



**Planning Committee
Electronic Meeting**

**Council Chambers, City Hall
6911 No. 3 Road
Tuesday, February 8, 2022
4:00 p.m.**

Pg. # ITEM

MINUTES

PLN-5 *Motion to adopt the **minutes** of the meeting of the Planning Committee held on January 18, 2022.*



NEXT COMMITTEE MEETING DATE

February 23, 2022, (tentative date) at 4:00 p.m. in the Council Chambers

PLANNING AND DEVELOPMENT DIVISION

1. **FOURSQUARE GOSPEL CHURCH OF CANADA - APPLICATION**
(File Ref. No. TU 20-901466) (REDMS No. 6806554)

PLN-7

See Page PLN-7 for full report

Designated Speakers: Wayne Craig and Nathan Andrews

STAFF RECOMMENDATION

- (1) *That the application by Foursquare Gospel Church of Canada for a Temporary Commercial Use Permit (TCUP) for the property at Unit 140 - 11300 No. 5 Road to permit "Religious Assembly" use be considered for three years from the date of issuance; and*

- (2) *That this application be forwarded to the March 21, 2022 Public Hearing at 7:00 p.m. in the Council Chambers of Richmond City Hall.*



2. **ENHANCED PROTECTIONS FOR SIGNIFICANT TREES**
(File Ref. No. 12-8360-01) (REDMS No. 6824071)

PLN-31

See Page PLN-31 for full report

Designated Speaker: James Cooper and Gord Jaggs

STAFF RECOMMENDATION

- (1) *That Tree Protection Bylaw No. 8057, Amendment Bylaw No. 10343 amending regulations for the enhanced protections of significant trees be introduced and given first, second and third reading;*
- (2) *That Consolidated Fees Bylaw 8636, Amendment Bylaw No. 10348 introducing the security deposit amounts for tree survival and tree replacement related to building permit and subdivision be introduced and given first, second and third reading;*
- (3) *That Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No.10348 introducing tickets related to the amendments to the tree protection bylaw be introduced and given first, second and third reading;*
- (4) *That Official Community Plan Bylaw 7100 and 9000, Amendment Bylaw 10339, which would amend provisions for the protection of trees, be introduced and given first reading;*
- (5) *That Richmond Official Community Plan Bylaw 7100 and 9000, Amendment Bylaw 10339, having been considered in conjunction with:*
- (a) *the City's Financial Plan and Capital Program; and*
- (b) *the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;*

is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the Local Government Act; and

- (6) *That Richmond Official Community Plan Bylaw 7100 and 9000, Amendment Bylaw 10339, having been considered in accordance with Section 475 of the Local Government Act and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation.*



3. **BC HOUSING'S SAFER PROGRAM**

(File Ref. No. 08-4057-05) (REDMS No. 6772537)

PLN-64

See Page PLN-64 for full report

Designated Speaker: Cody Spencer

STAFF RECOMMENDATION

- (1) *That the staff report titled "BC Housing's SAFER program," dated January 5, 2022 from the Director, Community Social Development, be received for information;*
- (2) *That the City of Richmond write to the provincial government, including the Attorney General and Minister Responsible for Housing, Richmond's Members of the Legislative Assembly and BC Housing to advocate for an increase to the maximum rent ceilings and monthly payment amounts provided by the BC Housing Shelter Aid for Elderly Renters (SAFER) program; and*
- (3) *That the City of Richmond forward the City's analysis regarding BC Housing's SAFER program to the Union of British Columbia Municipalities for consideration.*



4. **REFERRAL RESPONSE ON PUBLIC ACCESS ALONG THE STEVESTON WATERFRONT AND PROPOSED AMENDMENTS TO THE STEVESTON AREA PLAN**

(File Ref. No. 08-4060-05-01) (REDMS No. 6773172)

PLN-69

See Page PLN-69 for full report

Designated Speaker: John Hopkins

STAFF RECOMMENDATION

- (1) *That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10344, to revise policies on public access to and along the waterfront in the Steveston Village Riverfront area contained in Section 2.4 of the Official Community Plan (Steveston Area Plan), be introduced and granted first reading.*
- (2) *That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10344, having been considered in conjunction with:*
 - (a) *the City's Financial Plan and Capital Program; and*
 - (b) *the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;**is hereby found to be consistent with said programs and plans, in accordance with Section 477(3)(a) of the Local Government Act.*
- (3) *That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10344, having been considered in accordance with Section 475 of the Local Government Act and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation.*



5. **MANAGER'S REPORT**

ADJOURNMENT





Planning Committee

Date: Tuesday January 18, 2022

Place: Council Chambers
Richmond City Hall

Present: Councillor Bill McNulty, Chair
Councillor Alexa Loo
Councillor Chak Au
Councillor Carol Day
Councillor Andy Hobbs
Councillor Harold Steves (by teleconference)

Also Present: Councillor Linda McPhail (by teleconference)
Councillor Michael Wolfe (by teleconference)

Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded

That the minutes of the meeting of the Planning Committee held on January 6, 2022, be adopted as circulated.

CARRIED

PLANNING AND DEVELOPMENT DIVISION

1. **APPLICATION BY PAKLAND PROPERTIES FOR REZONING AT 8720/8740 ROSEMARY AVENUE FROM THE "SINGLE DETACHED (RS1/E)" ZONE TO THE "SINGLE DETACHED (RS2/B)" ZONE**

(File Ref. No. RZ 21-934283; 12-8060-20-010340) (REDMS No. 6803636)

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10340, for the rezoning of 8720/8740 Rosemary Avenue from the "Single Detached (RS1/E)" zone to the "Single Detached (RS2/B)" zone, be introduced and given first reading.

CARRIED

Planning Committee
Tuesday, January 18, 2022

2. **REFERRAL RESPONSE: REVIEW OF OFFICE STRATIFICATION REGULATIONS**

(File Ref. No. 08-4050-22) (REDMS No. 6690831)

It was moved and seconded

- (1) *That no further restrictions on the stratification and airspace subdivision of office space be considered at this time; and*
- (2) *That staff continue to monitor the effectiveness of the existing office stratification policy and report back in two years.*

CARRIED

3. **MANAGER'S REPORT**

Lulu Awards for Urban Design

Staff advised that a Press Release was issued today to encourage submissions for the Lulu Design Awards. A call for submissions is also being made through social media.

Smith Street Supportive Housing

Staff advised that excavation has started on the property and that the Modular Supportive housing units should be ready for occupancy sometime in June 2022.

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (4:06 p.m.).

CARRIED

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 January 18, 2022.

Councillor Bill McNulty
Chair

Raman Grewal
Legislative Services Associate



City of Richmond

Report to Committee

To: Planning Committee

Date: January 24, 2022

From: Wayne Craig
Director of Development

File: TU 20-901466

Re: **Application by Foursquare Gospel Church of Canada for a Temporary
Commercial Use Permit at 140 - 11300 No. 5 Road**

Staff Recommendation

1. That the application by Foursquare Gospel Church of Canada for a Temporary Commercial Use Permit (TCUP) for the property at Unit 140 - 11300 No. 5 Road to permit "Religious Assembly" use be considered for three years from the date of issuance; and
2. That this application be forwarded to the March 21, 2022 Public Hearing at 7:00 p.m. in the Council Chambers of Richmond City Hall.

for
Wayne Craig
Director of Development
(604-247-4625)

WC:na
Att. 5

REPORT CONCURRENCE

CONCURRENCE OF GENERAL MANAGER

Staff Report

Origin

Foursquare Gospel Church of Canada has applied to the City of Richmond for a Temporary Use Permit (TUP) to allow “Religious Assembly” as a temporary use in one unit (Unit 140) at 11300 No. 5 Road on a site zoned “Industrial Business Park (IB1)”. This would permit a bible study to operate on site for a limited time until a permanent location is found (Attachment 1). The Richmond Christian Fellowship group is a group owned by Foursquare Gospel Church of Canada that offers bible studies on limited days of the week and weekend with attendance ranging from 5 to 35 people. This type of use falls under Richmond Zoning Bylaw 8500’s definition of “Religious Assembly”.

Background

Richmond Zoning Bylaw 8500 permits “Religious Assembly” use, in specific zones (e.g. SI, CDT1, and ASY). The “Industrial Business Park (IB1)” zone permits limited commercial and light industrial uses such as “Education, Commercial”, “health service, minor”, “industrial, warehouse” but not “Religious Assembly”.

Foursquare Gospel Church of Canada purchased the unit on June 3, 2004. In November 2019, the City became aware that Richmond Christian Fellowship, the subsidiary of Foursquare Gospel Church of Canada, had been using the unit at the subject property for bible study in addition to the permitted office use.

The applicant has applied for a Temporary Use Permit to allow them to continue to operate from the site for three years while they look for a suitably zoned location.

Findings of Fact

A Development Application Data Sheet providing details about the proposal is provided as Attachment 2.

Surrounding Development

Development immediately surrounding the subject site is as follows:

- To the North: Across Featherstone Way, commercial office complex on a property zoned “Industrial Business Park (IB1)”.
- To the South: Property zoned “Industrial Business Park (IB1)”, for a light industrial and warehousing centre.
- To the East: Self storage buildings on a property zoned “Industrial Business Park (IB1)”.
- To the West: Across No. 5 Road, the RCMP building on property zoned “Industrial Business Park (IB1)”.

Related Policies & Studies

Official Community Plan

The Official Community Plan (OCP) land use designation for the subject site is “Mixed Employment”. The “Mixed Employment” OCP designation allows for uses such as industrial, office, support services, and a limited range of commercial retail sale (i.e. building and garden supplies, household furnishings, and similar warehouse goods).

The OCP allows TCUPs in areas designated “Industrial”, “Mixed Employment”, “Commercial”, “Neighbourhood Service Centre”, “Mixed Use”, “Limited Mixed Use”, and “Agricultural” (outside of the Agricultural Land Reserve), where deemed appropriate by Council and subject to conditions suitable to the proposed use and surrounding area.

The proposed temporary Commercial use is consistent with the land use designations and applicable policies in the OCP.

