

ORAL SUBMISSIONS

To: Planning Committee, City of Richmond

Submitted by: Harjit Sandhu, Applicant

Date: February 18th, 2025

File: RZ 24-008451

**Re: Application for Rezoning at 11111 Bird Road from School & Institutional Use (SI) zone
to Small-Scale Multi Unit Housing (RSM/L) zone**

I would like to thank the members of the Committee for the opportunity to come before you today. Even though staff is not in favour of this rezoning request, I still thank them for the meetings and discussions I have had with them to date.

Accompanying these submissions are two previous staff reports that I will be referencing occasionally throughout my submissions, they are:

- A “Report to Council” from Ron Mann, Director of Planning, City of Richmond, dated July 7, 1993, pertaining to a rezoning request by Amarjit S. Gill for 11051/11071 Bird Road.
- A “Report to Committee” from Ron Mann, Director of Planning, City of Richmond, dated June 28th, 1994, pertaining to a rezoning request by Harjit Sandhu for 11091 Bird Road.
- 2025 BC Assessment for 11091 Bird Road

A number of members of this committee know me, however for the benefit of those that might not be familiar with me. My name is Harjit Sandhu, I am 50 years of age and I have grown up and lived in Richmond my entire life. The property that is the subject of this rezoning request was purchased by my parents in 1988 and at that time the property was heavily forested with a small rancher house. My parents and I, cleared the foliage from the property and constructed a new house that is presently still standing and eventually occupied the premises in 1990. I lived at this property until 1998 at which time due to personal issues with my dad, my wife and I moved out onto our own and I had an estranged relationship with my dad from then on and avoided contact with him at all cost.

The staff report makes mention of various building code infractions that occurred, those were entirely undertaken by my dad and I was not a party to them. My dad passed away in July 2023 and with myself being the only child, I am now assisting my mom with the management of this property.

Through the course of my submission today, I will use the following definitions to identify the property with a civic address of 11111 Bird Road these will similar to the definitions used by staff in their report.

The lot is an L shaped with the back portion being the wider part. The term “Southern Portion” will be used to refer to the front portion of the property that is currently zoned Residential (RSM/L) and its dimensions are 97.46 feet wide x 222.3 feet deep.

The term “Northern Portion” will be used to refer to the back portion of the property that is the subject of this rezoning application. It is currently zoned “School & Institutional Use (SI)”, and as correctly identified by staff, no structures can be built on this portion of land, regardless of the zoning, because it is encumbered by a BC Hydro right of way.

As identified by Staff there is track of land that acts as a “buffer” that is owned and maintained by the City. In order for this land of track to be continuous from No. 5 Road to Shell Road it would require:

- The purchase of a portion of 3 residential properties (mine would be one of the three) to the west of this track,
- The negotiation of a right away for the public with CN Rail through their property which contains an active railway line, and
- The purchase of a portion of a parking lot part of a commercial property to the east of this track

Members of this Committee have a Staff Report that is dated February 3, 2025, which is quite detailed but there is a glaring omission that is left out of this report and this is one of my main arguments that I will be putting forward for this Committee to approve this rezoning application.

What this staff report conveniently fails to mention is that in 1993, the owners of 11051 and 11071 Bird Road applied for and were granted their request to rezone their northern portion of their properties to Residential use in order to permit additional square footage to be constructed on their southern portion of their properties (City of Richmond Rezoning Application File # REZ 93-076). Not one but two properties were permitted to do exactly what I am asking for. I will now be quoting directly from this “Report to Council” that is dated July 7th, 1993, from Ron Mann, Director of Planning, City of Richmond writes in his conclusion (this can be referenced on page 3):

1. *The existing B.C. Hydro right-of-way is of long standing and unlikely to be phased out.*
2. *The City does not have a policy to acquire a 30.48 m (100 ft.) wide buffer from Shell Road to No. 5 Road, but has acquired additional lands to the west on an ad hoc basis.*
3. *Should the owners of the three remaining residential lots [this directly references my northern portion of my property and I am assuming it counts 11051/11071 Bird Road as one property since they were in the processing of subdividing into 2 lots] west of the City-owned buffer prefer to provide their own buffer by retaining the use of the land under the Hydro right-of-way, **no over-riding City policy or community goal** [emphasis added] would be adversely affected thereby. (Page 3)*

