

### **Report to Committee Fast Track Application**

Planning and Development Department

To:

Planning Committee

Director of Development

Date:

June 17, 2015

From:

Wayne Craig

File:

RZ 15-694974

Re:

Application by Jasdeep Mann and Harpreet Mann for Rezoning at

10291 No. 5 Road from Single Detached (RS1/E) to Compact Single

Detached (RC2)

#### Staff Recommendation

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9243, for the rezoning of 10291 No. 5 Road from "Single Detached (RS1/E)" to "Compact Single Detached (RC2)", be introduced and given first reading.

Wayne Craig

**ROUTED TO:** 

Affordable Housing

Director of Development

Att.

REPORT CONCURRENCE CONCURRENCE CONCURRENCE OF GENERAL MANAGER

#### Staff Report

Item	Details				
Applicant(s)	Jasdeep Mann and Harpreet Mann				
Location	10291 No. 5 Road (See Attachment 1)				
Development Data Sheet	See Attachment 2				
7	Existing: Single Detached (RS1/E)				
Zoning	Proposed: Compact Single Detached (RC2)				
OCP Designation	Neighbourhood Residential	Complies:	Х	Yes	No
Lot Size Policy	Single-Family Lot Size Policy 5434 (See Attachment 3)	Complies:	Х	Yes	No
Arterial Road Policy Designation	Compact Lot or Coach House	Complies:	Х	Yes	No
Affordable Housing Strategy Response	Consistent with the Affordable Housing Strategy for single-family rezoning applications, the applicants propose to include a secondary suite in the dwelling on one (1) of the two (2) lots proposed. Prior to rezoning, the applicants are required to register a legal agreement on Title to secure the secondary suite. Details on the nature of the legal agreement are included in Attachment 4.	Complies:	X		No
Agricultural Land Reserve (ALR) Buffer Zone	Consistent with the Official Community Plan (OCP) guidelines, the applicants will be required to register a covenant on Title prior to rezoning to secure a 4 m wide landscaped buffer along the No. 5 Road frontage of both proposed subdivided properties.				
Floodplain Management Implementation Strategy	The proposed redevelopment must meet the minimum requirements of Richmond Flood Plain Designation and Protection Bylaw No. 8204. Registration of a flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw.				
Surrounding Development	North: Two (2) residential lots zoned "Single Detached (RS1/E)", which front on to Seacliff Road.  South: One (1) residential lot zoned "Single Detached (RS1/B)".  East: Directly across No. 5 Road, is the site of the Richmond Christian School on a large agricultural lot in the Agricultural Land Reserve (ALR), split-zoned "Assembly (ASY)" and "Agriculture and Golf Zones (AG1)".  West: Directly across the existing rear lane, are residential lots under Land Use Contract 014.				
Rezoning Considerations	See Attachment 4				

#### Analysis

The proposed rezoning would enable subdivision of the subject property into two (2) lots zoned "Compact Single Detached (RC2)" with vehicle access to and from the existing rear lane. A survey showing the proposed subdivision plan is provided in Attachment 5.

#### **Existing Legal Encumbrances**

There is an existing statutory right-of-way (ROW) on Title for utilities in the northwest corner of the subject site. Encroachment into the statutory right-of-way is not permitted.

There is also a Land Tax Deferment Act Agreement registered on Title. This agreement allows the property owner to defer payment of taxes. The deferred taxes must be paid and the agreement discharged from Title prior to the preparation and registration of any legal documents associated with this rezoning application.

#### Transportation Requirements and Site Access

In accordance with Residential Lot (Vehicular) Access Regulation Bylaw No. 7222, vehicle access to the proposed lots is to be from the existing rear lane only.

British Columbia Ministry of Transportation and Infrastructure (MOTI) Referral

The subject site is located within 800 m of a controlled access highway, and the rezoning application was referred to the BC Ministry of Transportation and Infrastructure (MOTI). Preliminary approval of the subject rezoning was granted on April 9, 2015 for a period of one (1) year pursuant to Section 52(3)(a) of the Transportation Act. Prior to final adoption of the rezoning bylaw, final approval from MOTI is required.