Richmond Zoning Bylaw 8500

The subject site is zoned “Industrial Business Park (IB1)”, which allows for a range of industrial and commercial uses. The proposed “Religious Assembly” use is not permitted in these zones. The temporary use permit is proposed to allow the continued operation at the subject site on an interim basis while the religious group looks for a new location with the appropriate zoning.

Local Government Act

The *Local Government Act* states that TCUPs are valid until the date the Permit expires or three years after issuance, whichever is earlier, and that an application for one extension to the Permit may be made and issued. A new TCUP application is required after one extension, which would be subject to Council approval.

Public Consultation

A sign has been installed on the site to advise of the proposal. Should Council endorse the staff recommendation, the application will be forwarded to a Public Hearing on March 21, 2022, where any area resident or interested party will have an opportunity to comment. Public notification for the Public Hearing will be provided as per the *Local Government Act*.

Analysis

The subject unit (Unit 140) at 11300 No. 5 Road is located in the eastern most unit of the building on the property (Attachment 3). The one unit has been occupied by the parent company of Richmond Christian Fellowship since June, 2004.

The applicant has advised attendances (during less restrictive pandemic times) ranging from 20 to 35 people for Bible studies on Sundays from 10 am to 12:30 pm. Five or six people also meet on Friday nights from 7 pm to 10 pm for dinner and Bible studies. Office meetings occur a few times during the weekdays.

The applicant also advises that they have been actively searching for a new location for the religious group and that they are committed to finding another location within the term of the Temporary Use Permit (Attachment 4).

The existing building is stratified and contains a total of eight (8) units, including the subject unit. The Strata Corporation is aware of the applicant's request for a Temporary Use Permit to allow "Religious Assembly" and the services being provided by Richmond Christian Fellowship and support the proposed Temporary Use Permit (Attachment 5).

Parking

Based on the unit size (2,200 ft² or 204 m²) and the City of Richmond Zoning Bylaw 8500 parking requirement for "Religious Assembly" use, parking required for the unit is 20 spaces. There are a total of 55 vehicle parking spaces and two loading spaces provided on site. Of the 55 spaces, 18 spaces are reserved parking, including two reserved spaces provided for Richmond Christian Fellowship. The remaining 37 stalls are provided as shared visitor parking for all units.

The parking demand reported by the Applicant is as follows:

- The two designated parking spaces for Richmond Christian Fellowship are adequate in meeting the demand for parking on weekdays.
- Based on past utilization, 10 parking spaces are used during the Bible studies held on Fridays and Sundays.
- All other businesses at this development are closed on weekends and there is no anticipated demand for parking by these units on weekends.

Overall, the demand reported by the applicant is less than amount of parking required under Zoning Bylaw 8500. The City's Transportation Department has reviewed the demand reported by the Applicant, and the parking available on site, and has no objection to the proposed temporary use.

Bicycle parking

Based on the unit size, the "Religious Assembly" use, bicycle parking required would be one and two spaces for Class 1 and Class 2 respectively. The subject property does not provide for bicycle parking but the unit will provide a designated area for bicycles, as shown in Attachment 3, to comply with bylaw requirement.

Financial Impact

None.

Conclusion

Foursquare Gospel Church of Canada has applied to the City of Richmond for a Temporary Commercial Use Permit to allow "Religious Assembly" use in one unit (Unit 140) at 11300 No. 5 Road, zoned "Industrial Business Park (IB1)", to permit a religious facility on-site for three years from the date of issuance.

The proposed use at the subject property is acceptable to staff on the basis that it is temporary in nature and does not negatively impact current business operations at 11300 No. 5 Road.

Staff recommend that the Temporary Commercial Use Permit be issued to the applicant to allow “Religious Assembly” use at Unit 140 – 11300 No. 5 Road for three years from the date of issuance.



Nathan Andrews
Planning Technician
(604-247-4911)

NA:js

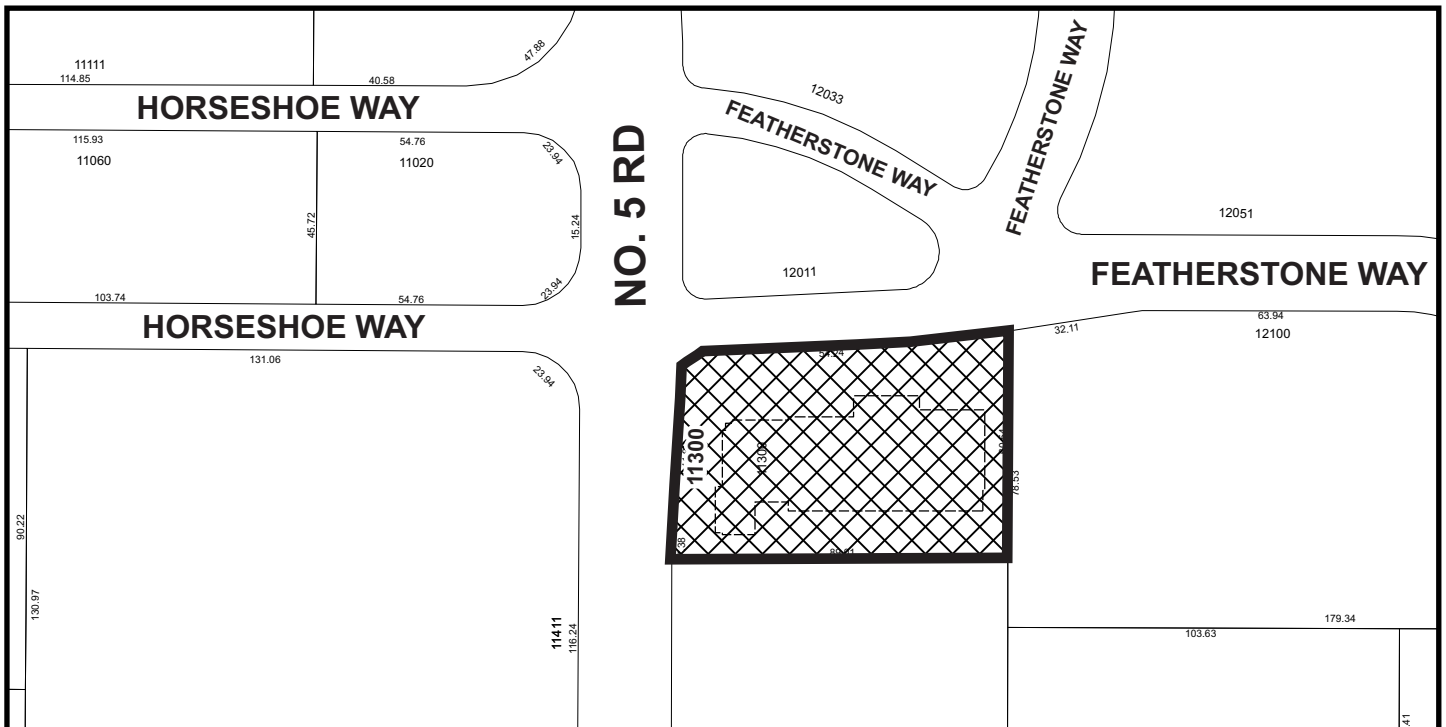
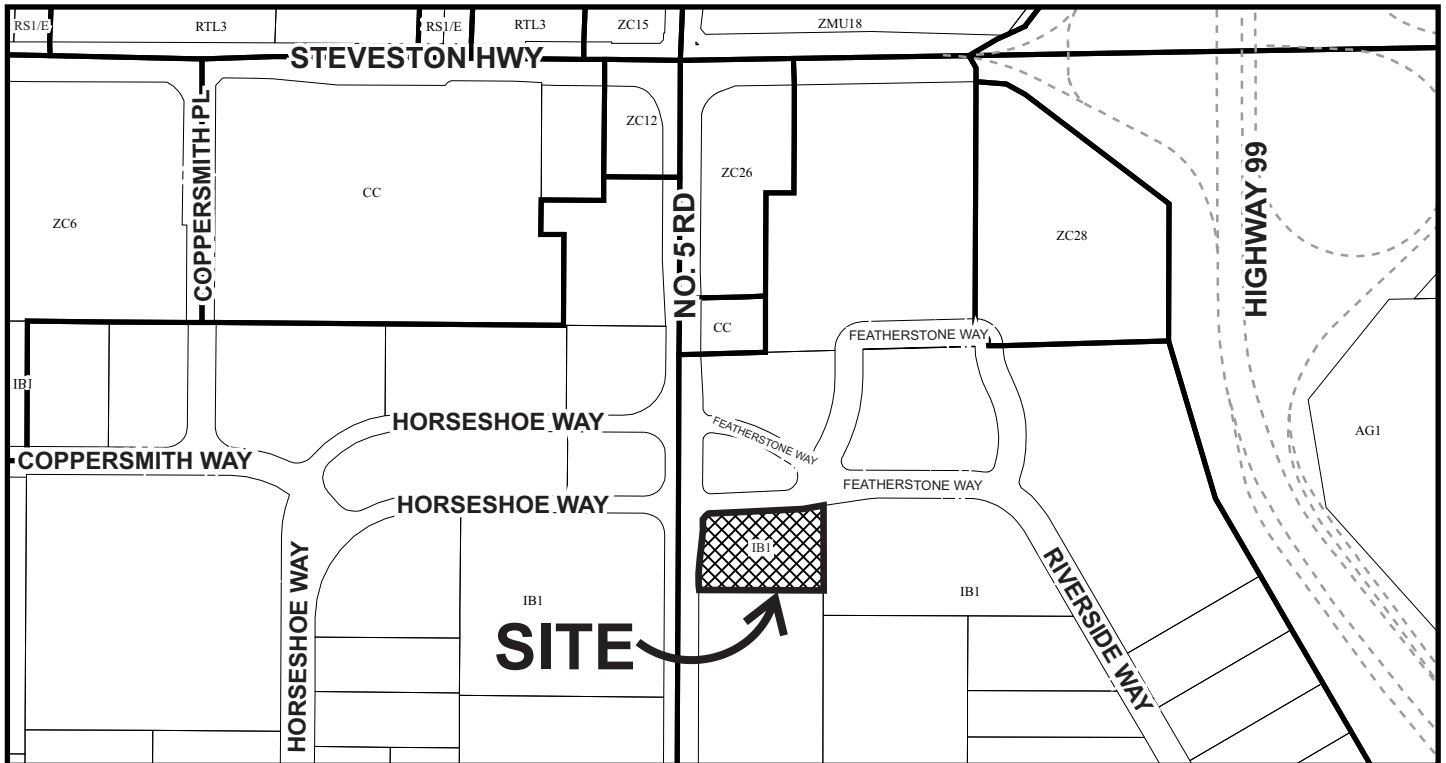
Attachments:

- Attachment 1: Location Map and Aerial Photo
- Attachment 2: Development Application Data Sheet
- Attachment 3: Site Plan and Parking Plan
- Attachment 4: Letter from the Applicant
- Attachment 5: Letter from Strata Management Company



City of Richmond

ATTACHMENT 1



TU 20-901466
Unit 140

Original Date: 10/22/20

Revision Date:

Note: Dimensions are in METRES



City of Richmond



TU 20-901466
Unit 140

Original Date: 10/22/20

Revision Date:

Note: Dimensions are in METRES



TU 20-901466

Attachment 2

Address: Unit 140 – 11300 No. 5 Road

Applicant: Foursquare Gospel Church of Canada

Planning Area(s): Shellmont

	Existing	Proposed
Owner:	Foursquare Gospel Church of Canada	No change
Unit Size (m²):	204 m ²	No change
Land Uses:	Education, Commercial	Religious Assembly
OCP Designation:	Mixed Employment	No change
Zoning:	Industrial Business Park (IB1)	No change

On Development Site	Bylaw Requirement	Proposed	Variance
On-site Vehicle Parking for unit:	20	2 reserved 37 shared	None
On-site Bicycle Parking for unit:	Class 1: 1 Class 2: 2	Class 1: 1 Class 2: 2	None

**STRATA PLAN OF LOT 10,
SECTION 6, BLOCK 3 NORTH, RANGE 5 WEST,
NEW WESTMINSTER DISTRICT,
PLAN LMP47732**

SCALE: 1:500



All distances are in metres

B.C.G.S. 926.015

CITY OF RICHMOND

CIVIC ADDRESS:

11300 - No.5 Road
Richmond, B.C.

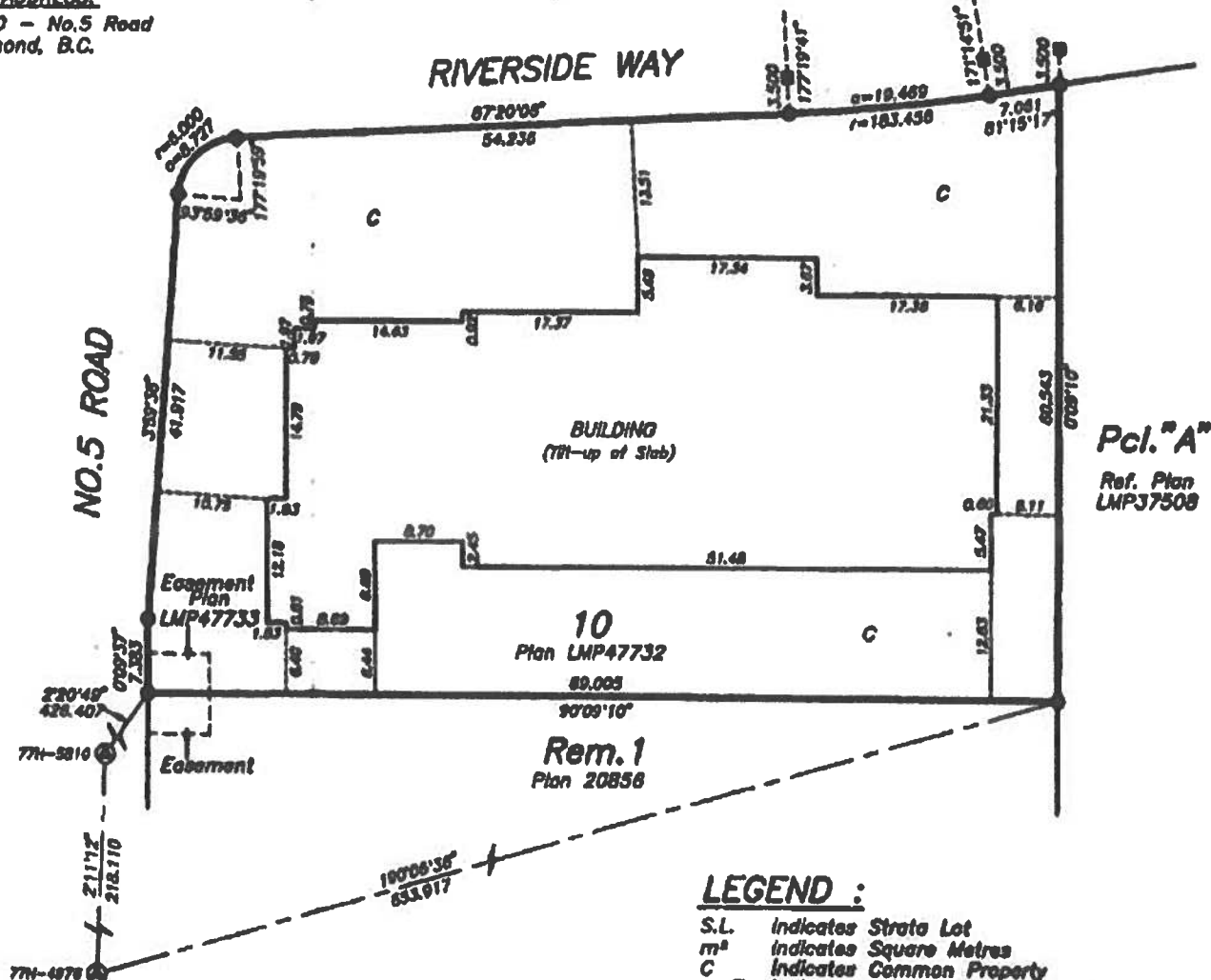
ATTACHMENT 3
STRATA PLAN LMS 4633

Deposited and registered in the Land
Title Office at New Westminster, B.C.
this 19 day of MARCH 2002.

B. D. [Signature]
ASSISTANT DEPUTY REGISTRAR

BT87475 - BT87483

This plan lies within the Greater
Vancouver Regional District.



LEGEND :

- S.L. Indicates Strata Lot
- m² Indicates Square Metres
- C Indicates Common Property
- ⊙ Indicates control monument found
- Indicates lead plug found
- Indicates standard iron post found

Grid bearings are derived from observations between
control monuments 77H-4978 and 77H-5810.

Integrated Survey Area #18, City of Richmond,
NAD83, (C.S.R.S.).

Distances shown are ground level measured distances.
Prior to computation of U.T.M. co-ordinates multiply
by the mean combined factor 0.9996033.

All distances are in metres.

I, W. Papove, a British Columbia Land Surveyor,
certify that the building shown on this strata plan
is within the external boundaries of the land that
is the subject of this strata plan.

PAPOVE
PROFESSIONAL LAND SURVEYING INC.
202 - 1180 WESTWOOD STREET
COQUITLAM, B.C., V3B 7K8
TEL : 454-5199 FAX : 454-8500
FILE NUMBER : 4641A

PLN - 15

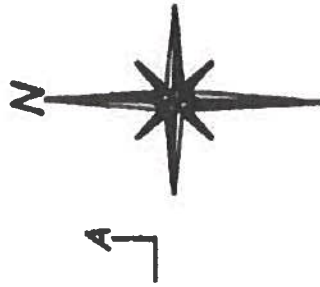
[Signature]
Dated at Coquitlam, B.C.

B.C.L.S.

