



Planning Committee

Date: Tuesday, October 5, 2010
Place: Anderson Room
Richmond City Hall
Present: Councillor Bill McNulty, Chair
Councillor Greg Halsey-Brandt, Vice-Chair
Councillor Linda Barnes
Councillor Sue Halsey-Brandt
Absent: Councillor Harold Steves
Also Present: Councillor Evelina Halsey-Brandt
Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded

Motion to adopt the minutes of the meeting of the Planning Committee held on Tuesday, September 28, 2010.

CARRIED

NEXT COMMITTEE MEETING DATE

Tuesday, October 19, (tentative date) at 4:00 p.m. in the Anderson Room

PLANNING & DEVELOPMENT DEPARTMENT

- 1. APPLICATION BY THOMAS CHALISSERY FOR REZONING AT 9131 AND 9151 WILLIAMS ROAD FROM SINGLE DETACHED (RS1/E) TO LOW DENSITY TOWNHOUSES (RTL4)**
(File Ref. No.: 12-8060-20-8656, RZ 08-423193) (REDMS No. 2987214)

A brief discussion took place between Committee and Brian J. Jackson, Director of Development, with regard to:

- new townhouse developments occur in neighbourhoods where townhouse units are already built;

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- the City's Tree Preservation Coordinator has assessed the trees that are to be temporarily transplanted, and advises that the trees are hardy enough to survive the transplant process; and
- when an applicant contributes cash-in-lieu of on-site indoor amenity space, there is no guarantee that future in-door amenity space will be developed in the applicant's neighbourhood.

It was moved and seconded

That Bylaw No. 8656, for the rezoning of 9131 and 9151 Williams Road from "Single Detached (RS1/E)" to "Low Density Townhouses (RTL4)", be introduced and given first reading.

CARRIED

2. **2009 – 2016 RICHMOND CHILD CARE NEEDS ASSESSMENT AND STRATEGY**

(File Ref. No.:) (REDMS No. 2887672)

Discussion on the Child Care Needs Assessment and Strategy ensued between Committee and Lesley Sherlock, Social Planner, and in particular on:

- the City's Child Care Development Advisory Committee (CCDAC) monitors Provincial and Federal child care initiatives, and undertakes research to track changes to child care programs at those government levels;
- Council's demonstration of commitment to child care and issues associated with child care;
- the position of a child care project leader, proposed in the Child Care Needs Assessment and Strategy, would be responsible for capital projects negotiated with developers;
- the position of a child care coordinator, as proposed in the Child Care Needs Assessment and Strategy, would be involved in community-wide child care planning, as well as City initiatives;
- financial contributions for child care spaces and facilities come from developers, while the City makes "in kind" contributions;
- child care providers decide on how space is to be used for different age groups;
- the feasibility of a child care facility with spaces for children of both City workers and other residents;
- the response, or lack thereof, from the Provincial and Federal Governments to correspondence submitted to them by the City;
- the need for more spaces for infants, toddlers and school age children;

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- the inclusion of child care issues in the forthcoming Social Services Strategy; and
- the Child Care Needs Assessment and Strategy should be submitted to the Richmond School Board for their information.

With regard to the question of including child care issues in the forthcoming Social Services Strategy, Cathryn Volkering Carlile, General Manager, Community Services, advised that caution was important, in order to not pre-commit any budgetary expenditures until the larger context of the Strategy is understood.

In response to a query regarding whether child care facilities could be provided on elevated levels of buildings, Mr. Crowe advised that the City would look at that, and any other arrangement, that meet Provincial child care standards.

Adina Priel, 23071 Westminster Highway, a child care provider who sits on the Hamilton Community Centre's Board, remarked that the quality of a child care space, or a child care facility, is equally as important as the number of child care spaces.

She noted that municipalities cannot rely on the Province to meet the need for quality child care spaces, and that Richmond could rise above the minimum standards set by the Province. Ms. Priel urged the City to move ahead in bringing quality changes to child care facilities.

Linda Shirley, Chair, CCDAC, stated that the staff report is a valuable tool in supporting the planning and decision-making processes of how to monitor existing child care spaces, as well as choosing where to locate new child care facilities.