#### Tree Retention and Replacement

A Certified Arborist's Report was submitted by the applicants, which identifies on and off-site tree species, assesses their structure and condition, and provides recommendations on tree retention and removal relative to the proposed development. The Report assesses 23 trees on the subject property and four (4) trees on the adjacent property to the south at 10311 No. 5 Road.

The City's Tree Preservation Coordinator has reviewed the Arborist's Report, conducted visual tree assessment, and provides the following comments:

- Two (2) trees are recommended for removal due to poor condition (Trees # 43 and # 37).
- Eight (8) trees are in fair condition, but are in conflict with proposed development such that the trees cannot be successfully retained (Trees # 30, 35, 36, 38, 39, 40, 41, 42).
- Seven (7) Black Locust trees in the front yard of the subject site are in good condition and must be retained and protected (Trees # 44, 45, 46, 47, 48, 49, 50).
- Six (6) trees in the rear yard of the subject site are in good condition and must be retained and protected (Trees # 28, 29, 31, 32, 33, 34).
- Three (3) of the trees on the adjacent property to the south at 10311 No. 5 Road must be retained and protected as recommended in the Arborist's Report (Trees A, C, D).
- Tree B on the adjacent property to the south at 10311 No. 5 Road is recommended for removal via a Permit because a significant portion of the canopy hangs over the subject site, which would become unbalanced with any pruning required to provide clearance for proposed building on the subject site. The property owner of the adjacent lot to the south

at 10311 No. 5 Road has requested that Tree B be removed at the applicants' cost. The applicants have agreed to obtain a Permit to remove Tree B at their cost at future development stage. The applicants are required to obtain written authorization from the neighbouring property owner prior to applying for a Tree Removal Permit.

- 4 -

Since Trees # 37 and 39 are located on shared property lines, the applicants have submitted a copy of written authorization from the adjacent property owners to the north at 11820 and 11840 Seacliff Road for the removal of the trees at future development stage.

#### Tree Protection

A total of 13 trees on-site are to be retained and protected. The proposed Tree Management Drawing is shown in Attachment 6.

To ensure tree protection, the applicants must complete the following items prior to final adoption of the rezoning bylaw:

- Submission of a contract with a Certified Arborist for supervision of all works conducted within close proximity to on-site and off-site tree protection zones at future development stage. The contract must include the scope of work, site monitoring inspections at specified stages of construction, and a provision for the Arborist to submit a post construction impact assessment report to the City for review.
- Submission of a survival security in the amount of \$13,000 for Trees # 28, 29, 31, 32, 33, 34, 44, 45, 46, 47, 48, 49, 50. The security will not be released until an acceptable impact assessment report is submitted by the Arborist and until a landscaping inspection has been passed by City staff.

Prior to demolition of the existing dwelling at the subject site, the applicants are required to install tree protection fencing around all trees to be retained. Tree protection fencing must be installed to City standard in accordance with the City's Tree Protection Information Bulletin TREE-03 and must remain in place until construction and landscaping on-site is completed.

#### Tree Replacement

The Official Community Plan (OCP) tree replacement ratio of 2:1 requires a total of 20 replacement trees. However, due to limited space available in the yards of the proposed lots and in recognition of the 13 trees on-site that are to be retained, staff recommend that a cash-in-lieu contribution to the City's Tree Compensation Fund in the amount of \$3,000 be required prior to final adoption of the rezoning bylaw for the planting of trees in the City. The value of the recommended compensation amount is based on the number of replacement trees that could be otherwise accommodated on the proposed lots [e.g., a total of six (6) replacement trees valued at \$500/tree].

#### Landscaping

Consistent with the guidelines in the Arterial Road Policy, the applicants are required to submit a Landscape Plan, Cost Estimate, and a Landscaping Security prior to final adoption of the rezoning bylaw to ensure that the front yards of the proposed lots are enhanced. The Landscape

Plan must be prepared by a Registered Landscape Architect to the satisfaction of the Director of Development, and the Landscaping Security must be based on 100% of the cost estimate provided by the Landscape Architect (including any fencing and hard surfaces proposed in the front yards, and installation costs).