GROUND FLOOR PLAN

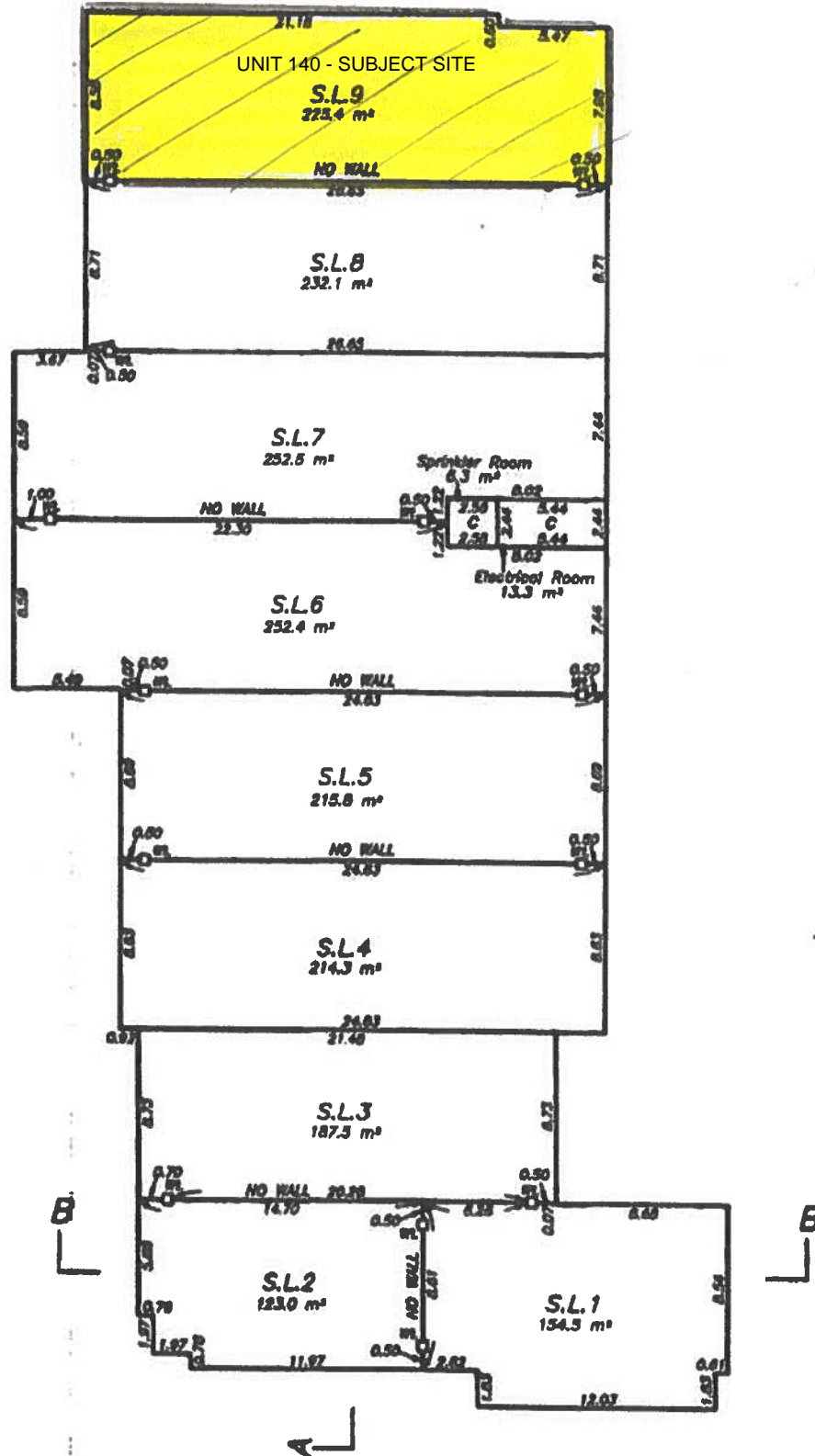
STRATA PLAN LMS 4633

SCALE: 1:250
All distances are in metres

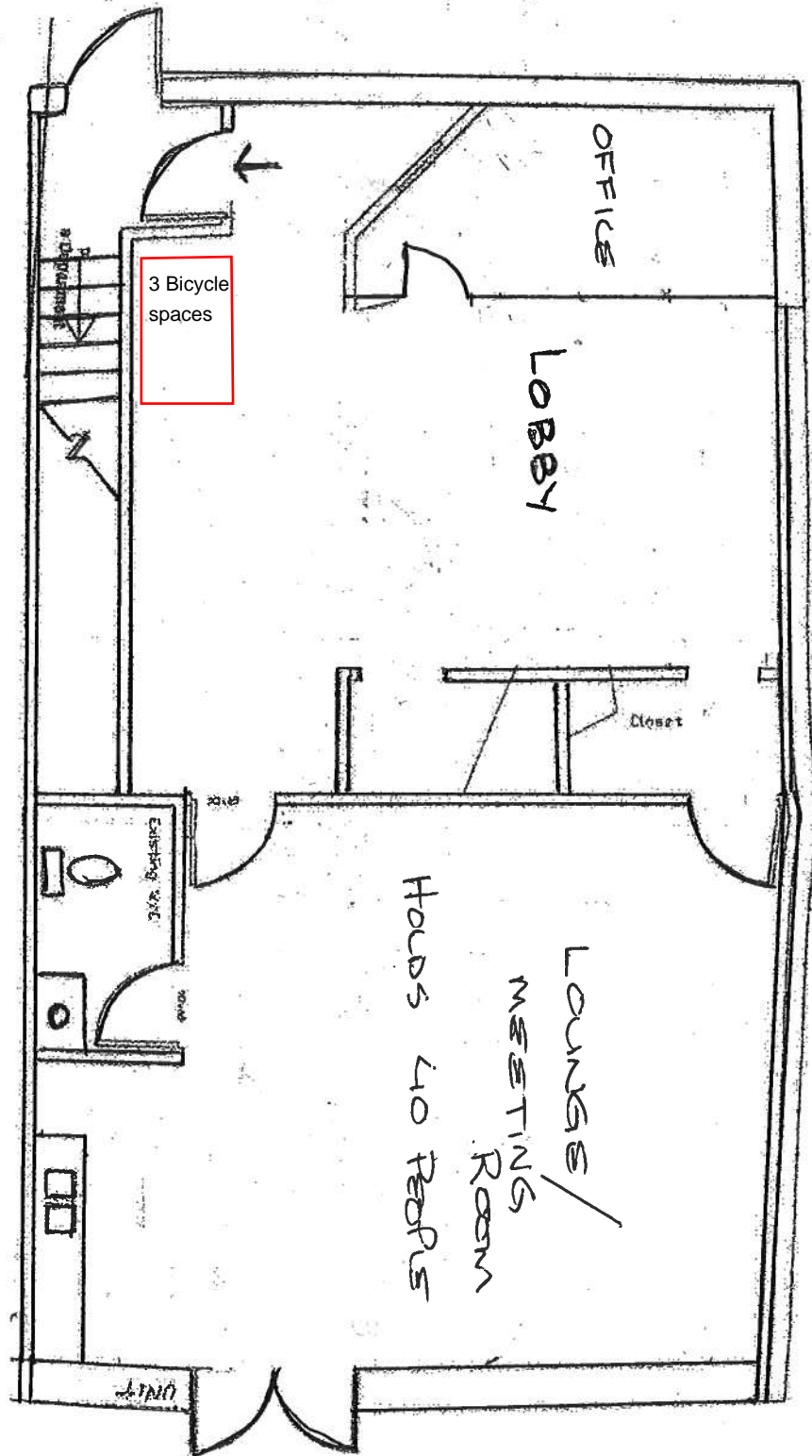


LEGEND :