Ms. Shirley advised that the CCDAC believes that, through investment in early child care education, increased economic opportunities flow. Other advantages include a reduced crime rate, reduced health care costs, and the enhancement overall of the community. She noted that a child care coordinator could oversee, and make recommendations for, the creation of child care spaces.

Ms. Shirley remarked that the real need is for spaces for children between 12 and 36 months of age, as well as spaces for after-school child care. If the City sets a standard for quality child care, providers will rise to the City's stated expectations.

The Chair commended the CCDAC for providing leadership and diligence with regard to the Child Care Needs Assessment and Strategy.

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Joyce Branscombe, in response to a query regarding the type of resources the Child Care Resource and Referral (CCRR) service offers, advised that the Provincial government provides funds to the CCRR to assist family child care providers with a lending library, for example, but that the CCRR is limited in its ability to advocate, due to its Provincial funding. She encouraged the City to take a leadership role in the area of the provision of child care spaces.

Ms. Branscombe urged the City to embed the issue of child care into its forthcoming Social Services Strategy, and noted that by doing so, the City would send a strong message to BC's other municipalities.

Agnes Thompson, Canadian Federation of University Women (CFUW), advised that the CFUW had submitted a letter of support to the City regarding its Child Care Needs Assessment and Strategy report. She stated that a full-time child care coordinator was essential in making progress on the staff recommendations.

Ms. Thompson remarked that the City requires leadership on the issue of transitioning children into full-time kindergarten, a program the Province is committed to at the present time. She urged the City to not delay implementation of the Child Care Needs Assessment and Strategy report's recommendations by waiting for the Social Services Strategy.

In response to a query, Ms. Sherlock advised that if the position of a child care project leader was approved, it would be discussed during the Capital Budget process by the spring of 2011.

It was moved and seconded

That:

1. ***the following recommendations, based on proposed City actions from the 2009 – 2016 Richmond Child Care Needs Assessment and Strategy, be endorsed:***
 - (a) ***work to meet implementation targets based on the 2009 – 2016 Richmond Child Care Needs Assessment and Strategy, to maximize the community benefit of City-owned facilities, by:***
 - (i) ***prioritizing the development of child care spaces for School-age children & Infant/toddlers***
 - (ii) ***continuing to identify priority child care needs and establish short term targets to address service needs***
 - (iii) ***monitoring provision of child care spaces and changes in community child care needs.***
 - (b) ***continue to make City-owned facilities available to child care operators at a nominal rent.***

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- (c) *where space in City-owned facilities is sufficient, encourage a hub model of care whereby at least two types of child care are offered and co-located with other services to families.*
 - (d) *consider developing a City-owned child care facility for City employees and the community in the vicinity of City Hall.*
 - (e) *request that the Provincial Government undertake actions proposed in the 2009 – 2016 Richmond Child Care Needs Assessment and Strategy, with the addition of providing child care coordination at the local level.*
 - (f) *request that the Federal Government undertake actions proposed in the 2009 – 2016 Richmond Child Care Needs Assessment and Strategy.*
2. *a Child Care Project Leader be retained for 2011, through allocation of \$50,000 from the Child Care Development Statutory Reserve Fund, to oversee the planning, design, construction and lease of negotiated City-owned child care facilities;*
 3. *in preparation of the Social Planning Strategy, consideration be given to permanently incorporating expertise in child care facility development and early and middle childhood services into City social planning staff capacity; and*
 4. *the 2009 – 2016 Richmond Child Care Needs Assessment and Strategy be submitted to the Richmond School District, for their information.*

CARRIED

3. **CITY OF RICHMOND COMMENTS ON THE METRO VANCOUVER REGIONAL GROWTH STRATEGY (RGS) (SEPTEMBER 3, 2010 VERSION)**

(File Ref. No.: 01-0157-20-GST1) (REDMS No. 3002492)

Terry Crowe, Manager, Policy Planning, provided background information regarding Metro Vancouver's Regional Growth Strategy (RGS) and noted that Council has had six separate opportunities to scrutinize the draft RGS.

He stated that the current draft RGS includes all the changes which Council requested throughout the review process.

Mr. Crowe advised that: (i) the draft RGS provides more flexibility for municipal Councils; (ii) the City's Official Community Plan (OCP) has to be "generally consistent" but not "consistent" with the draft RGS; and (iii) municipalities can change certain RGS (e. g. industrial) land use boundaries up to one hectare.