#### Site Servicing and Frontage Improvements

There are no servicing concerns with the proposed rezoning. Prior to subdivision, the developer will be required to:

- Provide a cash-in-lieu contribution in the amount of \$22,790 for future lane drainage improvements.
- Pay Development Cost Charges (City and GVS & DD), School Site Acquisition Charge, and Address Assignment Fees.
- Pay servicing costs associated with the water, storm, and sanitary works identified in Attachment 4.
- Enter into a Servicing Agreement for the design and construction of frontage improvements along No. 5 Road, to include: a 1.5 m wide treed/grass boulevard behind the existing curb/gutter, and a 1.5 m wide concrete sidewalk at the property line. This may trigger the need for a 0.1 m wide right-of-way for public-right-of-passage over the sidewalk along the development frontage (to be determined at the Servicing Agreement design review stage);

#### **Financial Impact**

This rezoning application results in an insignificant Operational Budget Impact (OBI) for off-site City infrastructure (such as roadworks, waterworks, storm sewers, sanitary sewers, street lights, street trees and traffic signals).

#### Conclusion

This rezoning application complies with the land use designations and applicable policies contained with the OCP for the subject site, and with Lot Size Policy 5434.

The proposed rezoning would enable subdivision of the subject property into two (2) lots zoned "Compact Single Detached (RC2)" with vehicle access to and from the existing rear lane.

It is recommended that Zoning Bylaw 8500, Amendment Bylaw 9243 be introduced and given first reading.

Cynthia Lussier

Planning Technician - Design

(604-276-4108)

AY/CL:blg

#### Attachments:

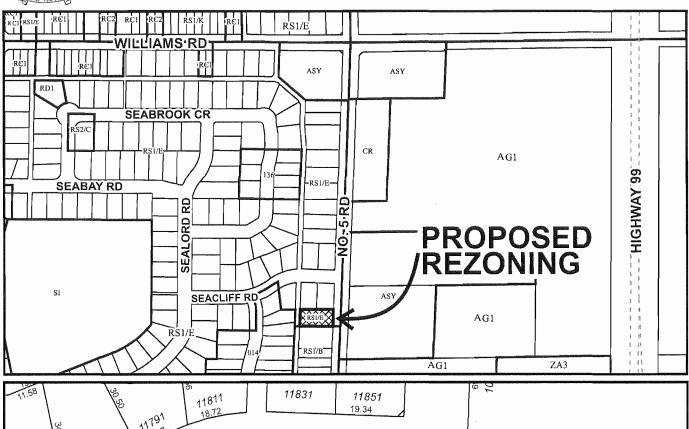
Attachment 1: Location Map/Aerial Photo

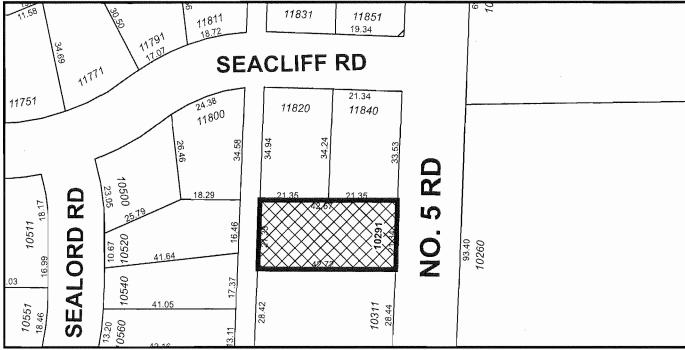
Attachment 2: Development Application Data Sheet Attachment 3: Single-Family Lot Size Policy 5434

Attachment 4: Rezoning Considerations

Attachment 5: Survey and Proposed Subdivision Plan Attachment 6: Proposed Tree Management Drawing









