Hwy, Richmond  
December 14<sup>th</sup>, 2015  
Schedule 17 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

**Letter to the Council with strong objections to the re-zoning application (RZ 15-703150)**

Dear Mayor and council,

Since the last council meeting on Nov 23rd, we have had opportunity to consult a lawyer with respect to the use of the SRW between 9097 and 9093 as a public road as proposed by this re-zoning application. We have been advised by a reputable law firm that the Statutory Right of Way document for our properties is for public utilities only. A different document needs to be registered for the use of the SRW as a public road. Our lawyer has faxed this information to council directly on December 11<sup>th</sup>, 2015. The reason our notaries told us the wording indicated maintenance of public works is because that is the way the document is drawn. We no longer believe that it was our mistaken impression, lack of due diligence or the ignorance of our notaries that led us to believe this was not a public road.

Further to the legal aspect, law requires that a certain distance must separate a home from a public road. This law exists for good reason. Only a driveway can exist right off someone’s living room. So why are we wrong to have thought this was a private driveway with courtesy access for 9099 and 9091 that were built at the same time? If this SRW was intended to be used as a public road, why did the original plan allow the homes to be built right up to the edge of the road? Why was a serious law over-ridden in the name of SRW?

We are told repeatedly by staff that this is a temporary access plan. There are NO other homes in the entire line with a back-lane at this time. When we try to get more information on what plan is in place to ensure that this is temporary, the planning staff have no answers for us.

**Staff’s response to our questions:** No we cannot stop anyone from building a larger single family home, blocking the anterior lane and making this access permanent. No we have no information on how many other homes are ready to implement this. No we cannot wait to implement this solution by bringing the lane in from Mortfield Gate or Roseland Gate. No we cannot do anything about the risk of the lane getting blocked at any time.

So we have come to the conclusion that no work or planning has been done to ensure the implementation of the anterior lane. In the private sector, when we prepare a “temporary plan” we are required to support it with feasibility studies, risk assessments, time line for implementation of permanent solution, budgets and actions for implementation. It comes as a BIG disappointment that the same standards do not apply in the public sector. That all it takes to constitute a “PLAN” is a color print-out presented by the staff at the planning meeting (Nov 17<sup>th</sup>) with purple paint depicting where they WISH the anterior lane to eventually appear.

We now present a real case to show the outcome of such planning - Mr Qaiser Iqbal (9093) and Mr. Anand Dorairaj (9097) spoke to the owner affected by a similar situation that Ms. Cynthia L (staff) told

us about on No 2 road and Colville road. The owner expressed that he was told that the anterior lane would work its way out and he would have his land back. Many years have gone by and increased numbers of homes are using the lane but a large home on both sides has stopped the lane-progress and made the so-called temporary solution permanent. His words were "I will not get my land back in this lifetime". He expressed his dissatisfaction and helplessness at the situation. When asked why he did not fight back at that time, the answer brought the true helplessness of the Richmond resident to the fore. Many residents are not native English speakers, not only do they find speaking in front of Council too daunting, they also are not able to understand fully what goes on and express themselves well enough to be convincing. Today we speak for this gentleman as well (Ms. Cynthia L who told us about him knows the address) as the voice of the voiceless. The elected council is intended to be the voice of the voiceless. The average resident is not a trained lawyer or a leader who can communicate well in public. ***In a city like Richmond, we need a council who can visualize the common man's pain beyond what mere words can convey because the sad truth is that the common man often cannot convey.***

At the last meeting, we spoke of the city acquiring the land to Mortfield gate, constructing the lane now and having future builders reimburse the city later. We hear there are only 3 homes in the way. His Worship turned to the staff and said "If this goes to public hearing, can we see some options?" To us this meant that even if the Council voted in favour of this application (going to public hearing) the options would be looked at. Despite the Mayor's words, no staff has communicated to us that they even called any of the homeowners to Mortfield Gate asking if they are amenable to selling the city the last 6m of unused jungle on the back of their lots. Or that even 15 minutes was spent by the staff considering any other option. The only communication we had was regarding traffic regulation during construction.

We have expressed safety concerns that while turning in from a fast road like Steveston hwy, a large turning radius is required, and another car waiting to come out makes for a very difficult situation. The only answer we receive is that "22ft meets requirements". No one has advised us that the staff/transportation have tried out this scenario to see the merit in our concern. To check if it is possible to turn in without coming to a complete stop on Steveston Hwy while another car is trying to come out. Transportation can look up the chances of being rear-ended in such situations. It does not matter whose fault it is when a bus or truck hits a small car from the back on a dark, rainy night – the folks in the car will be the ones getting hurt. No one seems to consider it worth trying out despite all of us saying that we are having difficulty with the existing situation, so we wonder if we are not significant enough in the large scheme of things to be considered. ***We feel truly sorry for the buyers of the proposed new homes if this goes forward. They will not know what they are getting into till they move in and start using this access. Just like we did not realize how difficult this type of access would be for us.***

To summarize, we completely object to this re-zoning application on the grounds that it is immature with no proper access plan. The access should be made first before the homes. We object to the use of our private property as a public road. We further object to the road width being measured from the start of our living room wall and not 3 feet away as all public roads should be. We also state that the current access is not even safe for the existing homes, that the lane from Mortfield Gate should be built at the earliest, and we should be allowed the safety of enclosing our property (subject to allowing the city in for maintenance works). Finally we strongly object to the mis-use of the word TEMPORARY to sell a poor plan (if this can even be called a plan without steps for implementation) when there is no by-law/ plan in place to ensure the temporariness.

Everyone agrees that the anterior lane from Mortfield Gate is the solution. ***Perhaps the reason no steps are being taken to implement that is because there appears to be a free and easy out.***

**Please stop this free and easy out now.** That and ONLY that will make the interested parties spend the money, time and effort to implement the better solution. A solution that will benefit not just us, but the future owners of the proposed homes, the builders (can sell the new homes for a better price), the city (guaranteed anterior lane), the owners of the 3 properties on the way to Mortfield Gate (who are listing but are unable to sell possibly due to access issues and will also benefit the owners of the properties to the West. The city's buying out the lane area from 3 homes can be the catalyst to the development of the entire area. Please stop this re-zoning application in a conclusive way, so that no new builder files a similar application.

The staff has told us that they understand our frustration but the staff and Council have a duty towards the greater public. We are having the hardest time believing that the greater public of Richmond wants this. Thankfully getting public opinion is not difficult. As we belong to Facebook groups of Richmond parents, Richmond furniture resale, Richmond Toy swap and several other community based ones; we may be able to cover most residents between 18 and 45. After we know the outcome of this case being delivered in the name of the greater public of Richmond, we would like to know what the true public sentiment is for the below questions –

- 1) If the council is presented with opposing legal positions from the city legal department and private residents through a reputable firm, which one should they favour?
- 2) With the cost of land making it almost impossible for the growing family to afford land for their own home, is it acceptable anymore for the city to use private property for public roads in the name of SRW?
- 3) Is it acceptable for a public road to start at the wall of someone's residence?
- 4) Is it acceptable for the city to take over SRW land without owner consent and direct more and more traffic on someone's property and not take any steps to ensure that it is returned in any fixed time or even "in their lifetime"?

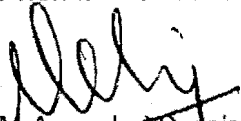
The staff has advised us that we cannot communicate with council about this case if it is approved at public hearing so we may not be able to send you the results but if the resident poll is different from the case outcome, we may publish them in the Richmond paper for your information.

Thank you!