Discussion ensued between Committee and staff, and in particular on:

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- the importance of paying attention to the location of future frequent transit development areas;
- the ability of the municipality to maintain autonomy within the RGS;
- Richmond's employment land area is sufficient to accommodate the City's need for this type of land use up to 2041; and
- greenway networks are meant to accommodate and respect the movement of pedestrians, cyclists and wildlife.

Mr. Crowe advised that when the RGS is finalized, municipalities would have two years to bring forward their individual OCP revisions for approval by Metro Vancouver's Board.

It was moved and seconded

That the comments in Attachment 1 in the staff report from the General Manager, Planning and Development, dated September 30, 2010, regarding the September 3, 2010 version of the Regional Growth Strategy, be endorsed and forwarded to Metro Vancouver before their October 22, 2010 deadline.

CARRIED

4. APPLICATION BY JOHN FALCUS FOR REZONING AT 3111 SPRINGSIDE PLACE FROM SINGLE DETACHED (RS1/E) TO SINGLE DETACHED (RS3/E)

(File Ref. No.: 12-8060-20-8621) (RZ 10-511408) (REDMS No. 2998662)

Mr. Jackson provided background information on the rezoning application for the Seabreeze Guest House B & B, and drew Committee's attention to the following details:

- a total of 26 bed and breakfast establishments (B & Bs) are included in the staff report for analysis;
- the location of the City's B & Bs;
- off-street parking as it applies to the City's B & Bs;
- safety records as they apply to the City's B & Bs;
- the differences between a residential structure and a commercial structure;
- definitions that apply to households, boarding houses and B & Bs;
- a summary of: (i) the B & B industry consultation that took place; (ii) the neighbourhood consultation process undertaken by the applicant/operator; and (iii) the discussion facilitated by a professional mediator;

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- an update on the receipt of letters in opposition to the application, and of letters in support of the application, including the receipt of a letter dated October 4, 2010, from Arlene Mark, 3140 Springside Place, expressing opposition to the application (on file in the City Clerk's Office);
- the economic benefits provided by visitors who stay at the City's B & Bs; and
- a comparison of B & B regulations in area municipalities.

Discussion ensued between Committee and staff on the following topics:

- the potential for the B & B industry to be driven underground if the City continues the current system of permitting two rooms/two guests B & B's in Richmond and requiring rezoning for anything larger;
- whether a B & B is viable with two rooms, or if three rooms makes more economic sense for the owner/operator;
- a two rooms/four guests provision in the Richmond Zoning Bylaw, and an amendment to the Business License Bylaw, does not preclude larger B & Bs from applying for a rezoning in the City; and
- the timeline for amending the Business License Bylaw to accommodate provisions for B & Bs.

Lesley Kemp, 10020 Nishi Court advised that she has operated a B & B on a Richmond cul de sac for eight years, and she spoke in support of the application. She stated that the B & B business is seasonal and that it peaks in the summer months. A 3 room/6 guest equation was needed to make the operation of a B & B viable. She added that she has not experienced any problems with her neighbours on her cul de sac during her time in business.

In response to queries from Committee, Ms. Kemp advised that: (i) three rooms are needed throughout the summer months, and to accommodate guests who are in the community at other times of the year, for reunions, weddings, or anniversaries; and (ii) from her experience, three rooms would mean no more than two cars at any given time parked at her B & B establishment.

Walt Lazaruk, 3180 Springside Place, spoke in opposition to the application. He advised that several homeowners on Springside Place have put up signs protesting the applicant's B & B. He predicted that more problems will arise on the cul de sac if the applicant is granted a rezoning, and queried why, if neighbours are against a rezoning application, that it might meet with success.

In response to a query from Committee, Mr. Lazaruk stated that he recognized that homeowners on Springside Place have the right to a two-bedroom home, to accommodate two occupants.

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In response to a query from Committee, Mr. Jackson advised that B & Bs were not illegal in the City, but some confusion may have arisen due to the lack of a B & B definition in the former Zoning Bylaw No. 5300.