So based on the above report in 1993 and our neighbour's successful rezoning application, my parents purchased 11091 Bird Road and submitted a rezoning application (REZ #93-344) however in a "Report to Committee" dated June 28, 1994, prepared by David McLellan, Manager – Urban Development, City of Richmond, that conclusion stated (referring to page 4):

- 1. The rezoning is designed to allow an existing illegal dwelling at 11111 Bird Road [my dad had constructed a roof over a deck that resulted then resulted in the Floor Area Ratio being exceeded] to be brought into conformity with the Zoning and Development Bylaw No. 5300.*
- 2. The rezoning of the site will make it more difficult to ensure an adequate buffer between industrial and residential lands uses, and will make it difficult to acquire a continuous trails system through Section 25-5-6.*
(Page 4)

My parents and I were extremely disappointed that when we brought forward our rezoning application that it was even though less than a prior year not one but two property owners were permitted to rezone the "northern portion of their properties" and that Staff report made direct mention that if the other three remaining properties preferred to provide their own buffer it would be acceptable with no overriding city policy or community goal being overridden.

If we fast forward today, this rezoning application is the same request in 1994 and the reasons staff have submitted for denying this application are also essentially the same and I will paraphrase and respond to them:

Additional floor would likely result in a building form that is notably different from that of the adjacent properties and unlikely to be accommodated within the existing setbacks and height restrictions of the RSM/L.

In regards to these items of concern, The ceiling heights for the current structure on the first floor are 9 feet and on the second floor they are eight in half feet. So if any additions are done, we have the flexibility of decrease the ceiling height to the minimum code requirement of 8 feet. Since the grade of the lot was increased significantly in 1989 during the build of the house, we also have the option of being able to have sunken floors to any new additions that are done. And lastly we have the option of having a flat roof on any additions that are done.

The southern portion of this property that can be constructed upon is 21,638.34 (97.47 feet wide by 222 feet deep).

The maximum lot coverage in the RSM/L zoning is 45%.

So therefore the footprint of the house that falls within the maximum lot coverage would be 9,737.25 square feet (21,638.34 square feet x 45%). And if you double that for a second storey then the total square feet that could be constructed without exceeding the permitted lot coverage would be 19,474.5 square feet. The constraining factor here will be not lot coverage but Floor Area Ratio thus thereby requiring the square footage to be **FAR BELOW THIS**; no pun intended and thereby not exceeding the maximum lot coverage.

As for side yard setback, I can not even believe this has been raised. Since the original house was built in 1989, the lot has been increased in width by 19 feet. I believe that I do not need to say anything more in regards sideyard set back being an issue.

I want to stress and reassure this committee, that if they do approve this rezoning application that the requirement for seeking a building permit, **WILL ENSURE** that any proposed additions to the existing structure will conform to the neighborhood and be fully accommodated within the current setbacks and height restrictions of the current RSM/L zone.

With all that said, in the end it might very well prove to be that existing building bylaws will not be able to accommodate the existing structure with an additional 4,693 square feet and will have to settle for a lesser amount of square footage being added and if that is the case I am perfectly agreeable to that.

I would like to point out that Staff was not presented with any drawings or plans for reasons which I will explain shortly.

The park and trail network also acts as a buffer to provide an appropriate level of separation between the residential uses along Bird Road and the industrial uses to the north

The City of Richmond does not have a bylaw that requires a “buffer” between industrial and residential lands uses or any two different land uses for that matter within the City boundaries. There are numerous instances all throughout the city where two properties that have different land uses are adjacent to each other – one has to look no further than my neighbors at 11071 and 11051 Bird Road where their entire property is zoned residential use and it abuts a property that is zoned industrial. A “buffer” between industrial and residential land uses is nothing more than a mere luxury not a requirement.

