



**Special Council
Monday, June 27, 2016**

Place: Anderson Room
Richmond City Hall

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

Corporate Officer – David Weber

Call to Order: Mayor Brodie called the meeting to order at 4:02 p.m.

RES NO. ITEM

FINANCE AND CORPORATE SERVICES DIVISION

1. BUSINESS LICENCE REFUSAL RECONSIDERATION

(File Ref. No.: 12-8275-20-2016734245) (REDMS No. 5037869 V. 3; 5056968; 5056972)

Mayor Brodie offered a statement that the reconsideration in front of Council relates to the refusal of an application for a business licence as a learning centre at the proposed property located at Unit 200-4080 Bayview Street. Mayor Brodie further stated that the licence was refused by staff because the current zoning does not permit daycare use. Mayor Brodie commented that a report on the options for a rezoning for the site was in the process of coming to Committee and Council for consideration and staff would come back at a future date to address this further. Mayor Brodie also clarified that the purpose of the meeting today was to address the question as to why the business licence application was denied based on the current zoning of the proposed property.



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Carli Edwards, Chief Licence Inspector, stated that the meeting today was requested by the applicant in order to appeal the decision to refuse the business licence application from Generation Daycare Inc. at Unit 200-4080 Bayview Street. Ms. Edwards stated that the application was refused because it does not align with the current zoning for the site, Steveston Maritime (ZC21). She also stated that the applicant has argued that the application is for an educational use, but it is in staffs' opinion that the use set out in the application is for daycare use, as defined in the City's Zoning Bylaw.

In response to a question from Councillor McPhail, Ms. Edwards advised that the amended business plan that was distributed to Council with the agenda came after the business licence refusal. Ms. Edwards also stated that staff reviewed the updated plan and determined that it did not contain sufficient evidence that the education use set forth in the application adhered to the definition of education use in the existing zoning for the proposed site.

Discussion ensued between Councillor Day and Mayor Brodie regarding the reconsiderations of the business licence refusal, including the current zoning of the proposed property.

In response to queries from Councillor Au, Ms. Edwards clarified that the definition of education use in relation to the site specific zoning for the application is a school as defined under the School Act or a private school as defined under the Independent School Act. Ms. Edwards further stated that the definition of education use explicitly includes specific conditions including kindergarten through grade 12 curriculums and the business licence application, as presented, would not meet the criteria under either act.

Joe Erceg, General Manager, Planning and Development, further clarified that commercial education would be a private school that does not offer kindergarten through to grade 12 curriculums and that use is also not permitted in the Steveston Maritime (ZC21) zone.

Mayor Brodie reiterated that the merits of rezoning the proposed business site were not appropriate for discussion at this time.



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Agnes Lewis, with Michael Lewis, applicant and owner of Generation Daycare Inc., expressed her hope that Council reconsider the decision to refuse the business licence application. Ms. Lewis further stated that Mr. Lewis had applied for the licence as Generation Maritime Learning Centre to serve as before and after school care for children ages 5-12. She further commented that the zoning currently allows for education use and believes that the business licence application submitted was in line with this use. Ms. Lewis further commented that the application was denied because it did not fit the criteria of the education definition but believed the City's definition to be inexact.

Mayor Brodie commented that the definition of education use for the Steveston Maritime zone on the proposed site did not pertain to the subject of the hearing and that further discussion on that matter would be take place at future Committee and Council meetings.

In response to a question from Council, David Weber, Director, City Clerk's Office, stated that the applicant could re-apply for a business licence if the zoning of the proposed site were to change in the future.

SP16/2-1

It was moved and seconded

That Council uphold the decision to refuse the application from Generation Daycare Inc. for a business licence at Unit 200-4080 Bayview Street.

CARRIED

Mayor Brodie informed Mr. and Ms. Lewis that the rezoning consideration for the proposed site from the business licence application was forthcoming. Mayor Brodie further explained that reports from staff on this matter would be available online before being considered at Committee.

ADJOURNMENT

SP16/2-2

It was moved and seconded

That the meeting adjourn (4:19 p.m.).

CARRIED



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Certified a true and correct copy of the Minutes of the Special meeting of the Council of the City of Richmond held on Monday, June 27, 2016.

Mayor (Malcolm D. Brodie)

Corporate Officer (David Weber)