- Indicates lead plug placed
- Wt. Indicates witness

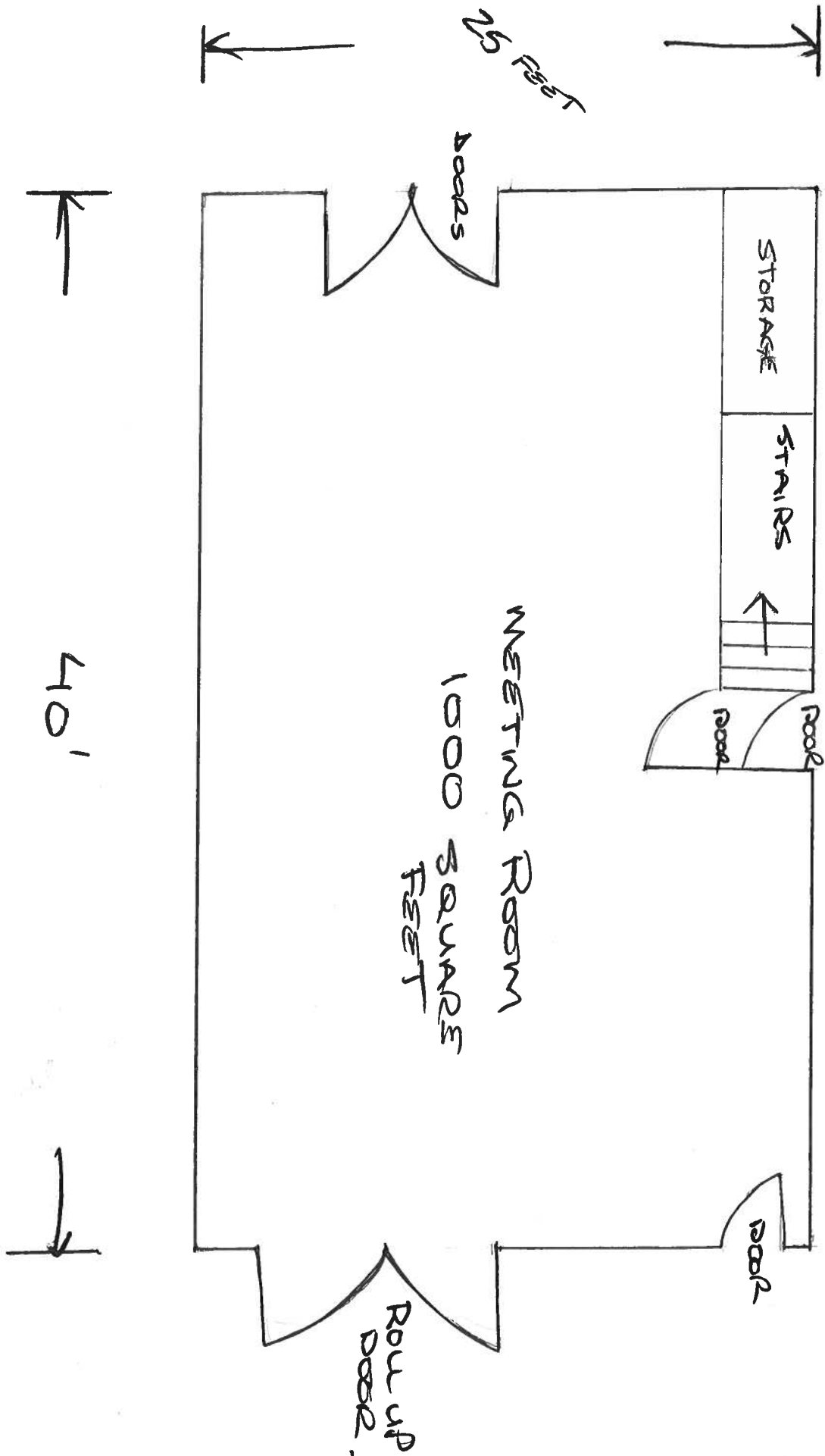


FIRST FLOOR.
1100 SQUARE FEET



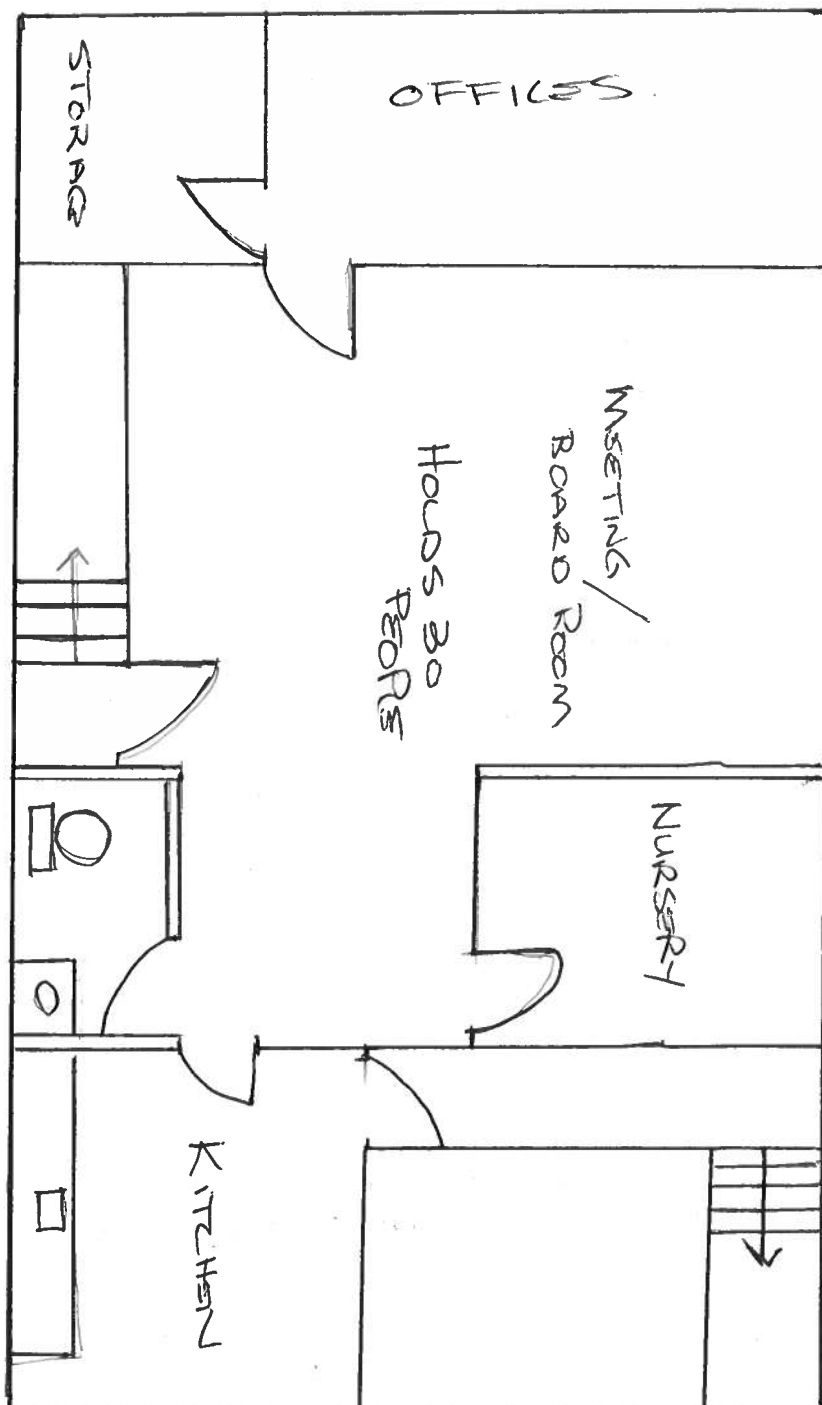
FIRST FLOOR
CONTINUED

FIRST FLOOR.
MEETING ROOM

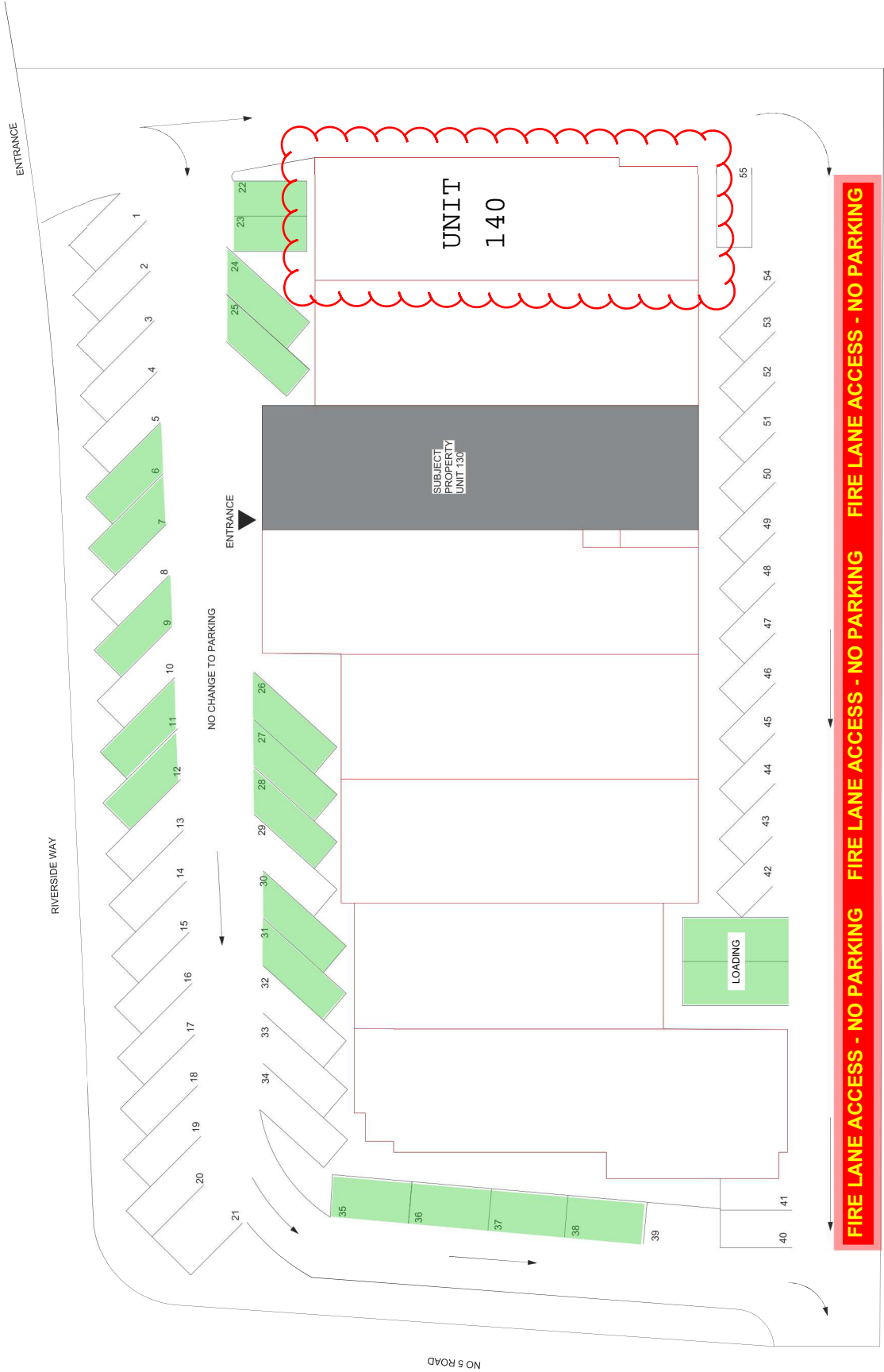


SECOND FLOOR.

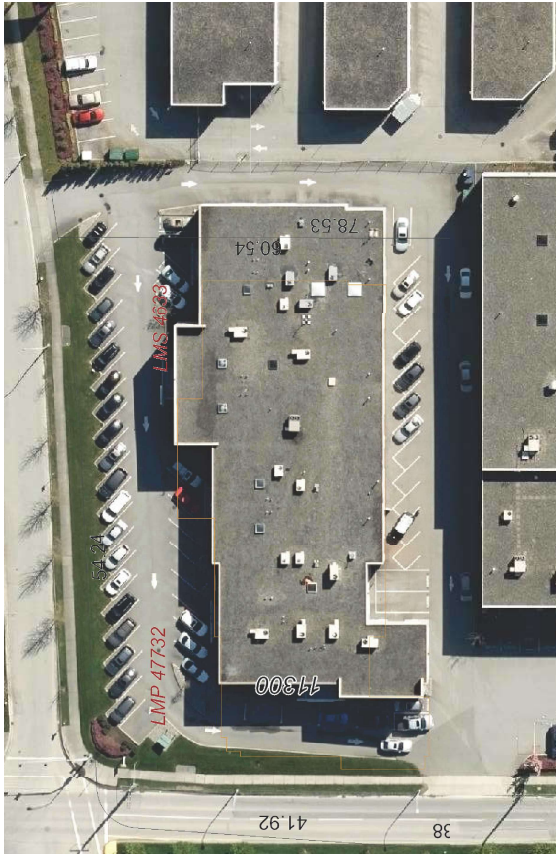
1100 SQUARE FEET



Reserved 24/7 - No Parking



SITE PLAN
Scale: 1/16" = 1'-0"



AERIAL PHOTO



STREET ELEVATION

PROJECT DATA

LEGAL DESCRIPTION
STRATA LOT 7, BLOCK 3N, PLAN LMS4633, SECTION 6, RANGE 5W, N.W.D., TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 OR V, AS APPROPRIATE.

ZONING: IB-1

SITE AREA: 4965 m2 (53,444 SF)

ALLOWABLE SITE COVERAGE: @ 0.60 = 2979 S.F. (32,066 SF)

PROPOSED SITE COVERAGE: NO CHANGE 1877.78 m2 (20,213 SF)

BUILDING AREA: 1877.78m2

TENANT AREA: 2750.00 S.F. GROUND FLOOR
1450.00 S.F. EXISTING 2ND FLOOR
650.00 S.F. ADDITIONAL 2ND FLOOR
4,850.00 S.F. TOTAL

OCCUPANT LOAD (PER BCBC 2012 3.1.17.1.1.Q)

SECOND FLOOR (AREA OF WORK)
REINFORCEMENT CONCRETE SLAB X 7 OFFICES = 7 OCCUPANTS
GENERAL OFFICE: 753.86 m2 @ 9.3m2 PER PERSON = 8 OCCUPANTS

MAIN FLOOR
MEETING ROOM: 67.76m2 @ 9.3m2 PER PERSON = 7 OCCUPANTS
STORAGE WAREHOUSE: 187.73m2 @ 23.0m2 PER PERSON = 7 OCCUPANTS

WATERCLOSETS REQUIRED: M W

INDUSTRIAL w/ ancill. office: 1 1

W/C'S PROVIDED 1 1 UNIVERSAL

PARKING - INDUSTRIAL [1 SPACE FOR EACH 100m2]
REQUIRED (INDUSTRIAL) - BUILDING AREA X 2 STOREYS (ASSUMED) - 38 SPACES
EXISTING - 55 SPACES - NO CHANGE

SCOPE OF WORK

- TENANT IMPROVEMENT TO ADD SECOND FLOOR OFFICES**
- DEMOLITION OF EXISTING NOT STRUCTURAL INTERIOR PARTITIONS
 - CONSTRUCTION OF NEW SECOND FLOOR INRILL
 - RECONFIGURE EXISTING SECOND FLOOR OFFICES TO ADD TWO NEW OFFICES AND RECEPTION AREA
 - NO ADDITION OF PLUMBING FIXTURES
 - NO ELECTRICAL REWORK
 - NO CHANGES TO BASE BUILDING REQUIRED FIRE SEPERATIONS

RICHMOND

CHRISTIAN FELLOWSHIP

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

To Nathan Andrews

This letter is to follow up a request we made in 2020 for a Temporary Use Permit for Richmond Christian Fellowship located at #140-11300 No. 5 Road in Richmond BC. We are aware that it is for a 3 year period.