Qaiser Iqbal/ Naureen Qaiser owner of 9093 Steveston Highway, Richmond BC

Phone: 604-277-6493, Email: [q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)





M Anandraj Dorairaj/ Nisha Cyril owner of 9097 Steveston Highway, Richmond BC

Phone: 604-288-6067, Email: [anand.filmfx@gmail.com](mailto:anand.filmfx@gmail.com)



Jianxing (George) Zhuo /Jie (Soly) Feng owner of 9091 Steveston Highway, Richmond BC

Phone: 604-295-7166, Email: [george.zhuo@grupobimbo.com](mailto:george.zhuo@grupobimbo.com) / [solyfeng@hotmail.com](mailto:solyfeng@hotmail.com)




Peter Tsang / Wing Yee Lam owner of 9099 Steveston Highway, Richmond BC

Email: [petersang8@hotmail.com](mailto:petersang8@hotmail.com)

Attachment: 1. An independent legal interpretation letter on the SRW document # BW406323 from Goodwin & Mark LLP

**Goodwin & Mark LLP**

Barristers & Solicitors  
Trade Mark Agents

JOHN R. GOODWIN (Ret.)  
ALEX SWEEZEY  
PETER J. GOODWIN  
MICHELLE J. RANDALL

DONALD T. MARK (Ret.)  
VIRGINIA HAYES (Ret.)  
HERMAN C. CHEUNG  
PATRICK J. MARCH

TELEPHONE (604) 522-9884  
FAX (604) 528-8044  
E-mail: alex@goodmark.ca

217 WESTMINSTER BUILDING  
713 COLUMBIA STREET  
NEW WESTMINSTER, B.C. V3M 1B2

REPLY ATTENTION OF: Alex Sweezy  
OUR FILE #41,403s

December 11, 2015

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

Fax to: (604)278-5139

Attention: Director, City Clerk's Office

Dear Sirs/Mesdames:

**Re: Application RZ 15-703150 by Maryem Ahbib for Rezoning at 9131 Steveston Hwy - Amendment Bylaw 9505 to Zoning Bylaw 8500 - Public Hearing December 15, 2015 - 7PM**

We have been consulted by Qaiser Iqbal and Naureen Qaiser, the owners of 9093 Steveston Highway, and by M. Anandraj Dorairaj and Nisha Cyril the owners of 9097 Steveston Highway, with respect to this rezoning application.

This letter will not address the merits of the rezoning application generally; our clients and other neighbours have done that separately.

However, our clients have consulted us more specifically about the significance of Statutory Right of Way ("SRW") BW406323 to the rezoning application. Our clients have expressed surprise at the recent change in the City's interpretation of the SRW. City staff have always looked at the SRW as simply for sewers, drains, etc., and what our clients and their neighbours otherwise did with the SRW area over their property was up to them.

Now, however, the City seems to be viewing the SRW as a public roadway, available to the current applicant, for example, to use for access instead of their own driveway.

In our opinion, this is an untenable interpretation of the SRW, as well as an unrealistic one.

It is instructive to read the SRW carefully.

In Part 1, setting out the objectives of the SRW

*"(b) Richmond desires to obtain from the Owner a statutory right of way to construct certain Works on, over and under the hereinafter described portion of the land;*

*(c) The statutory right of way is necessary for the operation and maintenance of Richmond's undertaking."*

- 2 -

This is the whole of the purpose of the SRW. There is no other purpose or objective.

In Part 2, the specific grant is stated:

*"...the Owner does hereby grant unto Richmond the full, free and uninterrupted right of way for Richmond, its licensees, servants, officials, workmen, machinery and vehicles, at any time and at their will and pleasure for the benefit of Richmond."*

Again, the grant itself does nothing to expand the purpose set out in Part 1.

Part 3 then merely sets out the usual specific ways in which Richmond can exercise the grant given in Part 2, for the purpose set out in Part 1. Anything in Part 3 must be interpreted as merely implementing Parts 1 and 2, and not as expanding them. If the intent of the SRW was to establish a public roadway, that would have been stated in Parts 1 and 2.

Or, in the normal way, in a wholly separate SRW, not imbedded in two or three words buried away in a sewer and drainage SRW.

In fact, in 40 years of practice, I don't believe I have ever seen one single combined SRW used for both purposes, rather than separate SRWs.

And a SRW intended for a public roadway would have considerably more provisions specific to such use.

To illustrate the impracticality of this being intended for a public roadway, consider the very limited restrictions placed upon the Owner. He is not required to do any maintenance of a roadway, or even to provide one at all. In fact he is prohibited from having a concrete driveway.

There is nothing to prevent him from removing all existing ground cover and replace it with grass, bushes or other vegetation (as long as he does not diminish or increase the depth), and allowing children to play in the whole area.

There is nothing to prevent him from parking vehicles across the SRW area, or installing a fence (so long as he allows Richmond access for its "Works").

There is a "Lane" across the North end of the Lots, and perhaps the Applicant can access that from the West end. But, in our opinion, Richmond has no right to purport to allow the Applicant the use of the SRW.

If you have a legal opinion to the contrary, please provide a copy, and we would be pleased to address it.

Yours truly,

**GOODWIN & MARK LLP**

*Alex Sweezy*  
**ALEX SWEEZEY**

Schedule 18 to the Minutes of the  
Public Hearing meeting of  
Richmond City Council held on  
Tuesday, December 15, 2015.

**Jansson, Michelle**

To Public Hearing
Date: <u>Dec 15 / 15</u>
Item # <u>6</u>
Re: <u>9131 Steveston Hwy</u> <u>RZ 15-703150</u>

**From:** Qaiser Iqbal <q\_iqbal@hotmail.com>  
**Sent:** December-14-15 11:27 AM  
**To:** Jansson, Michelle; MayorandCouncillors  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
**Attachments:** LtrToRichmond.Dec11.15.signed.pdf

Michelle,

Please find attached the independent legal interpretation of the SRW Document # **BW406323** obtained from an independent lawyer. This attached legal interpretation is completely different what City legal department has imposed on us. Over and above our lawyer has demanded in writing from the city legal department to disclose the City's version of legal interpretation of this document. Our lawyer has already faxed directly this document to the city on December 11th, 2015, please furnish the requested details as soon as possible.

Thanks,  
Qaiser

---

**From:** MayorandCouncillors <MayorandCouncillors@richmond.ca>  
**Sent:** November 17, 2015 1:57 PM  
**To:** 'Qaiser Iqbal'  
**Subject:** RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

This is to acknowledge and thank you for your email of November 16, 2015 to the Mayor and Councillors, in connection with the above matter, a copy of which has been forwarded to the Mayor and each Councillor for their information and will be available at the Planning Committee Meeting today at 4pm.

In addition, your email has been referred to Wayne Craig, Director, Development. If you have any questions or further concerns at this time, please call Mr. Craig at 604.276.4000.

Thank you again for taking the time to make your views known.

Yours truly,

**Michelle Jansson, CMC**  
**Manager, Legislative Services**

City of Richmond, 6911 No. 3 Road, Richmond, BC V6Y 2C1  
Phone: 604-276-4006 | Email: [mjansson@richmond.ca](mailto:mjansson@richmond.ca)

---

**From:** Qaiser Iqbal [mailto:q\_iqbal@hotmail.com]  
**Sent:** November-16-15 6:45 PM  
**To:** Lussier, Cynthia; MayorandCouncillors  
**Cc:** 'anandnisha.dc@gmail.com'; 'anand.dorairaj@yahoo.com'  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Cynthia,

Then how we would know what is the "legal interpretation" builder has put forward? How come without disclosing to us the planning committee unilaterally decided to move forward with the application. How come all our information related to this SRW is available to builder but we have no access to his "Legal Interpretation"? It seems we have been blindfolded and city is putting gun on our heads asking us to accept this decision. This is not fair on our part, we even don't know what is this "Legal Interpretation", To us its just a "Miss-Interpretation" that's why city is hiding from us under the blanket Called "Legal Interpretation". When we bought these houses we were clearly told that these are temporary SRW given to these four houses only and no public access is allowed except for the city maintenance staff. This same understanding we got it from you when we had meeting with you on July 31st, 2015.