Additionally, by not being able to construct any structures on the northern parcels of land because of the BC Hydro encumbrance a so called “buffer zone” is achieved - whether it is privately held or owned by the City, whether it is zoned residential or School and Institution Use, the effect is the same – a barren tract of land.

Proposed rezoning of this area for residential use would restrict the City’s ability to secure a long-term public trail network and access in the area.

Below is a picture of the “Northern Portion” with its current zoning looking to the east:



This next picture shows what the “Northern Portion” would like it if it were to be rezoned residential:



The pictures are identical because nothing will change on this parcel of land because no structures are permitted on this parcel of land regardless of what it is zoned.

It is completely disingenuous of staff to simply state “... the proposed rezoning of this area for residential use would restrict the City’s ability to secure a long-term public trail network and access in the area.” without providing any further basis for reaching that conclusion.

If by “restrict” staff is meaning that the City will be permanently bared from extending the city-owned “buffer” then that already is the case.

The mere fact that 11051 and 11071 have their back northern portion zoned residential automatically precludes the City from purchasing the northern portion of those two properties and therefore nullifies the City’s ability to have a continuous trail from No. 5 Road to Shell Road and hence can not be used as an argument to deny our request for rezoning. If the City can purchase the northern portion of 11051 and 11071 Bird after it has been zoned residential, then the City can also purchase our northern portion as well even it has been zoned residential.

The City will by no means is restricted in purchasing this property in the future if this rezoning request is approved. The process for the City to purchase this parcel if it is rezoned residential would be as follows:

- City will enter into a purchase agreement for a set price for the parcel of land
- City will approve a subdivision application to permitting the back parcel to be separated from the southern portion and be attached to the City’s existing owned buffer strip.
- City will issue a site specific zoning for the remaining southern portion of 11111 Bird Road so that structure will remain in compliance with Floor Area Ratio (FAR).

The above process will be followed for when the City purchases the northern portion from the owners of 11051 and 11071 Bird Road so therefore it can also be done for our property. So I believe the correct verbage to be using is not “restricted” but “administrative steps will be required”.

In discussions with the planning department leading up to today’s hearing, back in September 2024 in a meeting with James Hnatowich and another individual from the City of Richmond, it was suggested to me at that meeting that if I was willing to cede the northern portion to the City then in return Staff would be willing to support a site specific zoning for the remaining southern portion to permit the additional construction of the square footage.

I would like to take a minute to address why I am not open to the proposal of ceding this parcel of land to the City of Richmond. I would just like to remind everyone that my parents paid for this parcel of land from the previous owner in 1993.

The property next door to us, 11091 Bird Road, does not have a northern back portion and according to the latest BC Assessment it has a land value of \$1,738,000, if we dividend that by its total lot square footage of 13,131.89 (59.15 feet x 222.01 feet) I arrive at a price per square foot of \$132.35 (a copy of this assessment is attached as reference).

The parcel of land that is the subject of this rezoning is 15,663 square feet (156.6 feet x 100 feet). The table below presents values for this piece of land assuming that \$132.35 could be the maximum selling price for square footage (which would be an unfair assumption for reasons to be mentioned below) and lower amounts:

Scenario	#1	#2	#3
Total Square Footage	15,663	15,663	15,663
Price per Square Foot	\$132.35	\$90.00	\$75.00
Total Value	\$2,072,998.05	\$1,409,670	\$1,174,725.00

I whole heartily concede it is completely unreasonable to use the same price per square foot that the land for 11091 Bird Road was assessed at because all of that land can be constructed upon whereas the subject parcel here, even if rezoned residential can not have any structures constructed upon it.

So with that in mind, the table above is just meant to show what the value of this property could be if it were to be priced at lower amounts – namely \$90.00 per square foot or \$75.00 per square foot. Even at the lower value, I would like the committee to appreciate the significant “donation” that is being requested from me when no such concession was requested from 11051 and 11071 Bird Road.

Subsequent to that meeting I received a phone call from Mr. Hnatowich that Parks and Recreation Department would be interested in purchasing the northern portion and I replied to Mr. Hnatowich that I would be willing to engage in discussions. Further to that phone call I received another phone call from Mr. Hnatowich advising that Parks and Recreation was not interested in purchasing the property at this time as they had other priorities. So realize where we now stand at this very moment, Staff is recommending not to permit this rezoning because it would restrict the City’s ability to purchase this parcel of land for a continuous trail however when presented with an opportunity to purchase this parcel of land, it is not a priority for the City.