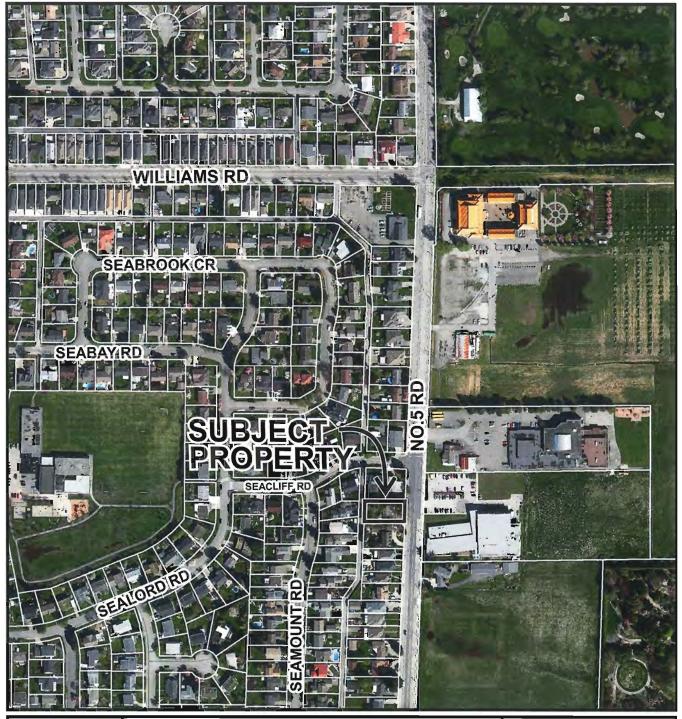
RZ 15-694974

Original Date: 03/19/15

Revision Date:

Note: Dimensions are in METRES







RZ 15-694974

Original Date: 03/19/15

Revision Date:

Note: Dimensions are in METRES



## Development Application Data Sheet Fast Track Application

**Development Applications Division** 

RZ 15-694974 Attachment 2

Address:

10291 No. 5 Road

Applicant(s): Jasdeep Mann and Harpreet Mann

Fast Track

Date Received:

March 12, 2015

Compliance:

April 27, 2015

	Existing	Proposed
Owner	Elizabeth Ann Bates	To be determined
Site Size (m²)	912 m <sup>2</sup> (9,816 ft <sup>2</sup> )	Two (2) lots, each 456 m² (4,908 ft²)
Land Uses	Single-family residential	No change
Zoning	Single Detached (RS1/E)	Compact Single Detached (RC2)

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio	Max. 0.60	Max. 0.60	none permitted
Lot Coverage - Building	Max. 50%	Max. 50%	none
Lot Coverage – Building, structures, and non-porous	Max. 70%	Max. 70%	none
Lot Coverage – Landscaping	Min. 20%	Min. 20%	none
Setback – Front & Rear Yards (m)	Min. 6 m	Min. 6 m	none
Setback – Side Yards (m)	Min. 1.2 m	Min. 1.2 m	none
Height (m)	Max. 2 ½ storeys	Max. 2 ½ storeys	none
Lot Size	Min. 270 m²	Two (2) lots, each 456 m <sup>2</sup>	none
Lot Width	Min. 9 m	Min. 9 m	none

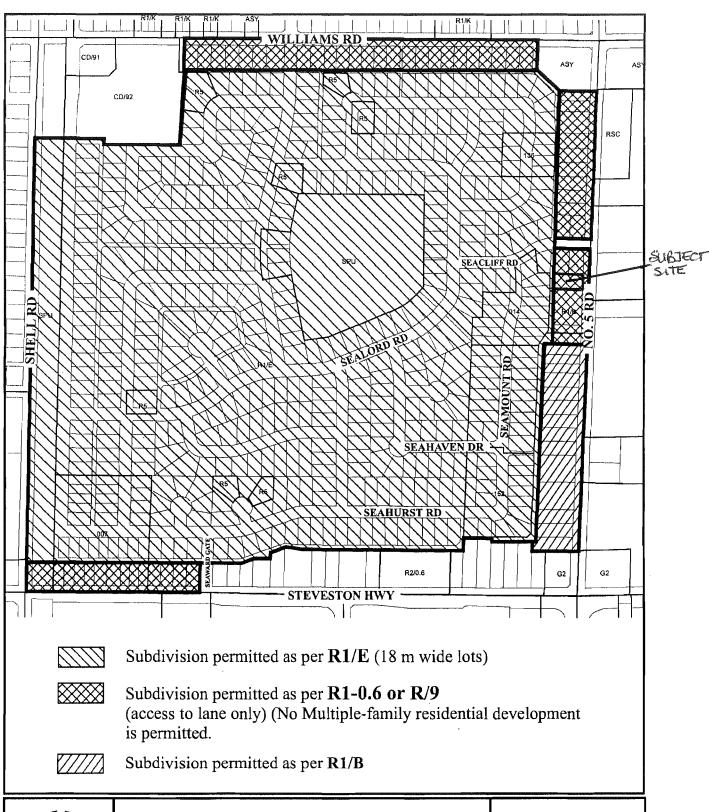
Other: Tree replacement compensation required for loss of bylaw-sized trees.