We are still unable to understand why the city is listening to one side only and trying to impose the decision on us. We should also be given fair trial before its too late. Your report even does not mention about our last meeting in which we had shown great opposition to this idea of using our property for public access. Your report casually mentioned that we are not supportive of this decision. Why would we support this? we are strongly opposing that the city is moving forward with builder application.

Please forward our objection to your superior chain of command so that our voice could be heard. I hope proper information will be given to us in due course. Thanks for listening

Qaiser

---

From: [CLussier@richmond.ca](mailto:CLussier@richmond.ca)  
To: [g\\_igbal@hotmail.com](mailto:g_igbal@hotmail.com)  
CC: [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
Subject: RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)  
Date: Tue, 17 Nov 2015 01:08:49 +0000  
Hi Qaiser

The direction that I've been given is that the legal interpretation obtained by the applicant, is not available to the public.

The staff report includes all of the information that is available to the public. Please review my staff report available via this link: [http://www.richmond.ca/agendafiles/Open\\_Planning\\_11-17-2015.pdf](http://www.richmond.ca/agendafiles/Open_Planning_11-17-2015.pdf)

Please let me know if you have any questions about any of the information that I've included in my staff report.

Thanks,

Cynthia Lussier  
*Planner 1*  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

From: [CLussier@richmond.ca](mailto:CLussier@richmond.ca)  
To: [g\\_igbal@hotmail.com](mailto:g_igbal@hotmail.com); [DevApps@richmond.ca](mailto:DevApps@richmond.ca)  
CC: [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
Subject: RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston



Hwy (RZ 15-703150)

Date: Mon, 16 Nov 2015 20:55:34 +0000

Hi Qaiser

I was not able to provide you with a response late Friday afternoon.

I am currently looking into whether the legal interpretation of the right-of-way is available to the public. If so, then you would be welcome to view the file here at City Hall.

I will find out and let you know as soon as possible.

Cynthia Lussier

*Planner 1*

Development Applications Division

City of Richmond

Tel: 604-276-4108

Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)

[www.richmond.ca](http://www.richmond.ca)

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]

**Sent:** Friday, 13 November 2015 4:43 PM

**To:** Lussier, Cynthia; DevApps

**Cc:** 'anandnisha.dc@gmail.com'; 'anand.dorairaj@yahoo.com'

**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Thanks Cynthia,

Can you refer to us which legal interpretation (Document #, Clause #, etc), we would like to know how City has unilaterally decided to proceed with this without involving the residents. We'll bring that document in the meeting if you could refer us to the right document.

Thanks,

Qaiser

---

**From:** [CLussier@richmond.ca](mailto:CLussier@richmond.ca)

**To:** [q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com); [DevApps@richmond.ca](mailto:DevApps@richmond.ca)

**CC:** [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)

**Subject:** RE: Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

**Date:** Sat, 14 Nov 2015 00:31:47 +0000

Hi Qaiser and Nisha

As discussed today by phone, the staff report on the proposed rezoning application at 9131 Steveston Hwy (RZ 15-703150) will be available hopefully this evening through a link on the City's website at

: <http://www.richmond.ca/cityhall/council/agendas/planning.htm>

The staff report is scheduled to be presented at a Planning Committee meeting to be held on Tues Nov 17 in the Anderson Room at Richmond City Hall at 4pm, next week.

The meeting is open to the public, and there will be an opportunity to speak to the Committee when they are considering the application. A copy of the Meeting Agenda will also be available through the above link.

I understand your concerns regarding use of the right-of-way over your properties, however a legal interpretation has been provided to staff which indicates that the right-of-way may be used for the purpose of utilities and public-right-of-passage, and that it was envisioned at the time that your lots were created that the right-of-way provide temporary vehicle access to access adjacent lots in this block until such time that a permanent lane access is made available. It is on this basis that staff is recommending that the application be moved forward to the Planning Committee for their consideration. The outcome of the proposal will be determined by Council with consideration given to the public's comments.

If the Planning Committee decides to move the application forward to the next step, there will be an opportunity for you to provide comments at a subsequent Council meeting and Public Hearing.

Cynthia Lussier  
Planner  
Development Applications Division  
City of Richmond  
Tel: 604-276-4108  
Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** Friday, 13 November 2015 3:47 PM  
**To:** Lussier, Cynthia; DevApps  
**Cc:** [anandnisha.dc@gmail.com](mailto:anandnisha.dc@gmail.com); [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

Cynthia,  
We need a little bit of more clarity on the rezoning "board" being displayed at the property of 9131 Steveston Hwy for Rezoning application number **RZ15-703150**. We made it very clear to the applicant (Maryem Ahbib) that we are not giving any kind of public/Vehicle access to the rear lane through the lane between 9093 & 9097 properties but display sign board is somewhat confusing with the wording "**To permit a subdivision to create (2) Lots, with Vehicle access from a Proposed Extension to the existing rear lane**". I am also attaching the display board photos. We all know that the extension of existing rear lane is not possible until all the houses are sold, under current situation access to the existing lane is not possible because we are not prepared to give any kind of public access through our ROW. Our this decision was clearly communicated to Maryem Ahbib and her partner (see below emails). A copy of that decision was also sent to City of Richmond on August 1st 2015. We also had a meeting with you at the city hall on July 31st, 2015, in which we made it clear that we don't want to give any public access through this lane.

Therefore please do not approve their rezoning application permitting the subdivision with Vehicle access from the rear lane as there is no way they can access to the proposed properties through rear lane.

We already left detail messages at your answering machines, feel free to contact us to discuss this if necessary.

Thanks,  
Qaiser  
604-839-3011 (Cell)

---

**From:** Iqbal, Qaiser  
**Sent:** 2015, August 09 12:14 PM  
**To:** Lussier, Cynthia ([CLussier@richmond.ca](mailto:CLussier@richmond.ca))  
**Cc:** 'Khalid Hasan ([info@khalidhasan.com](mailto:info@khalidhasan.com))'  
**Subject:** Public ROW Access on Private Properties (9093 & 9097) - Rezoning application at 9131 Steveston Hwy (RZ 15-703150)

**For your information**

---

**From:** Qaiser Iqbal [[mailto:q\\_iqbal@hotmail.com](mailto:q_iqbal@hotmail.com)]  
**Sent:** 2015, August 01 10:36 AM  
**To:** [mahbib@sutton.com](mailto:mahbib@sutton.com); [bpanesar@sutton.com](mailto:bpanesar@sutton.com)  
**Cc:** [anand.dorairaj@yahoo.com](mailto:anand.dorairaj@yahoo.com)  
**Subject:** Public ROW Access on Private Properties (9093 & 9097)

**Attention: Maryem Ahbib and Bhajan Panesar - Sutton Group (Seafair Realty)**

Please be informed that we the owners of properties 9093 Steveston Hwy & 9097 Steveston Hwy jointly decided not to give/allow any kind of public access through our properties as shown on Plan BCP # 13121. Therefore no further meetings/visits to our houses are necessary to pursue this matter with us. This matter deemed closed hereinafter.