Gloria Gausboel, 3131 Springside Place, spoke in opposition to the application. She was taken by surprise by the applicant's rezoning application, especially since she had sought information from the City regarding parking regulations, as well as B & B operations, due to her concerns about the B & B operating beside her home. She spoke against a 3 room/6 person equation due to the fact that she had monitored the B & B operation next door and believed that, throughout the summer of 2010, the applicant was over the allowable B & B capacity. She added that she believed the applicant had an employee who lived in-house.

Lance Carey, 10595 Springhill Crescent spoke in support of the application, and stated that the applicant is a friendly, considerate neighbour. He advised that his Springhill Crescent property is adjacent to the applicant's home, and that when B & B guests use the applicant's lawn, he often converses with them across the shared fence. He thought the B & B was well integrated into the neighbourhood, and added that other in-house businesses are represented in the area, including a child care facility. Mr. Carey noted that a private home on his Crescent is a four-plex, and that on a regular basis, at least seven cars are parked at the home, and that no problems with this have been identified.

In response to a query from Committee, Mr. Kerry advised that he has experienced no problems with noise coming from the applicant's property.

Sherry Lazaruk, 3180 Springside Place, spoke in opposition to the application. She stated her concern that the property value of her home had dropped by a minimum of 10% since the introduction of a B & B establishment on the cul de sac. She stated that the applicant had renovated his home with no regard to the City's bylaws. Due to the increase in the number of cars on the cul de sac, she has noted the license plates of the vehicles coming and going throughout the summer months. Ms. Lazaruk spoke of feeling intimidated by the mediation process. She submitted a petition signed by 40 people who oppose the application (on file in the City Clerk's Office).

In response to a query from Committee, Ms. Lazaruk stated that she did not know if all visitors to the applicant's property were paying guests.

In response to a query from Committee regarding the issue of signs on lawns protesting the B & B in the Springside Place cul de sac, Wayne Mercer, Manager, Community Bylaws, advised that the largest signs appeared to measure five feet by five feet, and that they were all on private property, not on City property.

In response to a further query from Committee regarding the issue of live-in domestic help, Mr. Mercer advised that no City bylaw says a resident cannot have live-in domestic help.

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Darren Foster, President of International Pacific, spoke in support of the application. He advised that his home is on Vancouver Island, but he works regularly in Richmond and stays at the Seabreeze Guest House on a regular basis, and does so due to the level of service provided by the applicant, the luxurious state of the home, as well as the quiet nature of the neighbourhood.

He noted that the 3 rooms/6 guests equation makes sense for a seasonal business. Mr. Foster explained that he was aware of the neighbours' concerns, and stated that he drives at a slow speed, parks in an appropriate spot, and is sensitive about noise levels. He added that the recent controversy around Mr. Falcus' rezoning application has made it uncomfortable and stressful to stay in the neighbourhood, and at times he feels as though he is crossing a picket line.

In response to a query from Committee, Mr. Foster acknowledged that he feels that the eyes of the neighbourhood are on him, and that his rights as a person are being impinged.

Amy Robin, 3171 Springside Place, spoke in opposition to the application. She noted that her opposition was not personal, but was with the rezoning application and process. She stated that it is difficult to identify who are visiting friends and family members on the cul de sac, and who are unwanted strangers. She advised that she and her husband are planning a family, and that she is concerned about the potential traffic danger. She noted that it is not just B & B guests from out of town who contributed to the economy, but all residents of the City do as well.

Steve Fletcher, 3151 Springside Place, spoke in opposition to the application. He noted the tight-knit nature of the cul de sac, and noted that the stated opposition was not against Mr. Falcus, but was about the rezoning application. He noted that the neighbourhood families have children, and he questioned whether anyone from Springside Place supports the application.

Brad Robin, 3171 Springside Place, spoke in opposition to the application. He stated that the issue is whether a B & B makes sense on a cul de sac. His concern was with safety issues, especially as they relate to vehicles, and strangers. Mr. Robin expressed concern that estate values in the neighbourhood were compromised by the presence of a B & B. He remarked that penalties associated with non-compliance with City bylaws were either weak or non-existent, and untrackable.

Mr. Robin added that the stated economic impact of between \$3 and \$6 million dollars from the City's B & B accommodation sector should be examined in light of incremental impacts.

(Councillor Greg Halsey-Brandt left the meeting at 6:10 p.m.)