	City of Richmond	Policy Manual		
Page 1 of 2	Adopted by Council: February 19, 1990 Amended by Council: November 18, 1991 Amended by Council: October 16, 2006	POLICY 5434		
File Ref:	SINGLE-FAMILY LOT SIZE POLICY IN QUA	ARTER-SECTION 36-4-6		

#### **POLICY 5434:**

The following policy establishes lot sizes in a portion of Section 36-4-6, within the area bounded by **Steveston Highway**, **Shell Road**, **No. 5 Road**, **and Williams Road**:

- 1. That properties within the area bounded by Shell Road, Williams Road, No. 5 Road, and Steveston Highway, in a portion of Section 36-4-6, be permitted to subdivide in accordance with the provisions of Single-Family Housing District (R1/E), with the exception that:
  - a) Properties fronting on Williams Road from Shell Road to No. 5 Road, properties fronting on Steveston Highway from Seaward Gate to Shell Road, and properties fronting on No. 5 Road from Williams Road to approximately 135 m south of Seacliff Road to rezone and subdivide in accordance with the provisions of Single-Family Housing District (R1-0.6) or Coach House District (R/9) provided that vehicle accesses are to the existing rear laneway only. Multiple-family residential development shall not be permitted in these areas.
  - b) Properties fronting on No. 5 Road from Steveston Highway to approximately 135 m south of Seacliff Road be permitted to subdivide in accordance with the provisions of Single-Family Housing District, Subdivision Area B (R1/B) provided that vehicle accesses are to the existing rear laneway only.
- 2. This policy, as shown on the accompanying plan, is to be used to determine the disposition of future rezoning applications in this area, for a period of not less than five years, unless changed by the amending procedures contained in the Zoning and Development Bylaw.





Policy 5434 Section 36-4-6

Adopted Date: 02/19/1990

Amended Date: 11/18/1991

10/16/2006



Rezoning Considerations
Development Applications Department
6911 No. 3 Road, Richmond, BC V6Y 2C1

Address: 10291 No. 5 Road File No.: RZ 15-694974

## Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9243, the applicants are required to complete the following:

- 1. Provincial Ministry of Transportation & Infrastructure Approval.
- 2. Submission of a Landscape Plan, prepared by a Registered Landscape Architect, to the satisfaction of the Director of Development, and deposit of a Landscaping Security based on 100% of the cost estimate provided by the Landscape Architect, including installation costs. The Landscape Plan should:
  - comply with the guidelines of the OCP's Arterial Road Policy and should not include hedges along the front property line;
  - include the dimensions of tree protection fencing as illustrated on the Tree Retention Plan attached to this report; and
- 3. City acceptance of the developer's offer to voluntarily contribute \$3,000 to the City's Tree Compensation Fund for the planting of replacement trees within the City.
- 4. Submission of a Contract entered into between the applicants and a Certified Arborist for supervision of any on-site works conducted within the tree protection zone of the trees to be retained (on-site Trees # 28, 29, 31, 32, 33, 34, 44, 45, 46, 47, 48, 49, 50, and off-site Trees A, C, D). The Contract should include the scope of work to be undertaken, including: the proposed number of site monitoring inspections, and a provision for the Arborist to submit a post-construction assessment report to the City for review.
- 5. Submission of a Tree Survival Security to the City in the amount of \$13,000 for on-site Trees # 28, 29, 31, 32, 33, 34, 44, 45, 46, 47, 48, 49, 50.
- 6. Payment of deferred taxes and the submission of a title search demonstrating that the Land Tax Deferment Act Agreement (BB2018881) has been discharged from title. Note: this is required prior to the preparation of any legal documents associated with this rezoning application.
- 7. Registration of a flood indemnity covenant on title.
- 8. Registration of a legal agreement on title to ensure that landscaping planted along within the ALR buffer area along the east portion of the property (4.0 m wide, as measured from the east property line) is maintained and will not be abandoned or removed. The legal agreement is to identify the ALR buffer area and to indicate that the subject property is located across from active agricultural operations and is subject to impacts of noise, dust, and odour.
- 9. Registration of a legal agreement on Title to ensure that no final Building Permit inspection is granted until a secondary suite is constructed on one (1) of the two (2) future lots, to the satisfaction of the City in accordance with the BC Building Code and the City's Zoning Bylaw.