Thank you,

Qaiser/Naureen owner of 9093 Steveston Highway, Richmond BC  
Anand/Nisha owner of 9097 Steveston Highway, Richmond BC

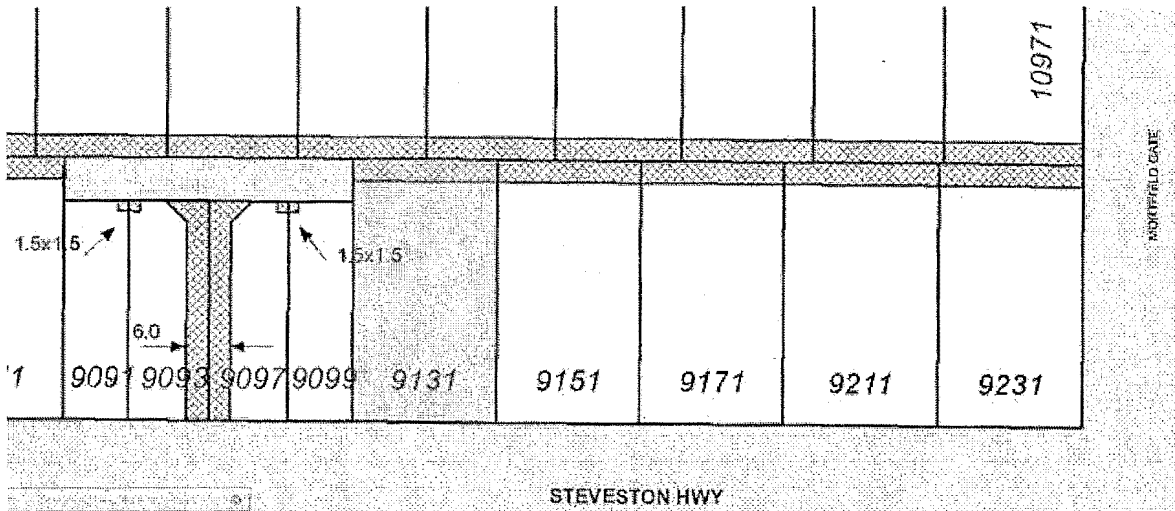
---

**From:** Lussier, Cynthia [<mailto:CLussier@richmond.ca>]  
**Sent:** 2015, July 27 3:42 PM  
**To:** Iqbal, Qaiser  
**Subject:** RE: Temporary Public Access on Private Property

Hello,  
Thank you for taking the time to inquire about the proposed Rezoning application at 9131 Steveston Hwy (RZ 15-703150).

Maryem Ahbib has submitted an application to request permission from City Council to rezone the land to enable a subdivision to create 2 lots with vehicle access from an eastbound extension of the existing City-owned lane along the north property line of 9091/9093/9097/9099 Steveston Hwy (see the map below showing your property and the City-owned lane along the north property line). City staff are currently reviewing the rezoning application. One of the issues that City staff need to review is the proposed vehicle access to the site.

I think it would be worth discussing the redevelopment history of the lots at 9091/9093/9097/9099 Steveston Hwy in person. Are you able to attend a brief meeting with me to discuss this? Please let me know your availability to meet with me. I am in the office this week and then out of the office next week, returning on Monday August 10<sup>th</sup>.



Thank you,

Cynthia Lussier  
 Planning Technician  
 Development Applications Division  
 City of Richmond  
 Tel: 604-276-4108  
 Email: [clussier@richmond.ca](mailto:clussier@richmond.ca)  
[www.richmond.ca](http://www.richmond.ca)

---

**From:** Iqbal, Qaiser [<mailto:Qaiser.Iqbal@bchydro.com>]  
**Sent:** Monday, 27 July 2015 12:41  
**To:** DevApps  
**Cc:** InfoCentre  
**Subject:** Temporary Public Access on Private Property

Attention: The Land Title Manager

I have been approached by two realtors from Sutton group (refer attached file) asking me to sign an authorization granting them a temporary public access to develop the property in the block of 9100 (east side) giving them access from back lane to the future residents as well. My understanding is; this lane between my house at 9093 Steveston Hwy and our neighbour at 9097 Steveston Hwy is not public property. This vehicle access is provided jointly by us and our neighbour so that vehicles can access the garages at the rear of the 4 houses in this complex only. Since builder is developing the adjacent block they should have their own private lane similar to us instead of asking us to provide the access. By giving access traffic in this lane is going to be increased, over and above this lane is not built for heavy and more traffic. Over the past number of years we have noticed that this lane is already sinking due to current traffic conditions. Before we sign or refuse to sign, we would like to know, what are our legal rights in case we refuse to grant any additional public access through this lane? What are the legal implications for refusing to give access.? Does City support us in any decision we would like to put forward in future?

Can we get our previously signed copy of the access that we have given to the current property owners? Please advise in detail. If you are not the right person to deal with such inquires please forward our request to the concerned department.

Regards,

**Qaiser Iqbal/Naureen Qaiser**  
**Folio Number: 074-841-012**

**Civic Address:** 9093 STEVESTON HWY RICHMOND, BC V7A 1M6

Tel: 604-528-1777 (W)      Cell: 604-839-3011

Email: [gaiser.igbal@bchydro.com](mailto:gaiser.igbal@bchydro.com)

# Goodwin & Mark LLP

Barristers & Solicitors  
Trade Mark Agents

JOHN R. GOODWIN (Ret.)  
ALEX SWEEZEY  
PETER J. GOODWIN  
MICHELLE J. RANDALL

DONALD T. MARK (Ret.)  
VIRGINIA HAYES (Ret.)  
HERMAN C. CHEUNG  
PATRICK J. MARCH

TELEPHONE (604) 522-9884  
FAX (604) 526-8044  
E-mail: alex@goodmark.ca

217 WESTMINSTER BUILDING  
713 COLUMBIA STREET  
NEW WESTMINSTER, B.C. V3M 1B2

REPLY ATTENTION OF: Alex Sweezy  
OUR FILE #41,403s

December 11, 2015

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

Fax to: (604)278-5139

Attention: Director, City Clerk's Office

Dear Sirs/Mesdames:

**Re: Application RZ 15-703150 by Marvem Ahbib for Rezoning at 9131 Steveston Hwy -  
Amendment Bylaw 9505 to Zoning Bylaw 8500 - Public Hearing December 15, 2015 - 7PM**

We have been consulted by Qaiser Iqbal and Naureen Qaiser, the owners of 9093 Steveston Highway, and by M. Anandraj Dorairaj and Nisha Cyril the owners of 9097 Steveston Highway, with respect to this rezoning application.

This letter will not address the merits of the rezoning application generally; our clients and other neighbours have done that separately.

However, our clients have consulted us more specifically about the significance of Statutory Right of Way ("SRW") BW406323 to the rezoning application. Our clients have expressed surprise at the recent change in the City's interpretation of the SRW. City staff have always looked at the SRW as simply for sewers, drains, etc., and what our clients and their neighbours otherwise did with the SRW area over their property was up to them.

Now, however, the City seems to be viewing the SRW as a public roadway, available to the current applicant, for example, to use for access instead of their own driveway.

In our opinion, this is an untenable interpretation of the SRW, as well as an unrealistic one.

It is instructive to read the SRW carefully.

In Part 1, setting out the objectives of the SRW

*"(b) Richmond desires to obtain from the Owner a statutory right of way to construct certain Works on, over and under the hereinafter described portion of the land;*

*(c) The statutory right of way is necessary for the operation and maintenance of Richmond's undertaking."*

This is the whole of the purpose of the SRW. There is no other purpose or objective.

In Part 2, the specific grant is stated:

*"...the Owner does hereby grant unto Richmond the full, free and uninterrupted right of way for Richmond, its licensees, servants, officials, workmen, machinery and vehicles, at any time and as their will and pleasure for the benefit of Richmond."*

Again, the grant itself does nothing to expand the purpose set out in Part 1.