We are meeting on Sunday mornings from 10:00 am – 12:30 noon and we have a group of young adults meeting from 7 – 10 pm on Friday nights. We are also actively looking for an alternative location.

Thank you for your concern in this matter.

Kevin R. Preston
Senior Pastor
Richmond Christian Fellowship

#140- 11300 No. 5 Road, Richmond, BC. V7A 5J7

December 29, 2021

ATTACHMENT 5

To City of Richmond

Richmond Christian Fellowship
c/o Pastor Kevin Preston
140-11300 No 5. Rd
Richmond, B.C. V7A 5J7

RE: STRATA PLAN LMS 4633 – Riverside – SL 9
#140-11300 No 5. Rd, Richmond, B.C. V7A 5J7
Temporary Use Permit for Richmond Christian Fellowship
Use of Property as Religious Facility

Dear Sir or Madam,

We write to you as the managing agents of Strata Plan LMS 4633 – Riverside Business Center on behalf of and at the direction of the Strata Council with regard to the use of unit #140 for religious purposes.

The Strata Corporation Riverside Business Center acknowledges that Richmond Christian Fellowship is using the facility at 140-11300 No 5 Road on Friday nights from 7:00 pm to 10:00 pm for a young adult meeting. Riverside Business Center is also aware that the facility is being used for Bible Studies on Sundays from 10:00 am to 12:30 pm.

Therefore, we ask that the City of Richmond grants Richmond Christian Fellowship with their Temporary Use Permit.

If you have any questions regarding the above, please do not hesitate to contact Brian Carleton at 604-681-4177 ext. 204 or brian@urbanproperties.ca. Thank you for your prompt attention to this matter.

Yours truly,



Brian Carleton
Managing Broker
Urban Properties Ltd.
On behalf of LMS 4633 Riverside Business Center



No. TU 20-901466

To the Holder: Foursquare Gospel Church of Canada

Property Address: 140 – 11300 No. 5 Road

Address: B307-2099 Lougheed Hwy, Port Coquitlam, BC, V3B 1A8

1. This Temporary Commercial Use Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Commercial Use Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and to the portion of the building shown cross-hatched on the attached Schedule "B".

3. The subject property may be used for the following temporary Commercial uses:

Religious Assembly

4. This Permit is valid for three years from the date of issuance.

This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO.
DAY OF , .

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF , .

MAYOR

CORPORATE OFFICER

**STRATA PLAN OF LOT 10,
SECTION 6, BLOCK 3 NORTH, RANGE 5 WEST,
NEW WESTMINSTER DISTRICT,
PLAN LMP47732**

SCALE: 1:500



All distances are in metres

B.C.G.S. 926.015

CITY OF RICHMOND

CIVIC ADDRESS:

11300 - No.5 Road
Richmond, B.C.

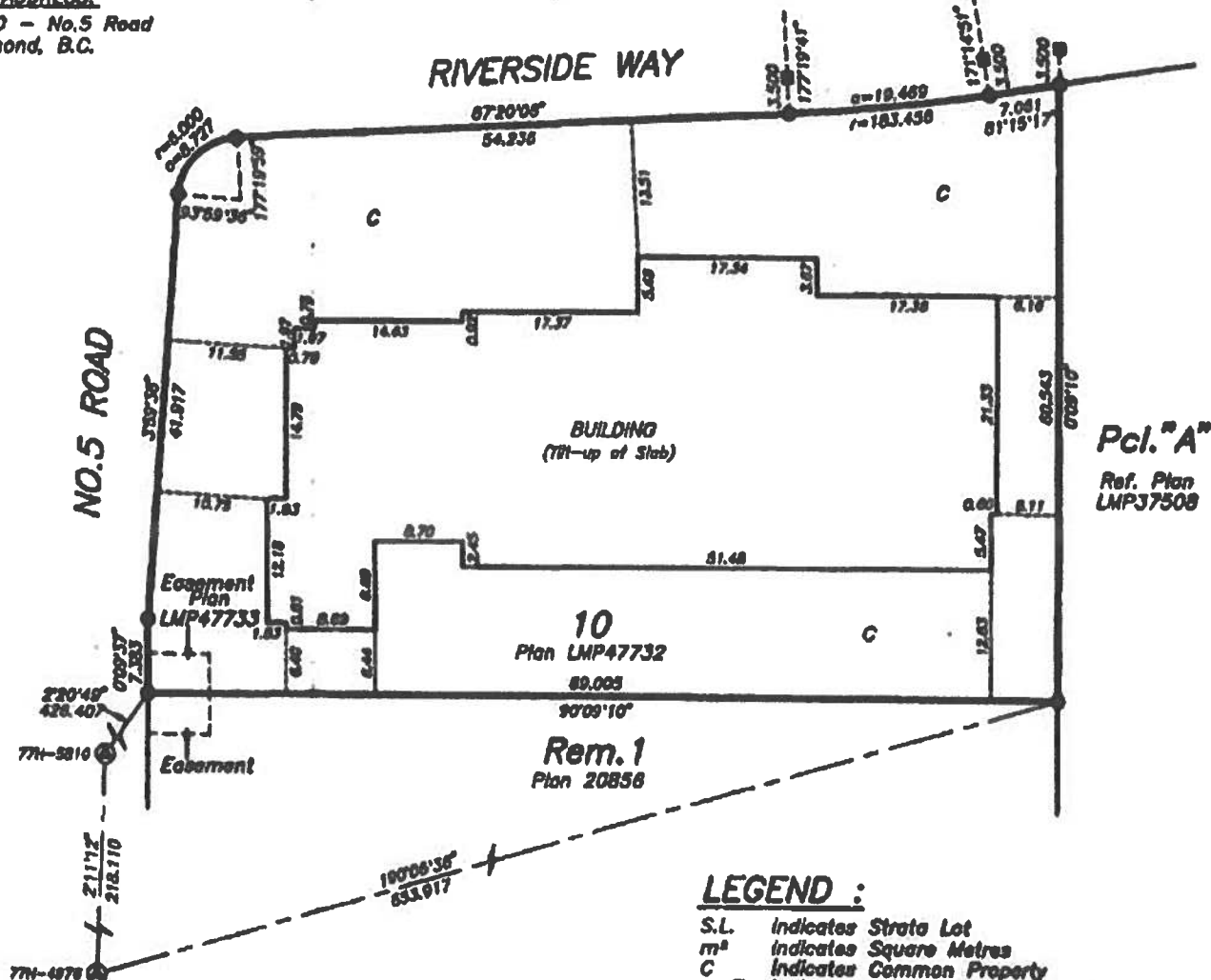
**SCHEDULE "B"
STRATA PLAN LMS 4633**

Deposited and registered in the Land
Title Office at New Westminster, B.C.
this 19 day of MARCH 2002.

B. D. [Signature]
ASSISTANT DEPUTY REGISTRAR

BT87475 - BT87483

This plan lies within the Greater
Vancouver Regional District.



LEGEND :

- S.L. Indicates Strata Lot
- m² Indicates Square Metres
- C Indicates Common Property
- ⊙ Indicates control monument found
- Indicates lead plug found
- Indicates standard iron post found

Grid bearings are derived from observations between
control monuments 77H-4978 and 77H-5810.

Integrated Survey Area #18, City of Richmond,
NAD83, (C.S.R.S.).

Distances shown are ground level measured distances.
Prior to computation of U.T.M. co-ordinates multiply
by the mean combined factor 0.9996033.

All distances are in metres.

I, W. Papove, a British Columbia Land Surveyor,
certify that the building shown on this strata plan
is within the external boundaries of the land that
is the subject of this strata plan.

PAPOVE
PROFESSIONAL LAND SURVEYING INC.
202 - 1180 WESTWOOD STREET
COQUITLAM, B.C., V3B 7K8
TEL : 454-5199 FAX : 464-8500
FILE NUMBER : 4641A

PLN - 25

[Signature]
Dated at Coquitlam, B.C.

B.C.L.S.