**Note:** Should the applicants change their mind about the Affordable Housing option selected prior to final adoption of the Rezoning Bylaw, the City will accept a voluntary contribution of \$1.00 per buildable square foot of the single-family developments (i.e. \$5,890) to the City's Affordable Housing Reserve Fund in-lieu of registering the legal agreement on Title to secure a secondary suite.

#### At Demolition stage, the applicant(s) must complete the following requirements:

• install tree protection fencing around all trees to be retained (on-site Trees # 28, 29, 31, 32, 33, 34, 44, 45, 46, 47, 48, 49, 50, and off-site Trees A, C, D). Tree protection fencing must be installed to City standard in accordance with the City's Tree Protection Information Bulletin TREE-03 and must remain in place until construction and landscaping on-site is completed.

#### At Subdivision\* stage, the applicant(s) must complete the following requirements:

- Provide a cash-in-lieu contribution in the amount of \$22,790 for future lane drainage improvements.
- Pay Development Cost Charges (City and GVS & DD), School Site Acquisition Charge, and Address Assignment Fees.
- Enter into a Servicing Agreement for the design and construction of frontage improvements along No. 5 Road, to include (but is not limited to): a 1.5 m wide treed/grass boulevard behind the existing curb/gutter, and a 1.5 m wide concrete sidewalk at the property line. This may trigger the need for a 0.1 m wide right-of-way for public-right-of-passage over the sidewalk along the development frontage (to be determined at the Servicing Agreement design review stage).
- Pay servicing costs associated with the following water, storm, and sanitary works:

#### Water Works

- Using the OCP Model, there is 507.2 L/s of water available at a 20 psi residual at the No. 5 Road frontage. Based on your proposed development, your site requires a minimum fire flow of 95 L/s.
- The applicant is required to submit Fire Underwriter Survey (FUS) or International Organization for Standardization (ISO) fire flow calculations to confirm the development has adequate fire flow for onsite fire protection. Calculations must be signed and sealed by a Professional Engineer and be based on Building Permit Stage and Building designs. If adequate flow is not available, the Developer shall be required to upgrade the existing water system that may extend beyond the development site frontage.
- At the applicant's cost, the City is to cut and cap the existing water service connection at the watermain along the No. 5 Road frontage.
- Install two new 25 mm water service connections complete with meter and meter boxes along the No. 5 Road frontage (the meter boxes to be located within a new 1.5m wide utility right-of-way (refer to *General Items* below).

#### Storm Sewer Works

- The applicant is required to provide a cash-in-lieu contribution of \$22,790.00 for the design and construction of lane drainage upgrades in accordance with the Subdivision and Development Bylaw 8751.
- At the applicant's cost, the City is to cut and cap the existing storm service connections fronting the No. 5 Road frontage, and install a new 450 mm diameter Type II Inspection Chambers complete with two 100 mm diameter connections at the common property line within a new 1.5m wide utility right-of-way (refer to *General Items* below).

#### Sanitary Sewer Works

- At the applicant's cost, the City is to cut and cap the existing service connection at the property's northwest corner and install a new 450 mm diameter Type II Inspection Chamber complete with two 100 mm diameter connections at the common property line.

#### General Items

- The applicant is required to provide a 1.5 m wide utility right-of-way across the entire No. 5 Road frontage to accommodate storm inspection chambers and water meter boxes. No permanent structures such as fences, and storage sheds with concrete foundations, are allowed to be built on or across the utility right-of-way.
- The applicant may be required to provide a 0.1 m wide right-of-way for public-right-of-passage over the sidewalk along the No. 5 Road frontage (to be determined through the Servicing Agreement design review).
- The applicant is required to coordinate with BC Hydro, Telus and other private communication service providers:
  - o To underground proposed Hydro service lines.