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Wayne Elvan , 3120 Springside Place, spoke in opposition to the application. He purchased his home three years ago and since that time he and his wife have had a baby. His main concerns were the erosion of property values and the safety of his child. He wondered what reason Mr. Falcus had to post a sign that asked drivers to slow down, unless it was that drivers drove too quickly in the neighbourhood.

In response to a query from Committee regarding unsafe driving, Mr. Elvin replied that he has seen one or two fast moving vehicles, and at one time a street hockey game had to move quickly out of the way of oncoming traffic.

John Gausboel, 3131 Springside Place, advised that he lives adjacent to the subject site, and he spoke in opposition to the application. He stated that the issue is not who operates a B & B on the cul de sac, the issue is that residents of the cul de sac do not want a commercial B & B business operating in the neighbourhood.

(Councillor Greg Halsey-Brandt returned to the meeting at 6:15 p.m.)

Sam Salloum, operator of Forget-Me-Not B & B at 3511 Bowen Drive, spoke in support of the application. He stated that Mr. Falcus wanted a quiet location for his B & B so that guests would make return visits. He asked how neighbours can dictate their wishes, when a City is a community, with committees and a Council to make decisions. Mr. Salloum added that neighbours should not be fighting, and questioned the amount of time it takes to count cars on someone else's property.

Linda Cooper, co-operator of Stone Hedge B & B, 5511 Cathay Road, spoke in support of the application. She advised that her B & B has operated for ten years, and that everything associated with a B & B operation, such as inspections by Richmond Fire Rescue, insurance, taxes, and so on, have to be undertaken by the operator, and be above board. The majority of guests do not have cars, so with 6 guests it is unlikely there would be 6 cars parked on the street.

With regard to the number of people allowed in a home, Ms. Cooper pointed out that a home on her street accommodates three generations and a lot of people and cars. She also noted that many B & B clients are older, and therefore quiet. In closing she remarked that the summer months are peak months for a B & B operation, and that for approximately 30% of a calendar year, her B & B is full.

Brian Cooper, co-operator of Stone Hedge B & B, 5511 Cathey Road, spoke in support of the application. He stated that Mr. Falcus had adhered to the obligation of 2 rooms/2 guests, and when Mr. Falcus was asked to accommodate more guests, he advised that they could stay at the Cooper's establishment instead. He noted that many B & B clients use the Lower Mainland's public transit system, or taxis, not their own vehicles. In closing he said that there was too much intolerance expressed by the applicant's neighbours.

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In response to a query from Committee, Mr. Cooper stated that he had never received any complaints from his neighbours.

Tracey Lakeman, Executive Director, Tourism Richmond, spoke in support of the application. She commended staff's thorough report on the application, and advised that Tourism Richmond had invested effort and time working with the applicant and City staff. She noted that the City's B & B operators conduct themselves and their business in a professional manner, and she did not want to see the B & B sector go "underground".

In response to a query from Committee regarding the 2 rooms/4 guest equation versus the 3 room/6 guest equation, Ms. Lakeman advised that it would depend on how a licensing agreement would be set up.

John Falcus, 3111 Springside Place, owner of Seabreeze Guest House, and the rezoning applicant, listed the tasks he had undertaken to address the concerns stated by his neighbours. These included, among other things, going to each neighbour to speak with them and holding two open houses. He suggested that the addition of a speed bump on the cul de sac might assuage some of the concerns of some of the neighbours.

Mr. Falcus noted that a B & B with the 2 room/4 guest equation would have a minimal impact on the neighbourhood, and he predicted that the number of cars would not increase with this equation. He said it would be difficult to operate a business with a 2 room/2 guest equation.

He noted that since his application was discussed at the June 22, 2010 meeting of the Planning Committee, he had built good relationships with other B & B operators in the City. He agreed with the other B & B operators who had spoken regarding the 30% occupancy rate.

Mr. Falcus concluded his remarks by stating that he was eager for the B & B industry in Richmond to be legitimized.