Part 3 then merely sets out the usual specific ways in which Richmond can exercise the grant given in Part 2, for the purpose set out in Part 1. Anything in Part 3 must be interpreted as merely implementing Parts 1 and 2, and not as expanding them. If the intent of the SRW was to establish a public roadway, that would have been stated in Parts 1 and 2.

Or, in the normal way, in a wholly separate SRW, not imbedded in two or three words buried away in a sewer and drainage SRW.

In fact, in 40 years of practice, I don't believe I have ever seen one single combined SRW used for both purposes, rather than separate SRWs.

And a SRW intended for a public roadway would have considerably more provisions specific to such use.

To illustrate the impracticality of this being intended for a public roadway, consider the very limited restrictions placed upon the Owner. He is not required to do any maintenance of a roadway, or even to provide one at all. In fact he is prohibited from having a concrete driveway.

There is nothing to prevent him from removing all existing ground cover and replace it with grass, bushes or other vegetation (as long as he does not diminish or increase the depth), and allowing children to play in the whole area.

There is nothing to prevent him from parking vehicles across the SRW area, or installing a fence (so long as he allows Richmond access for its "Works".)

There is a "Lane" across the North end of the Lots, and perhaps the Applicant can access that from the West end. But, in our opinion, Richmond has no right to purport to allow the Applicant the use of the SRW.

If you have a legal opinion to the contrary, please provide a copy, and we would be pleased to address it.

Yours truly,

**GOODWIN & MARK LLP**

*Alex Swezey*  
ALEX SWEEZEY

**SUBMISSION FOR PUBLIC HEARING ON DEC 15<sup>TH</sup>, 2015****FAX NO. 604-278-5139****Attn: The Mayor and Councillors – Director, City Clerk's Office**City of Richmond  
6911 No. 3 Road  
Richmond BC V6Y 2C1Schedule 19 to the Minutes of  
the Public Hearing meeting of  
Richmond City Council held on  
Tuesday, December 15, 2015.December 12<sup>th</sup>, 2015

To Public Hearing	
Date:	Dec 15/15
Item #:	6
Re:	9131 Steveston Hwy RZ 15-703150

**RE: Objection to Re-zoning Application No. RZ15-703150 relating to 9131 Steveston Hwy property – Right of Way/Public Access over our Private properties**

Objections to Re-zoning application RZ 15-703150 on the ground that it poses serious risk to adjacent homeowners and increases the possibility of accidents due to increased traffic in an unsuitable private lane (Between 9093 & 9097 Steveston Hwy)

Dear sir/madam,

We are in receipt of public hearing notice scheduled for December 15<sup>th</sup>, 2015. As we have been to two earlier public hearings with the same city staff. I am not sure what else the city wants us to present that we had not already presented. We still strongly object to giving public passage over our private properties based on all the evidence we previously presented.

We have now obtained an independent legal interpretation on document # **BW406323**. We have also attached the copy of this letter for your consideration. Our lawyer has already faxed the letter directly to the City Clerk Office on December 11<sup>th</sup>, 2015. This letter is self-explanatory and clearly states that this Statuary Right of Way (SRW) is only permitted for utility maintenance and NOT for public passage or access.

We are not objecting city re-zoning Bylaws, the city can very well re-zone but not at the expense of our private properties. We are expressing our strong objection because city is forcefully entering onto our private properties and trying to give public access through our private properties. The city must wait until the back lane is through before allowing re-zoning. Alternatively city could allow to keep atleast one access from Steveston Hwy to 9131 because 9131 property have already two approved entrances from the Steveston Hwy.

I drove all the way from Dyke to the Watermania and there are no such lanes like this one that exists on Steveston highway which has public excess. There are some roads but those are owned by the city. We also offered the city an option of buying this lane from us at the market rate value but it seems the city is adamant in grabbing our land for free of cost and use as public passage based on an interpretation of the easement that it was not intended for (i.e. public access).

Back in 2011, I made a complaint against my neighbour's off-leash dog in this SRW lane. The letter from the City Bylaw manager to me clearly indicated that Bylaws are not applicable to this lane because the lane is private property; it's NOT a PUBLIC ROAD. I am attaching the relevant script of that letter for your consideration. I am sure your City Bylaw Manager must have consulted your legal department before issuing that firm statement.

We are sure that this current controversial decision could be challenged in the court of law but unfortunately we are working people with limited resources (family expenditures, mortgage, tuition fee, etc) It is unfair that the city's legal department is using our tax money to give this controversial interpretation of SRW document # **BW406323** which is kept hidden from us under the blanket of so called "Privileged information. If you talk about fairness, then give us some budget from the City



public contingency fund to challenge this legal interpretation in the court of law. All we are asking is that you be fair to these homeowners rather than to the developer that stand to gain financially at our expense. Please don't play with our lives as we are similar to all other residents of Richmond who are paying your salaries. Put yourself in our shoes before deciding and please think about that before making your final decision

This is very unfortunate that we voted for these councillors who are supporting this re-zoning. These councillors supposed to be protecting our rights but unfortunately they blindly decide to go along with their legal and planning department's advice.

We are really expecting proper justice from the city in this case. Council really needs to connect with people and broaden their vision. One day you could also be in the same situation. It's very easy to do the postal service; you really need to analyze the whole situation before making your final decision. There should be a third independent party with no influence from city hall to handle such controversial cases.

Therefore we are requesting the city council to re-consider and reject this re-zoning application under the current situation.

Below are the main points that we have been highlighting to the council, please do consider these genuine facts before making your final decision on this issue;

1. Loss of privacy and intrusion to local community
2. Increased property damage due to vehicle hitting the walls (we have already seen 3 hits on our retaining walls by non-residents)
3. Inadequacy of parking, traffic generation and endangerment to resident safety
4. Noise and disturbance resulting from increased local traffic
5. Unfounded grounds for the application - This new one sided legal interpretation of our right of way does not provide evidence of giving the access to public through our properties. The SRW Document # **BW406323** does not automatically allow City to give public access over our private property. City does need our consent to do that which we have already declined many times.

The intent of this document (SRW document # BW406323) was to provide the City of Richmond the "right of way" for occasional access to maintain the back-lane. The City of Richmond has now taken the position to treat this "right of way" as a public road and provide access to the back-lane for general public. There are many safety concerns if this lane is to be treated as a public road with regular two-way traffic. This private lane is connected directly to Steveston Hwy where vehicles are moving at 65 km/hr and so the turning radius used by some drivers is quite large and the speed at which they turn is alarming.

This is a narrow lane which poses potential dangers of vehicle colliding with the walls of our home. Wooden retaining walls have already seen three vehicle hits. City/Builder should re-build these retaining walls of both houses (9093 & 9097) with concrete material if this re-zoning application goes through.

It is a sharp right turn into this lane with not much advance visibility of any cars coming out at the time someone is going in.

The traffic on Steveston Highway is much heavier than 10 years ago and the city should revisit this decision to reflect the real traffic situation.

**Who is liable for a traffic accident on this private lane due to the increase of traffic imposed by the City of Richmond and Department of Transportation?**

The City of Richmond planner and planning committee dismissed our concerns and deem the lane to be fit for two way traffic because it is as wide as the back-lane. The back-lane does not connect to Steveston Hwy, but this lane does.