- When relocating/modifying any of the existing power poles and/or guy wires within the property frontages.
- o To determine if above ground structures are required and coordinate their locations (e.g. Vista, PMT, LPT, Shaw cabinets, Telus Kiosks, etc).
- Ensure driveway locations do not conflict with existing street lights and/or utility poles. Requests to relocate street lights and/or utility poles will not be considered other than under exceptional circumstances.
- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required, including, but not limited to, site investigation, testing, monitoring, site preparation, dewatering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

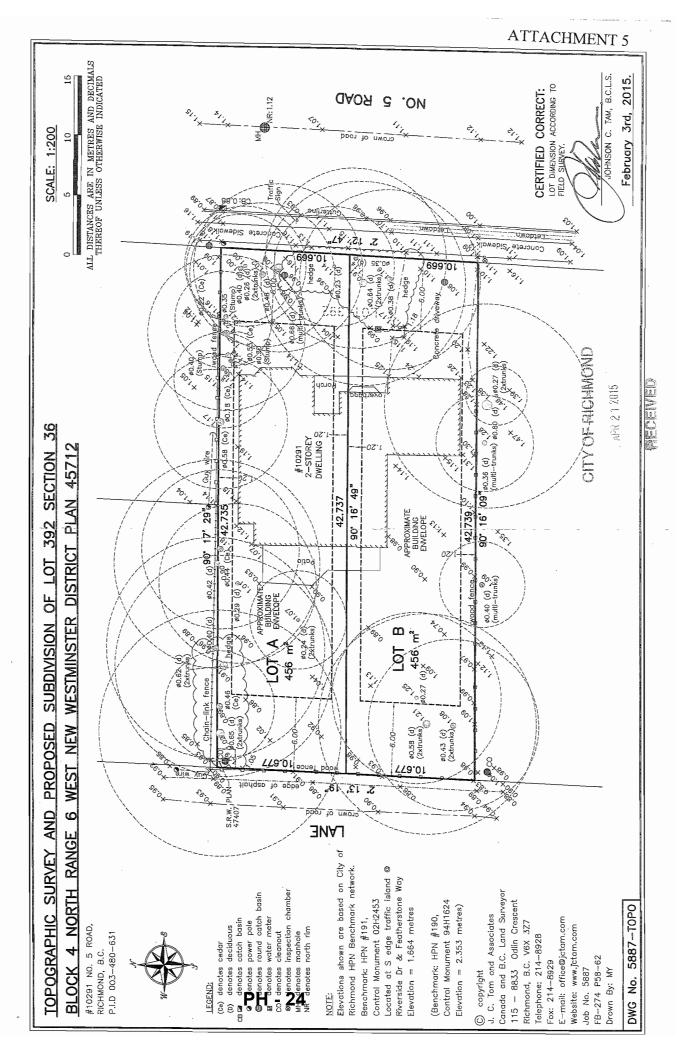
#### Prior to Building Permit issuance, the applicant must complete the following requirements:

- Submission of a Construction Parking and Traffic Management Plan to the Transportation Department. The
  Management Plan shall include location for parking for services, deliveries, workers, loading, application for any
  lane closures, and proper construction traffic controls as per Traffic Control Manual for works on Roadways (by
  Ministry of Transportation) and MMCD Traffic Regulation Section 01570.
- Obtain a Building Permit (BP) for any construction hoarding. If construction hoarding is required to temporarily
  occupy a public street, the air space above a public street, or any part thereof, additional City approvals and
  associated fees may be required as part of the Building Permit. For additional information, contact the Building
  Approvals Department at 604-276-4285.