STRATA PLAN LMS 4633

All distances are in metres



UNIT 140 - SUBJECT SITE

S.L. 9
223.4 m²

NO WALL
20.33

S.L. 8
232.1 m²

NO WALL
22.30

S.L. 7
232.5 m²

NO WALL
22.30

Sprinkler Room
6.3 m²

Electrical Room
13.3 m²

S.L. 6
232.4 m²

NO WALL
24.83

S.L. 5
215.8 m²

NO WALL
24.83

S.L. 4
214.3 m²

NO WALL
20.30

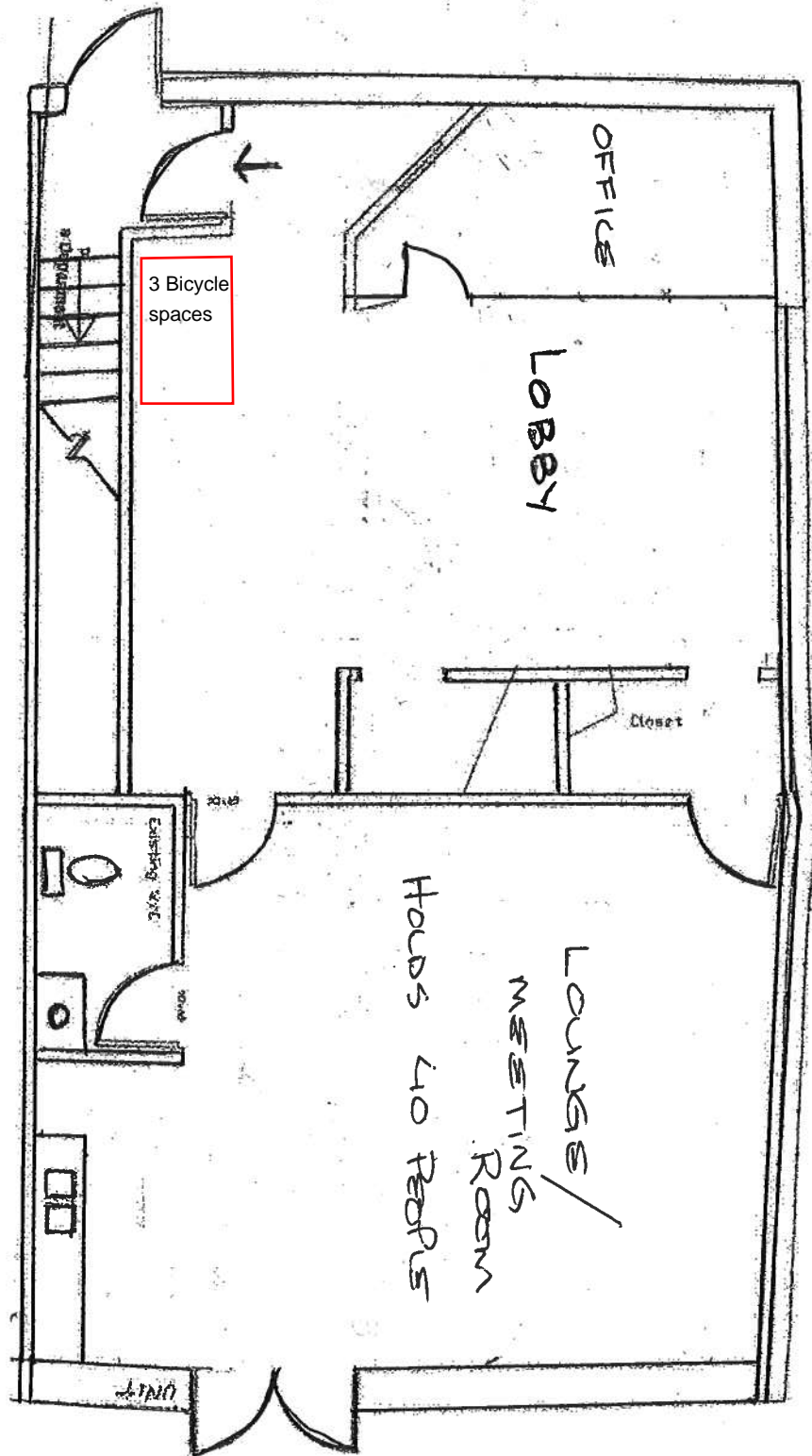
S.L. 3
187.3 m²

NO WALL
14.70

S.L. 2
123.0 m²

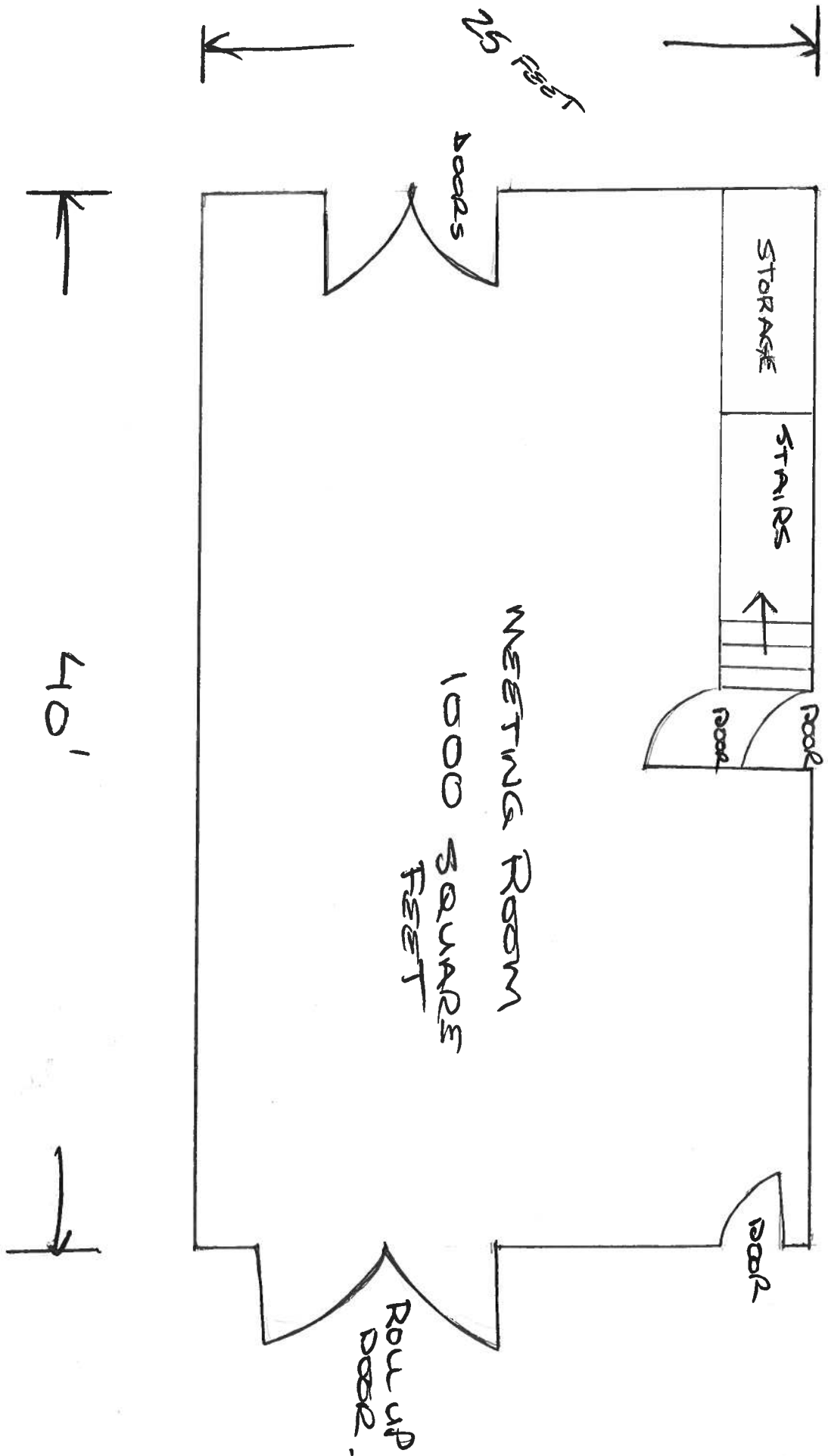
S.L. 1
134.3 m²

FIRST FLOOR.
1100 SQUARE FEET



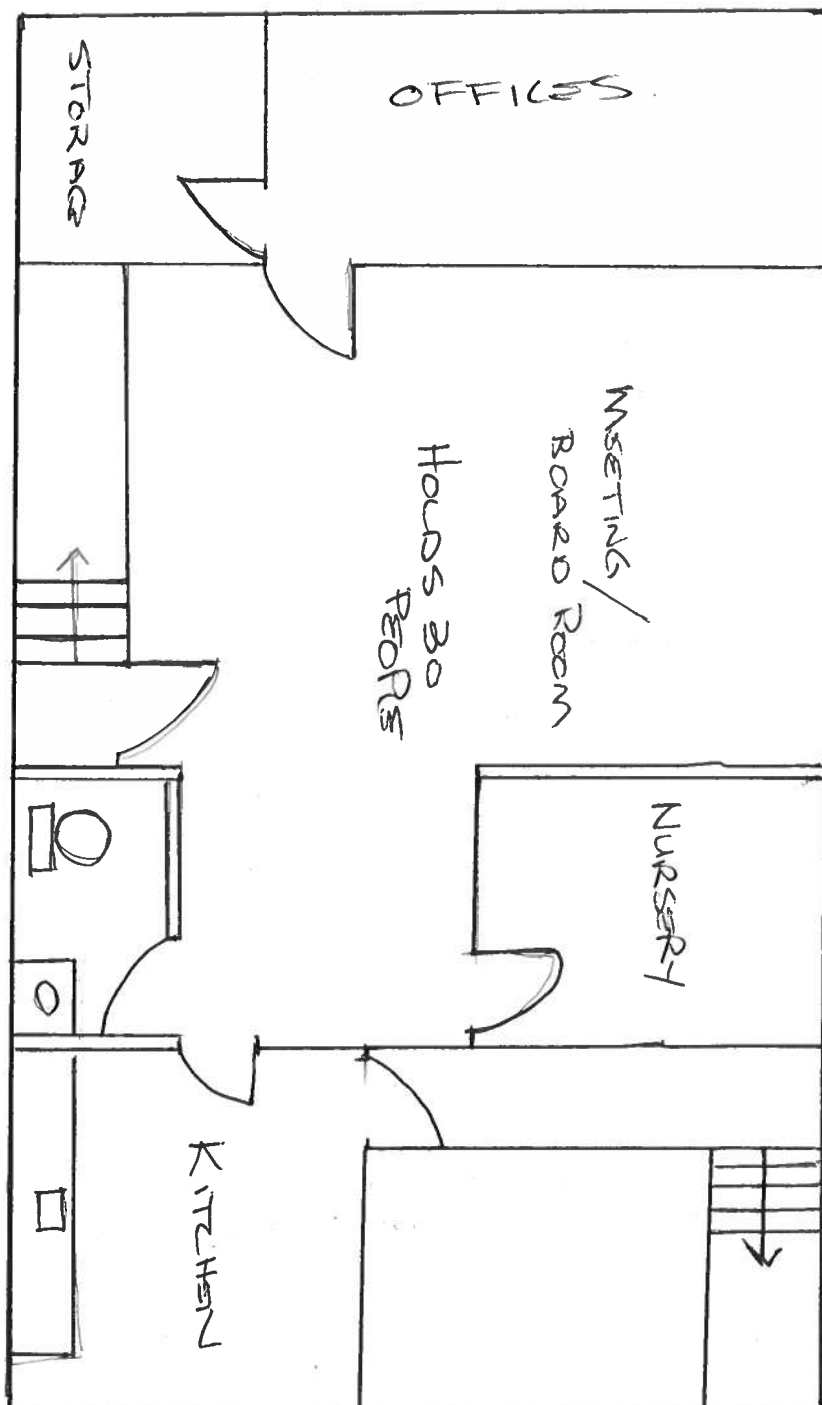
FIRST FLOOR
CONTINUED

FIRST FLOOR.
MEETING ROOM

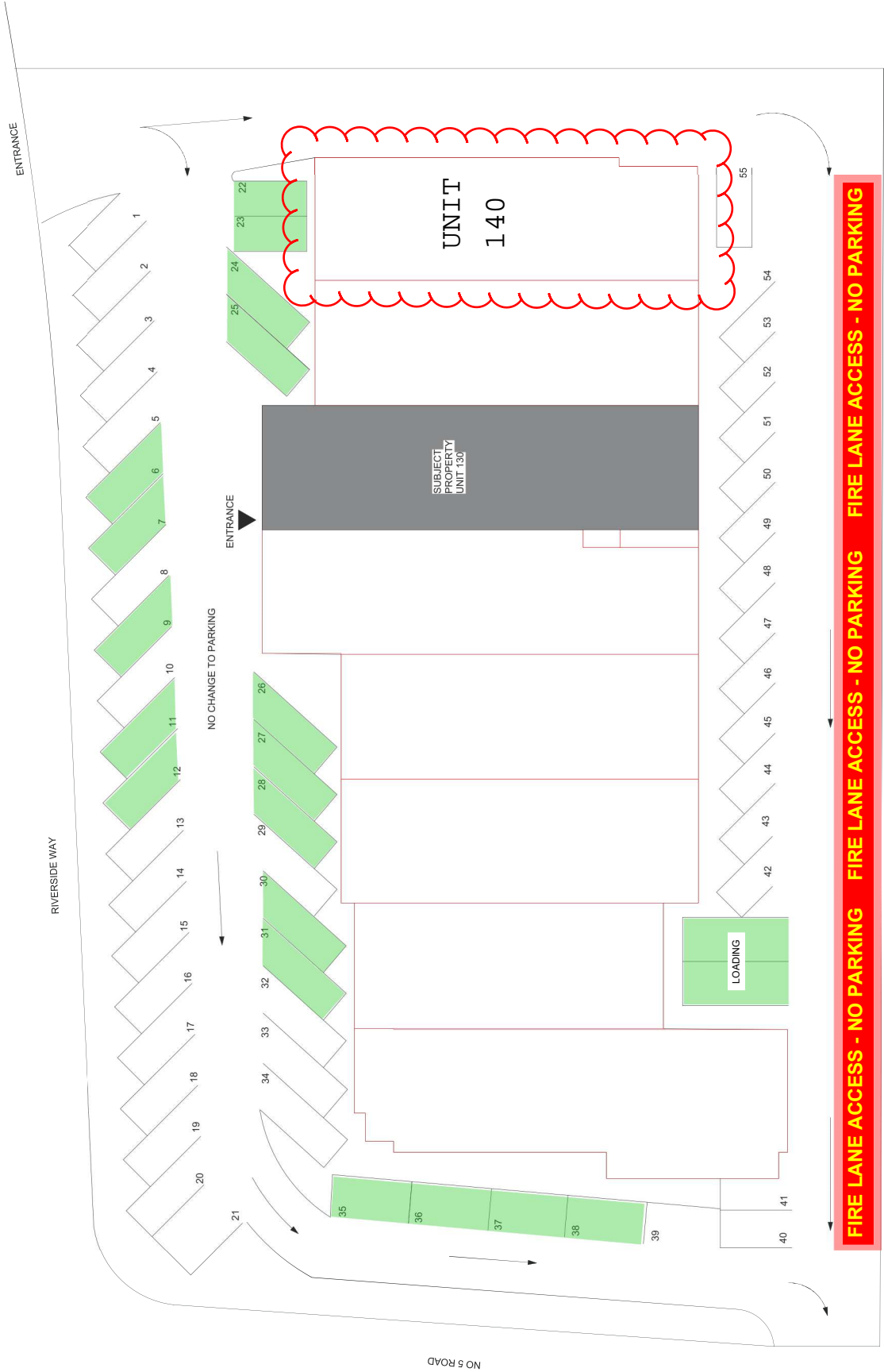


SECOND FLOOR.

1100 SQUARE FEET



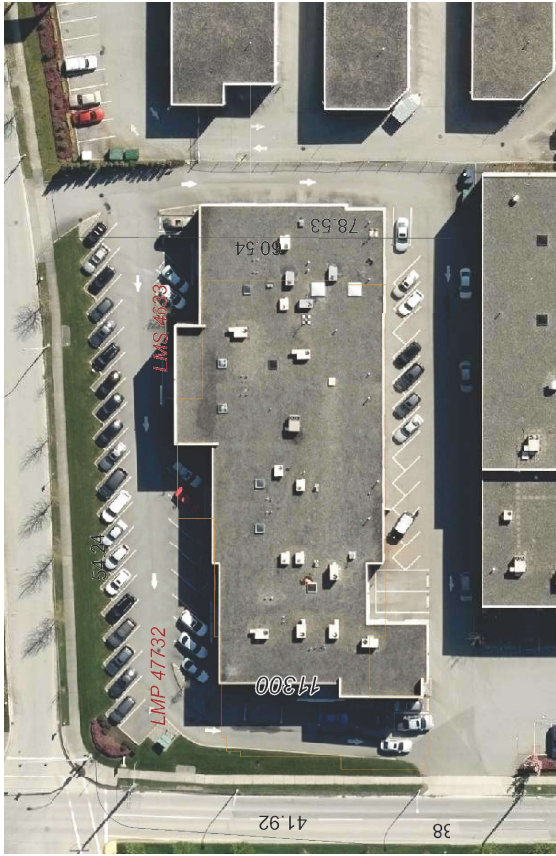
Reserved 24/7 - No Parking



FIRE LANE ACCESS - NO PARKING FIRE LANE ACCESS - NO PARKING FIRE LANE ACCESS - NO PARKING



SITE PLAN
Scale: 1/16" = 1'-0"



AERIAL PHOTO



STREET ELEVATION

PROJECT DATA

LEGAL DESCRIPTION
STRATA LOT 7, BLOCK 3N, PLAN LMS4633, SECTION 6, RANGE 5W, N.W.D., TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 OR V, AS APPROPRIATE.

ZONING: IB-1

SITE AREA: 4965 m2 (53,444 SF)

ALLOWABLE SITE COVERAGE: @ 0.60 = 2979 S.F. (32,066 SF)

PROPOSED SITE COVERAGE: NO CHANGE 1877.78 m2 (20,213 SF)

BUILDING AREA: 1877.78m2

TENANT AREA: 2750.00 S.F. GROUND FLOOR
1450.00 S.F. EXISTING 2ND FLOOR
650.00 S.F. ADDITIONAL 2ND FLOOR
4,850.00 S.F. TOTAL

OCCUPANT LOAD /PER BCBC 2012 3.1.17.1.(C)

SECOND FLOOR AREA OF WORK:
REINFORCEMENT OF EXISTING CONCRETE SLAB