Request for information/clarification:

1. Is there any other city road that enables a right turn from Steveston Hwy that has the same width with no pavement? There's NONE as far as we discussed with City planning department?
2. Did transportation authority run any safety trials before approving this plan for increased traffic? (Like having someone drive out and another person turn in at the same time) We would like to know the results of these safety assessments and credible reasons why this is considered safe regulation of traffic for the public and if there are any other similar roads (precedents) on Steveston Highway. If not we would like a proper safety assessment. That it is the same width as the back lane is a poor reason and does not make us feel safe.
3. Is it acceptable means and method to use private road not design to regular city road standard as a mean to connect city road ("the back lane") and the Steveston Hwy?
4. If damage or accidents occur on our private properties will the City's insurance cover-off the costs? Will it be ICBC? Will it be the owner's property insurance?

The traffic in our private property lane will continue to increase if this re-zoning application is accepted as more builders will use this precedent on either side of our property. Please reassess and consider the appropriateness of this transport planning by the City transport department.

We do need piece of mind for our families. This is very unfair imposition. We feel like we are being victimised by the City's interpretations of this SRW document. Our original objection to give access to builder over our properties from July, 2015 still stands, and we had earlier forwarded you all the related email correspondence in this regard. This is very narrow lane and has many blind spots for turning traffic.

A few years back a pedestrian was hit by a visitor while turning onto the Steveston Hwy from this lane meaning more traffic more chances of hitting the pedestrian.

My neighbour "George", resident of 9091, was also involved in an accident. He was coming out of this lane slowly and a fast moving west bound car hit his car on the front side. These are real events that the city must re-consider.

We trust our objections will be taken into consideration in this final hearing.

Sincerely,




Qaiser Iqbal and Naureen Qaiser - owner of 9093 Steveston Highway, Richmond BC

Phone: 604-277-6493, Email: q\_iqbal@hotmail.com




Taha Qaiser and Yusra Qaiser - Children above 18 years of age at 9093 Steveston Highway

Attachment: 1. Copy of the Letter from the City ByLaw Manager dated Sept 6th, 2011  
2. An independent legal interpretation letter on the SRW document # BW406323 from Goodwin & Mark LLP

# Goodwin & Mark LLP

Barristers & Solicitors  
Trade Mark Agents

JOHN R. GOODWIN (Ret.)  
ALEX SWEZEY  
PETER J. GOODWIN  
MICHELLE J. RANDALL

DONALD T. MARK (Ret.)  
VIRGINIA HAYES (Ret.)  
HERMAN C. CHEUNG  
PATRICK J. MARCH

TELEPHONE (604) 522-9884  
FAX (604) 526-8044  
E-mail: alex@goodmark.ca

217 WESTMINSTER BUILDING  
713 COLUMBIA STREET  
NEW WESTMINSTER, B.C. V3M 1B2

REPLY ATTENTION OF: Alex Swezey  
OUR FILE #41,403s

December 11, 2015

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

Fax to: (604)278-5139

Attention: Director, City Clerk's Office

Dear Sirs/Mesdames:

**Re: Application RZ 15-703150 by Marvem Abbib for Rezoning at 9131 Steveston Hwy - Amendment Bylaw 9505 to Zoning Bylaw 8500 - Public Hearing December 15, 2015 - 7PM**

We have been consulted by Qaiser Iqbal and Naureen Qaiser, the owners of 9093 Steveston Highway, and by M. Anandraj Dorairaj and Nisha Cyril the owners of 9097 Steveston Highway, with respect to this rezoning application.

This letter will not address the merits of the rezoning application generally; our clients and other neighbours have done that separately.

However, our clients have consulted us more specifically about the significance of Statutory Right of Way ("SRW") BW406323 to the rezoning application. Our clients have expressed surprise at the recent change in the City's interpretation of the SRW. City staff have always looked at the SRW as simply for sewers, drains, etc., and what our clients and their neighbours otherwise did with the SRW area over their property was up to them.

Now, however, the City seems to be viewing the SRW as a public roadway, available to the current applicant, for example, to use for access instead of their own driveway.

In our opinion, this is an untenable interpretation of the SRW, as well as an unrealistic one.

It is instructive to read the SRW carefully.

In Part 1, setting out the objectives of the SRW

*"(b) Richmond desires to obtain from the Owner a statutory right of way to construct certain Works on, over and under the hereinafter described portion of the land;*

*(c) The statutory right of way is necessary for the operation and maintenance of Richmond's undertaking."*

- 2 -

This is the whole of the purpose of the SRW. There is no other purpose or objective.

In Part 2, the specific grant is stated:

*"...the Owner does hereby grant unto Richmond the full, free and uninterrupted right of way for Richmond, its licensees, servants, officials, workmen, machinery and vehicles, at any time and at their will and pleasure for the benefit of Richmond."*

Again, the grant itself does nothing to expand the purpose set out in Part 1.

Part 3 then merely sets out the usual specific ways in which Richmond can exercise the grant given in Part 2, for the purpose set out in Part 1. Anything in Part 3 must be interpreted as merely implementing Parts 1 and 2, and not as expanding them. If the intent of the SRW was to establish a public roadway, that would have been stated in Parts 1 and 2.

Or, in the normal way, in a wholly separate SRW, not imbedded in two or three words buried away in a sewer and drainage SRW.

In fact, in 40 years of practice, I don't believe I have ever seen one single combined SRW used for both purposes, rather than separate SRWs.

And a SRW intended for a public roadway would have considerably more provisions specific to such use.

To illustrate the impracticality of this being intended for a public roadway, consider the very limited restrictions placed upon the Owner. He is not required to do any maintenance of a roadway, or even to provide one at all. In fact he is prohibited from having a concrete driveway.

There is nothing to prevent him from removing all existing ground cover and replace it with grass, bushes or other vegetation (as long as he does not diminish or increase the depth), and allowing children to play in the whole area.

There is nothing to prevent him from parking vehicles across the SRW area, or installing a fence (so long as he allows Richmond access for its "Works".)

There is a "Lane" across the North end of the Lots, and perhaps the Applicant can access that from the West end. But, in our opinion, Richmond has no right to purport to allow the Applicant the use of the SRW.

If you have a legal opinion to the contrary, please provide a copy, and we would be pleased to address it.

Yours truly,

**GOODWIN & MARK LLP**

*Alex Sweezy*  
ALEX SWEEZEY

**Iqbal, Qaiser**

---

**To:** Mercer, Wayne  
**Cc:** MacKinnon, Deb; MayorandCouncillors; Toews, Curt  
**Subject:** RE: Alleged Dogs Off Leash - 9000 blk Steveston Hwy

---

**From:** Mercer, Wayne [<mailto:WMercer@richmond.ca>]  
**Sent:** 2011, September 06 2:49 PM  
**To:** Iqbal, Qaiser  
**Cc:** MacKinnon, Deb; MayorandCouncillors; Toews, Curt  
**Subject:** Alleged Dogs Off Leash - 9000 blk Steveston Hwy

Mr. Iqbal:

Your message to the Mayor's Office has been referred to my office for investigation and response.

Thank you very much for forwarding the video as you did – it makes it very clear as to where your neighbours are removing the leashes from their dogs' collars.

**In reviewing the area between your house at 9093 Steveston Hwy and your neighbour at 9097 Steveston Hwy, where the unleashing took place, this is not public property.** This vehicle access is provided jointly by you and your neighbour so that vehicles can access the garages at the rear of the 4 houses in this complex. I would expect that, when you purchased your home, you agreed to provide such access as part of the purchase agreement.

**Because this is private property, evenly split between you and your neighbor, the leashing requirements for dogs under the City's Animal Control Regulation Bylaw do not apply – they only apply on City-owned property.** Therefore, your neighbours are not acting contrary to the Bylaw in releasing their dogs from their leashes in this area and we will not be pursuing any enforcement for these actions.

Thanks.....