#### Note:

- \* This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.
  - All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.
  - The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.
- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or
  Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing,
  monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities
  that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial Wildlife Act and Federal Migratory Birds Convention Act, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

[Signed original on file]	
Signed	Date



TREE MANAGEMENT DRAWING

PROJECT: PROPOSED 2-LOT SUBDIVISION ADDRESS: 10291 No.5 RD, RICHMOND

CLIENT: JAS MANN ACL FILE: 15123

SHEET: 1 OF 2

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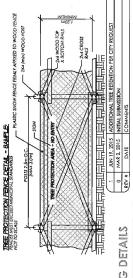
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remove via Permit

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Black locust

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SEE SHEET 2 FOR DRAWING DETAILS

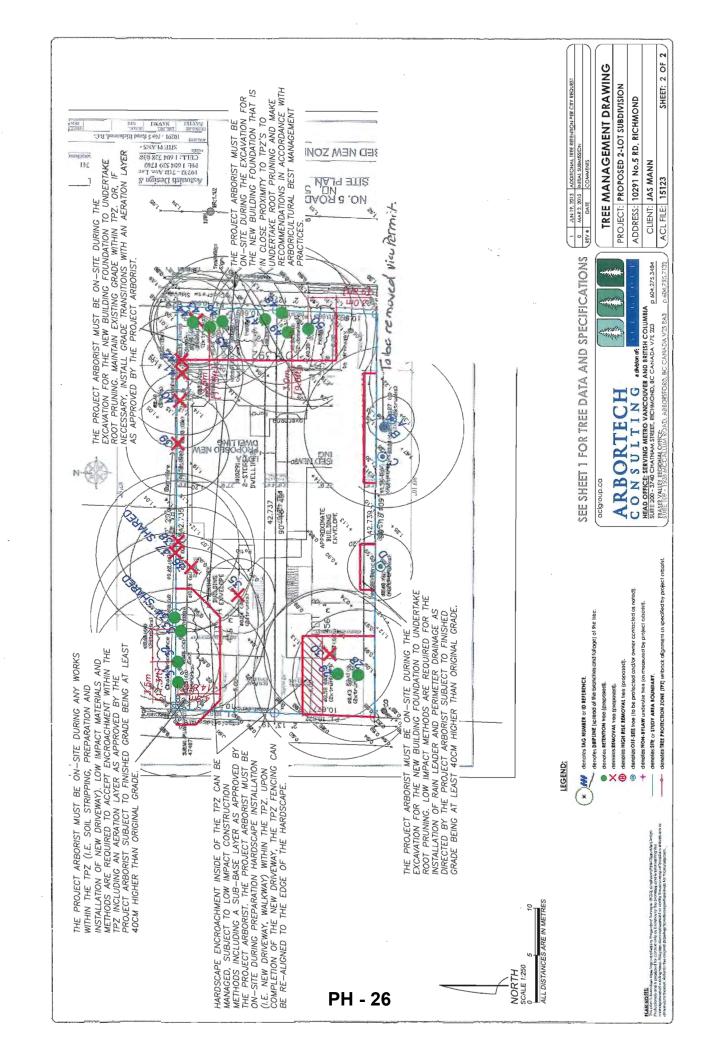
ARBORTECH

CONSULT ING advance HEAD OFFICE. SERVING METRO VANCOUVER AND BRITISH COLUMBIA SITTE 700 - 2740 CHAINAN STREET, RICHMOND, BC CANADA V7E 223 P. SIME 700 - 1720 W-274UN RÖNDA DASIOTISTOPO BC CANADA V7E 233 P. SIME 700 - 1720 W-274UN RÖNDA DASIOTISTOPO BC CANADA V28 8A3 E.

White Art

p 604.275.3484

p 604,755,7130





#### Richmond Zoning Bylaw 8500 Amendment Bylaw 9243 (RZ 15-694974) 10291 No. 5 Road

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it "COMPACT SINGLE DETACHED (RC2)".

P.I.D. 003-480-631 Lot 392 Section 36 Block 4 North Range 6 West New Westminster District Plan 45712

2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 9243".

FIRST READING	JUL 1 3 2015	CITY OF RICHMOND
A PUBLIC HEARING WAS HELD ON		APPROVED by
SECOND READING		APPROVED by Director or Solicitor
THIRD READING		- il
OTHER REQUIREMENTS SATISFIED		
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL		
ADOPTED		
MAYOR	CORPORATE OFFI	CER