I would like to point out that since 1988, no additional properties have been purchased by the City to extend this city-owned “buffer” either to the east or to the west; that is almost 4 decades.

So with that said, that brings us to today. This application was originally submitted by myself back in early 2024. Since that submission the density bylaws have changed significantly. Whereas prior to these changes we were only permitted one suite, with the changes we are permitted owner occupied plus 3 additional units.

I agree that this rezoning application is identical to the one that was submitted and denied in 1994, and the reasons for staff recommending a denial are the same. However what is different between 1994 and today, is the lens that is available to this committee to use.

Today, Cities are wanting to pursue sustainable increased density and also there is a substantial lack of family friendly” rental accommodations. With that lens, I would like the committee to recognize the benefits this rezoning would bring: (benefits that were not tangible back in 1994 because none of these two issues were substantial concerns):

- 3 individual rental units where 2 would be 2 bedroom “family friendly” rental accommodations and the 3rd would be a 3 bedroom “family friendly” rental accommodation;
- 2 of the these rental units would be at ground level and therefore be accessible; and
- provision of on-site parking for the majority or all the rental units.

In all complete fairness to the staff, proposed development drawings were never submitted to them to review or for additional insights unfortunately because our discussion were focused on the acquisition of this parcel of land by the City either by ceding it or by purchase. When discussions down both these avenues came to a “dead end’ it is unfortunate that Staff and I never engaged in further discussions on the intended use of the increased density.

I would respectfully submit that this planning committee not forgo the opportunity to provide all of the above and be willing to consider granting this rezoning request and especially when doing so will not immediate the City’s ultimate long term goal of continuous trial from No. 5 Road to Shell Road.



CITY OF RICHMOND
PLANNING DEPARTMENT

REPORT TO COUNCIL

*Council
July 12 1993*

TO: Mayor & Council

FROM: Ron Mann
Director of Planning

DATE: July 7, 1993

FILE: REZ 93-076
B/L 6123

RE: APPLICATION BY AMARJIT S. GILL FOR REZONING AT
11051/11071 BIRD ROAD FROM SINGLE-FAMILY HOUSING DISTRICT,
SUBDIVISION AREA E (R1/E) AND SCHOOL AND PUBLIC USE
DISTRICT (SPU) TO SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION
AREA D (R1/D)

[134]

STAFF RECOMMENDATION

That the attached report dated July 7, 1993 from the Director of Planning be received for information.

Ron Mann
Director of Planning

FOR ORIGINATING DEPARTMENT USE ONLY		
ROUTED TO:	CONCURRENCE	ADMINISTRATOR'S SIGN-OFF:

STAFF REPORTORIGIN

At their meeting on June 29, 1993, when considering the report on REZ 93-076, the Planning and Development Services Committee requested staff to provide Council with information on the history of the power lines and the previous policy relating to School and Public Use zoning under them.

ANALYSIS

The power line in question is the principal power line originating from the Kidd No. 2 substation at No. 4 Road and River Road and has been in operation for more than 30 years. In addition to power, it contains a jet fuel line feeding the Vancouver International Airport complex.

The portion of right-of-way addressed in this report is between Shell Road in the west and No. 5 Road in the east. In this location it is about 70 m (230 ft.) wide and is located approximately half way between Voyageur Way and Bird Road.

Prior to 1978, the land under the right-of-way was all privately owned. In that year C.D. Estates negotiated a land use contract with the City whereby C.D. Estates established a buffer zone with title vested in the City along the southerly 30.48 m (100 ft.) of their holdings in the right-of-way for a linear distance of approximately 450 m (1,476 ft.). This left 115 m (377 ft.) east to No. 5 Road and 195 m (640 ft.) west to Shell Road to be dealt with if and when development took place.