---

**Wayne G. Mercer**  
Manager, Community Bylaws

**City of Richmond**  
6911 No 3 Road  
Richmond, BC V6Y 2C1

direct: 604.247.4601  
fax: 604.276.4036  
email: [wmerc@richmond.ca](mailto:wmerc@richmond.ca)  
web: [www.richmond.ca](http://www.richmond.ca)

---

Schedule 20 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, December 15, 2015.

To Public Hearing	
Date:	Dec 15/15
Item #:	6
Re:	9131 Steveston Hwy
	RZ 15-703150

**Mayor and Councillors**

**From:** Webgraphics  
**Sent:** December-14-15 12:59 AM  
**To:** Mayor and Councillors  
**Subject:** Send a Submission Online (response #911)

**Categories:** 12-8060-20-9505 - RZ 15-703150

**Send a Submission Online (response #911)**

**Survey Information**

Site:	City Website
Page Title:	Send a Submission Online
URL:	http://cms.richmond.ca/Page1793.aspx
Submission Time/Date:	12/14/2015 12:58:25 AM

**Survey Response**

Your Name	Nisha Anand
Your Address	9097 Steveston Hwy
Subject Property Address OR Bylaw Number	Letter to the Council with strong objections to the re-zoning application (RZ 15-703150)
Comments	SUBMISSION FOR PUBLIC HEARING ON DEC 15TH, 2015 FAX NO. 604-278-5139 Attn: The Mayor and Councillors – Director, City Clerk’s Office City of Richmond 6911 No. 3 Road Richmond BC V6Y 2C1 From: The residents of 9091, 9093, 9097 and 9099 Steveston Hwy, Richmond, BC December 14th, 2015 Letter to the Council with strong objections to the re-zoning application (RZ 15-703150) Dear Mayor and council, Since the last council meeting on Nov 23rd, we have had opportunity to consult a lawyer with respect to the use of the SRW between 9097 and 9093 as a public road as proposed by this re-zoning application. We have been advised by a reputable law firm that the Statutory Right of Way document for our properties is for public utilities only. A different document needs to be registered for the use of the SRW as a public road. Our lawyer has faxed this information to council directly

on December 11th, 2015. The reason our notaries told us the wording indicated maintenance of public works is because that is the way the document is drawn. We no longer believe that it was our mistaken impression, lack of due diligence or the ignorance of our notaries that led us to believe this was not a public road. Further to the legal aspect, law requires that a certain distance must separate a home from a public road. This law exists for good reason. Only a driveway can exist right off someone's living room. So why are we wrong to have thought this was a private driveway with courtesy access for 9099 and 9091 that were built at the same time? If this SRW was intended to be used as a public road, why did the original plan allow the homes to be built right up to the edge of the road? Why was a serious law over-ridden in the name of SRW? We are told repeatedly by staff that this is a temporary access plan. There are NO other homes in the entire line with a back-lane at this time. When we try to get more information on what plan is in place to ensure that this is temporary, the planning staff have no answers for us. Staff's response to our questions: No we cannot stop anyone from building a larger single family home, blocking the anterior lane and making this access permanent. No we have no information on how many other homes are ready to implement this. No we cannot wait to implement this solution by bringing the lane in from Mortfield Gate or Roseland Gate. No we cannot do anything about the risk of the lane getting blocked at any time. So we have come to the conclusion that no work or planning has been done to ensure the implementation of the anterior lane. In the private sector, when we prepare a "temporary plan" we are required to support it with feasibility studies, risk assessments, time line for implementation of permanent solution, budgets and actions for implementation. It comes as a BIG disappointment that the same standards do not apply in the public sector. That all it takes to constitute a "PLAN" is a color print-out presented by the staff at the planning meeting (Nov 17th) with purple paint depicting where they WISH the anterior lane to eventually appear. We now present a real case to show the outcome of such planning - Mr Qaiser Iqbal (9093) and Mr. Anand Dorairaj (9097) spoke to the owner affected by a similar situation that Ms. Cynthia L (staff) told us about on No 2 road and Colville road. The owner expressed that he was told that the anterior lane would work its way out and he would have his land back. Many years have gone by and increased numbers of homes are using the lane but a large home on both sides has

stopped the lane-progress and made the so-called temporary solution permanent. His words were "I will not get my land back in this lifetime". He expressed his dissatisfaction and helplessness at the situation. When asked why he did not fight back at that time, the answer brought the true helplessness of the Richmond resident to the fore. Many residents are not native English speakers, not only do they find speaking in front of Council too daunting, they also are not able to understand fully what goes on and express themselves well enough to be convincing. Today we speak for this gentleman as well (Ms. Cynthia L who told us about him knows the address) as the voice of the voiceless. The elected council is intended to be the voice of the voiceless. The average resident is not a trained lawyer or a leader who can communicate well in public. In a city like Richmond, we need a council who can visualize the common man's pain beyond what mere words can convey because the sad truth is that the common man often cannot convey. At the last meeting, we spoke of the city acquiring the land to Mortfield gate, constructing the lane now and having future builders reimburse the city later. We hear there are only 3 homes in the way. His Worship turned to the staff and said "If this goes to public hearing, can we see some options?" To us this meant that even if the Council voted in favour of this application (going to public hearing) the options would be looked at. Despite the Mayor's words, no staff has communicated to us that they even called any of the homeowners to Mortfield Gate asking if they are amenable to selling the city the last 6m of unused jungle on the back of their lots. Or that even 15 minutes was spent by the staff considering any other option. The only communication we had was regarding traffic regulation during construction. We have expressed safety concerns that while turning in from a fast road like Steveston hwy, a large turning radius is required, and another car waiting to come out makes for a very difficult situation. The only answer we receive is that "22ft meets requirements". No one has advised us that the staff/ transportation have tried out this scenario to see the merit in our concern. To check if it is possible to turn in without coming to a complete stop on Steveston Hwy while another car is trying to come out. Transportation can look up the chances of being rear-ended in such situations. It does not matter whose fault it is when a bus or truck hits a small car from the back on a dark, rainy night – the folks in the car will be the ones getting hurt. No one seems to consider it worth trying out despite all of us saying that we are having difficulty with the existing situation, so we



wonder if we are not significant enough in the large scheme of things to be considered. We feel truly sorry for the buyers of the proposed new homes if this goes forward. They will not know what they are getting into till they move in and start using this access. Just like we did not realize how difficult this type of access would be for us. To summarize, we completely object to this re-zoning application on the grounds that it is immature with no proper access plan. The access should be made first before the homes. We object to the use of our private property as a public road. We further object to the road width being measured from the start of our living room wall and not 3 feet away as all public roads should be. We also state that the current access is not even safe for the existing homes, that the lane from Mortfield Gate should be built at the earliest, and we should be allowed the safety of enclosing our property (subject to allowing the city in for maintenance works). Finally we strongly object to the mis-use of the word TEMPORARY to sell a poor plan (if this can even be called a plan without steps for implementation) when there is no by-law/ plan in place to ensure the temporariness. Everyone agrees that the anterior lane from Mortfield Gate is the solution. Perhaps the reason no steps are being taken to implement that is because there appears to be a free and easy out. Please stop this free and easy out now. That and ONLY that will make the interested parties spend the money, time and effort to implement the better solution. A solution that will benefit not just us, but the future owners of the proposed homes, the builders (can sell the new homes for a better price), the city (guaranteed anterior lane), the owners of the properties on the way to Mortfield Gate (who are listing but are unable to sell possibly due to access issues) and will also benefit the owners of the properties to the West. The city's buying out the lane area can be the catalyst to the development of the entire area. Please stop this re-zoning application in a conclusive way, so that no new builder files a similar application. The staff has told us that they understand our frustration but the staff and Council have a duty towards the greater public. We are having the hardest time believing that the greater public of Richmond wants this. Thankfully getting public opinion is not difficult. As we belong to Facebook groups of Richmond parents, Richmond furniture resale, Richmond Toy swap and several other community based ones; we may be able to cover most residents between 18 and 45. After we know the outcome of this case being delivered in the name of the greater public of Richmond, we