Discussion ensued among Committee, staff and Mr. Falcus, and the following information was provided:

- to address privacy concerns on the part of the neighbours, a hedge that currently stands on the east side of the subject site would be extended and continue along the south perimeter of the subject site;
- all vehicles associated with 3111 Springside Place would be parked on the subject property, and kept out of view of the neighbouring properties;
- Transportation staff could explore the idea of a speed bump on Springside Place;
- two rooms with a maximum of four guests would impact the B & B income of the applicant, and he would prefer 3 rooms and a maximum of 6 guests;

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- if the Springside Place B & B had a 3 room/6 guest equation, there is space on the property for all parked cars; and
- summer months, long weekends and holidays seasons are peak times for occupancy at B & Bs, and rooms are at full occupancy only 25% of the calendar year.

As a result of the discussion, and information offered by B & B operators regarding the feasibility of 3 bedrooms and a maximum of 6 guests as a business model, the following **motion** was introduced:

That:

- (1) ***Bylaw No. 8621, for a zoning text amendment to “Single Detached (RS3/E)” to allow for a Bed and Breakfast (B & B) limited to three (3) bedrooms and six (6) guests at 3111 Springside Place; and for the rezoning of 3111 Springside Place from “Single Detached (RS1/E)” to “Single Detached (RS3/E)”, be introduced and given First Reading; and***
- (2) ***staff be directed to bring forward amendments to the Zoning Bylaw to allow a three (3) bedroom Bed and Breakfast (B & B) with a maximum of six (6) guests in Single-Family zoning districts provided that performance criteria addressing landscaping, privacy, parking and life safety are included in an amended Business License Bylaw.***

The motion was not called as further discussion ensued.

A comment was made that the City’s B & Bs have operated legally until this time, and to limit potential occupancy to 2 bedrooms with a maximum of 4 guests, would penalize the applicant, and other B & B operators.

Committee sought staff’s advice regarding the length of time required to amend the Zoning Bylaw and/or the Business License Bylaw, and were advised that should staff receive direction from Committee to pursue an amendment to either Bylaw, the process would take until the end of 2010.

In a query regarding how the City would implement changes, Joe Erceg, General Manager, Planning and Development, advised that if Council approved Recommendation (1), a recommended amendment to the Zoning Bylaw would go forward to the November 15, 2010 Public Hearing. Mr. Erceg further advised that if Council approved Recommendation (2), a recommended amendment to the Zoning Bylaw and Business License Bylaw would be pursued by staff, and either the Planning Committee, or the General Purposes Committee, would receive a report back before the end of 2010, with a Public Hearing for changes to the Zoning Bylaw after that.

Further discussion ensued with regard to the impact the motion would have on the applicant and his business.

As a result of the discussion Part (1) of the motion was WITHDRAWN and the following motion was introduced:

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It was moved and seconded

That staff be directed to bring forward amendments to the Zoning Bylaw to allow a three (3) bedroom Bed and Breakfast (B & B) with a maximum of six (6) guests in Single-Family zoning districts provided that performance criteria addressing landscaping, privacy, parking and life safety are included in an amended Business License Bylaw.

The question on the motion was not called as further discussion ensued as Committee sought confirmation from staff that if the motion carried, it would apply Citywide, and not just to the applicant's address.

In response to a further query, Mr. Erceg advised that the City does provide applicants with a partial refund of rezoning application fees, if the application is withdrawn.

Mr. Jackson remarked that if the application is not going forward to the November, 2010 Public Hearing, more staff resources and time can be directed to bringing forward the overall amendments to the Zoning Bylaw and the Business License Bylaw to adjust to the proposed 3 bedroom/6 guest equation.

The motion was then called and it was **CARRIED**, with Councillor Greg Halsey-Brandt **OPPOSED**.

The Chair advised that for the purpose of clarification, Part (1) of the staff recommendation would be considered.

It was moved and seconded

Bylaw No. 8621, for a zoning text amendment to "Single Detached (RS3/E)" to allow for a Bed and Breakfast (B & B) limited to two (2) bedrooms and four (4) guests at 3111 Springside Place; and for the rezoning of 3111 Springside Place from "Single Detached (RS1/E)" to "Single Detached (RS3/E)", be introduced and given First Reading.

DEFEATED

5. **MANAGER'S REPORT**

No reports were given.

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (7:05 p.m.).

CARRIED

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Certified a true and correct copy of the Minutes of the meeting of the Planning Committee of the Council of the City of Richmond held on Tuesday, October 5, 2010.

Councillor Bill McNulty
Chair

Sheila Johnston
Committee Clerk