In the early 1980's, the property on No. 5 Road was assembled and proposed for redevelopment. By this time land use contracts had been phased out in favour of straight zoning and development permits. Under the development permit issued for the property (DPM 83-137) the City required the provision of a 15 m (50 ft.) heavily landscaped buffer strip along the south boundary of the site where it abutted the single-family homes on Bird Road. The buffer area remains private property.

In 1986, another developer assembled the lands to the west of the original land use contract and proposed an extension of Voyageur Way. A portion of the assembled lands extended to the south boundary of the Hydro right-of-way and the southerly 30.48 m (100 ft.) of these lands was conveyed to the City. This portion was separated from the main buffer by a 35 m (115 ft.) long section of private property which the City acquired by purchase in 1989 at the instigation of the owner. The City now owns a continuous strip 535 m (1,755 ft.) in length which it maintains as a buffer, and accesses from Voyageur Way.

The City appears to have no firm policy about acquiring additional property as a buffer. The buffer to the east of the City property is maintained by the industrial owners and the properties to the west of the City strip in effect provide their own buffer by having extra deep residential lots.

The staff report pointed out inconsistencies in the City policies as expressed in the O.C.P. and Area Plans. The Area Plan, which takes precedence, shows only a narrow buffer strip of undeterminable width to the west of the City-owned buffer, and no buffer at all to the east of the City-owned buffer. The balance of the residentially-zoned lots under the right-of-way, to the west of the City-owned strip, are designated for industrial use.

FINANCIAL IMPACT

None.

CONCLUSION

1. The existing B.C. Hydro right-of-way is of long standing and unlikely to be phased out.
2. The City does not have a policy to acquire a 30.48 m (100 ft.) wide buffer from Shell Road to No. 5 Road, but has acquired additional lands to the west on an ad hoc basis.
3. Should the owners of the three remaining residential lots west of the City-owned buffer prefer to provide their own buffer by retaining the use of the land under the Hydro right-of-way, no over-riding City policy or community goal would be adversely affected thereby.



Ron Mann
Director of Planning

RM:WJK:rkn



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Planning and Development Services Committee **DATE:** June 28, 1994

FROM: Ron Mann
Director of Planning

FILE: REZ 93-344

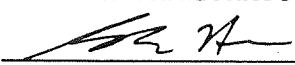
**RE: APPLICATION BY HARJIT SANDHU FOR REZONING OF THE
NORTHERLY 30.48 M (100 FT.) OF 11091 BIRD ROAD FROM SCHOOL
AND PUBLIC USE DISTRICT (SPU) TO SINGLE-FAMILY HOUSING
DISTRICT, SUBDIVISION AREA E (R1/E)**

[042]

STAFF RECOMMENDATION

That a bylaw to rezone the northerly 30.48 m (100 ft.) of 11091 Bird Road from "School and Public Use District (SPU)" to "Single-Family Housing District, Subdivision Area E (R1/E)" NOT be introduced.

Ron Mann
Director of Planning

FOR ORIGINATING DEPARTMENT USE ONLY		
ROUTED TO:	CONCURRENCE	ADMINISTRATOR'S SIGN-OFF:
Parks & Leisure Services	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Permits & Licences	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	_____
Treasury	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	_____

STAFF REPORT

ORIGIN

The subject 3,448.21 m² (37,117.42 ft²) L-shaped lot is located on the north side of Bird Road some 100 m (328.08 ft.) east of Shell Road.

The proposal is to rezone the northerly 30.48 m (100 ft.) of the site to Single-Family Housing District, Subdivision Area E (R1/E) in order to add a portion of it to the adjacent lot to the east to bring the floor area ratio of an existing dwelling on that lot into conformity with the Zoning and Development Bylaw No. 5300.

FINDINGS OF FACT

The site is in the Cambie (East) Plan Area and the southerly 67.71 m (222.15 ft.) of it is designated for single-family residential use. Of the northerly 30.48 m (100 ft.) of the site, the southerly 7.5 m (24.606 ft.), more or less, is designated School/Park Institutional and the balance Industrial.

The site is in the area approved by Council for Single-Family Housing District, Subdivision Area D (R1/D) size lots on the north side of Bird Road.