would like to know what the true public sentiment is for the below questions – 1) If the council is presented with opposing legal positions from the city legal department and private residents through a reputable firm, which one should they favour? 2) With the cost of land making it almost impossible for the growing family to afford land for their own home, is it acceptable anymore for the city to use private property for public roads in the name of SRW? 3) Is it acceptable for a public road to start at the wall of someone's residence? 4) Is it acceptable for the city to take over SRW land without owner consent and direct more and more traffic on someone's property and not take any steps to ensure that it is returned in any fixed time or even "in their lifetime"? The staff has advised us that we cannot communicate with council about this case if it is approved at public hearing so we may not be able to send you the results but if the resident poll is different from the case outcome, we may publish them in the Richmond paper for your information. Thank you! Qaiser Iqbal/ Naureen Qaiser owner of 9093 Steveston Highway, Richmond BC Phone: 604-277-6493, Email: q\_iqbal@hotmail.com M Anandraj Dorairaj/ Nisha Cyril owner of 9097 Steveston Highway, Richmond BC Phone: 604-288-6067, Email: anand.filmfx@gmail.com Jianxing (George) Zhuo /Jie (Soly) Feng owner of 9091 Steveston Highway, Richmond BC Phone: 604-295-7166, Email: george.zhuo@grupobimbo.com / solyfeng@hotmail.com Peter Tsang / Wing Yee Lam owner of 9099 Steveston Highway, Richmond BC Email: petertsang8@hotmail.com Attachment: 1. An independent legal interpretation letter on the SRW document # BW406323 from Goodwin & Mark LLP

**SUBMISSION FOR PUBLIC HEARING ON DEC 15<sup>TH</sup>, 2015 (RZ 15-703150)**  
**FAX NO. 604-278-5139**

Attn: The Mayor and Councillors – Director, City Clerk's Office  
City of Richmond  
6911 No. 3 Road  
Richmond BC V6Y 2C1

To Public Hearing
Date: <u>Dec 15 / 15</u>
Item # <u>6</u>
Re: <u>9131 Steveston Hwy</u>
<u>RZ 15-703150</u>

December 14<sup>th</sup>, 2015

**Re: Feasibility study of anterior lane from 9131 Steveston Hwy to Mortfield Gate.**

Dear Council,

This is not to repeat our concerns but one page to explain the feasibility of the anterior lane from 9131 Steveston Hwy to Mortfield gate as we understand it. There are 4 homes in the way – 9151, 9171, 9211 and 9231.

- 1) **9231** – Corner lot at intersection of Mortfield gate and Steveston hwy. Sold twice in 2015!! (Please see Figure 1) Sold in June 2015 for 750k and then resold in Sept 2015 for 790k. Have the staff contacted the buyer to see if his plans line up with the city's plans through this re-zoning application? If yes, that leaves only 3 homes.
- 2) **9211** – Listed twice for sale in 2015 and remains unsold!! (Pls see Figure 2). If we were the owners unable to sell our property, we would be very happy if the city approached us with a fair offer to buy unused land at the back of our lot as that would make the rest of the property, saleable to future developers.
- 3) **9151, 9171** – We hear one of them wants to sell their property and one of them wants to continue to live there. The same reasoning as in Point 2 applies if one wishes to sell as this is a 'middle home' with access issues as well.

As for the one who wishes to stay, we are not endorsing forcing them out. But if someone were to explain to them that selling the last unused 6m of their lot could mean they get money, that they can live peacefully in their long-term home without anyone trying to force them out to get access and eventually if they ever wish to, they can sell their property for good money with the back-lane in place, they might be convinced to join this plan.

We have seen the power and persuasion of the city staff over the past month. We believe in their ability to make this happen if they want to, and if the Council directs them to. Please do not settle for poor solutions by approving the current re-zoning application. Even the builders of the current re-zoning application expressed that the anterior lane access from Mortfield Gate would be preferable to them, when they first spoke to us.

Timing is very important. Great concepts can become obsolete. In 5 years, land and building costs for new homes would have appreciated to the level that a builder may see no value in 5 million dollar "compact homes". Then, it may only make sense to build townhomes (more affordable) or monster homes (price will not matter). Today is the best time to implement this lane and give the development of this area a push.


<b>Sold</b> <b>R2002368</b> Board: V House/Single Family	<b>9231 STEVESTON HIGHWAY</b>		Residential Detached
	Richmond South Arm V7A 1M6		<b>\$816,000 (LP)</b> <b>\$790,000 (SP)</b>
	Days on Market: <b>5</b>	List Date: <b>9/18/2015</b>	Expiry Date: <b>12/31/2015</b>
	Previous Price: <b>\$0</b>	Original Price: <b>\$816,000</b>	Sold Date: <b>9/23/2015</b>
	Meas. Type: <b>Feet</b>	Frontage (feet): <b>66.00</b>	Approx. Year Built: <b>1958</b>
	Depth / Size: <b>120</b>	Frontage (metres): <b>20.12</b>	Age: <b>57</b>
	Lot Area (sq.ft.): <b>0.00</b>	Bedrooms: <b>3</b>	Zoning: <b>RS1E</b>
	Flood Plain: <b>No</b>	Bathrooms: <b>2</b>	Gross Taxes: <b>\$3,196.95</b>
	Approval Req.?:	Full Baths: <b>2</b>	For Tax Year: <b>2015</b>
	Rear Yard Exp:	Half Baths: <b>0</b>	Tax Inc. Utilities?: <b>No</b>
	If new, GST/HST inc?:		P.I.D.: <b>003-701-000</b>
	View:		Tour:
	Complex / Subdiv:		
	Services Connected: <b>Electricity, Natural Gas, Sanitary Sewer, Storm Sewer, Water</b>		

Figure 2: Sold corner home! What is the buyer planning?


<b>Expired</b> <b>V1101406</b> Board: V House/Single Family	<b>9211 STEVESTON HIGHWAY</b>		Residential Detached
	Richmond South Arm V7A 1M6		<b>\$858,000 (LP)</b> <b>(SP)</b>
	Days on Market: <b>156</b>	List Date: <b>1/23/2015</b>	Expiry Date: <b>6/28/2015</b>
	Previous Price: <b>\$898,000</b>	Original Price: <b>\$898,000</b>	Sold Date:
	Meas. Type: <b>Feet</b>	Frontage (feet): <b>71.00</b>	Approx. Year Built: <b>9999</b>
	Depth / Size: <b>120</b>	Frontage (metres): <b>0.00</b>	Age: <b>999</b>
	Lot Area (sq.ft.): <b>6,520.00</b>	Bedrooms: <b>5</b>	Zoning: <b>RS1/E</b>
	Flood Plain:	Bathrooms: <b>2</b>	Gross Taxes: <b>\$2,754.00</b>
	Approval Req.?:	Full Baths: <b>2</b>	For Tax Year: <b>2014</b>
	Rear Yard Exp: <b>North</b>	Half Baths: <b>0</b>	Tax Inc. Utilities?: <b>No</b>
	If new, GST/HST inc?:		P.I.D.: <b>000-777-021</b>
	View:		Tour:
	Complex / Subdiv:		
	Services Connected: <b>Electricity, Sanitary Sewer, Storm Sewer, Water</b>		

Figure 3: Owner trying to sell middle home.

Thanks and regards,

M Anandraj Dorairaj and Nisha Cyril (9097 Steveston Hwy)