The northerly 30.48 m (100 ft.) of the subject site is zoned School and Public Use District (SPU) and is a projected continuation of the City-owned buffer strip to the east between the industrial lands on the south side of Voyageur Way and the residential lands on the north side of Bird Road. The Parks and Leisure Services Department noted that it was intended to use the strip for continuation of the trails system out to Shell Road. Presently the City maintains the buffer area east of this property.

This buffer is part of a long buffer strip which divides industrial land from residential land, and its original intention was to keep these two divergent land uses apart, a principle that still applies today.

The City has had experience along this buffer strip where residents have complained about both noise and the mess of the adjacent industrial lands on the other side of the buffer. Resolution of this problem required City intervention.

None of the other Departments contacted object to this application.

Neighbourhood improvement charges would apply at the subdivision stage if approved.

ANALYSIS

This requested rezoning would rectify an illegal situation by providing enough residentially-zoned land to bring the floor area ratio of 11111 Bird Road into conformity with the Zoning and Development Bylaw No. 5300. This could be accomplished by the consolidation and resubdivision of 10091 and 11111 Bird Road after rezoning.

However, the principal obstacle to the applicant's intentions is the fact that the 30.48 m (100 ft.) wide strip along the north boundary of the site is zoned School and Public Use District (SPU). In the original Official Community Plan Bylaw No. 5400 this strip was shown as non-residential. In the Cambie (East) Area Plan the bulk of it is shown as "Industrial" with a narrow buffer of indeterminate width, designated "School/Park Institutional", designed to separate the industrial use from the residential to the south, a principle which was applied to the area many years ago, but which is still applicable today.

The applicant wishes to have the entire property rezoned to Single-Family Housing District, Subdivision Area E (R1/E) in order to take advantage of the entire lot area for the purpose of calculating the allowable floor area. This would permit a consolidation and resubdivision of 10091 and 11111 Bird Road designed to bring the floor area ratio of both lots into conformity with the Zoning and Development Bylaw No. 5300. Currently the applicant is in violation of this bylaw.

The new owners accept their proximity to the industrial uses to the north and are willing, in effect, to provide their own buffer so as to benefit from the floor area ratio calculations and the use and enjoyment of the additional land.

In staff's opinion, the City should continue to express its intention to retain the buffer and obtain a trail right-of-way through the property by retaining the current School and Public Use District (SPU) zoning designation.

Action has begun with regard to the applicant's non-compliance with the City's Zoning and Development Bylaw.

FINANCIAL IMPACT

No budgetary impact at this time.

CONCLUSION

1. The rezoning is designed to allow an existing illegal dwelling at 11111 Bird Road to be brought into conformity with the Zoning and Development Bylaw No. 5300.
2. The rezoning of the site will make it more difficult to ensure an adequate buffer between industrial and residential land uses, and will make it difficult to acquire a continuous trails system through Section 25-5-6.



David McLellan
Manager - Urban Development

RM:DJM:WJK:rkn

There are requirements to be dealt with prior to final adoption:
Transportation and Highways approval required.

11091 BIRD RD RICHMOND V6X 1N7

Area-Jurisdiction-Roll: 11-320-R-080-781-007



Total value \$2,003,000

2025 assessment as of July 1, 2024

Land	\$1,738,000
Buildings	\$265,000
Previous year value	\$2,012,000
Land	\$1,726,000
Buildings	\$286,000

Property information

Year built	1989
Description	2 STY house - Semi-Custom
Bedrooms	9
Baths	6
Carports	
Garages	C
Land size	13135 Sq Ft
First floor area	2,063
Second floor area	2,336
Basement finish area	
Strata area	
Building storeys	2
Gross leasable area	
Net leasable area	
No. of apartment units	

Legal description and parcel ID

LOT C, BLOCK 5N, PLAN BCP15735, SECTION 25, RANGE 6W, NEW WESTMINSTER LAND DISTRICT
 PID: 026-217-481

Sales history (last 3 full calendar years)

No sales history for the last 3 full calendar years

Manufactured home

Width
 Length
 Total area

Register with BC Assessment



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