GENERAL OFFICE: 753.98 m2 @ 9.3m2 PER PERSON = 8 OCCUPANTS

MAIN FLOOR:
MEETING ROOM: 67.76m2 @ 9.3m2 PER PERSON = 7 OCCUPANTS
STORAGE WAREHOUSE: 197.73m2 @ 23.0m2 PER PERSON = 7 OCCUPANTS

WATERCLOSETS REQUIRED: M W

INDUSTRIAL w/ ancill. office: 1 1

W/C'S PROVIDED 1 1 UNIVERSAL

PARKING - INDUSTRIAL [1 SPACE FOR EACH 100m2]
REQUIRED (INDUSTRIAL) - BUILDING AREA X 2 STOREYS (ASSUMED) - 38 SPACES
EXISTING - 55 SPACES - NO CHANGE

SCOPE OF WORK

- TENANT IMPROVEMENT TO ADD SECOND FLOOR OFFICES**
- DEMOLITION OF EXISTING NOT STRUCTURAL INTERIOR PARTITIONS
 - CONSTRUCTION OF NEW SECOND FLOOR INRILL
 - RECONFIGURE EXISTING SECOND FLOOR OFFICES TO ADD TWO NEW OFFICES AND RECEPTION AREA
 - NO ADDITION OF PLUMBING FIXTURES
 - NO ELECTRICAL REWORK
 - NO CHANGES TO BASE BUILDING REQUIRED FIRE SEPERATIONS



To:	Planning Committee	Date:	January 20, 2022
From:	James Cooper, Architect AIBC Director, Building Approvals	File:	12-8360-01/2022-Vol 01
Re:	Enhanced Protections for Significant Trees		

Staff Recommendation

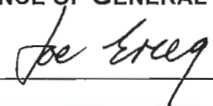

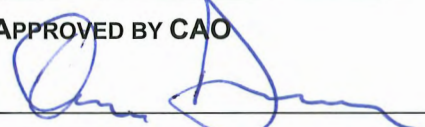
1. That Tree Protection Bylaw No. 8057, Amendment Bylaw No. 10343 amending regulations for the enhanced protections of significant trees be introduced and given first, second and third reading;
2. That Consolidated Fees Bylaw 8636, Amendment Bylaw No. 10348 introducing the security deposit amounts for tree survival and tree replacement related to building permit and subdivision be introduced and given first, second and third reading;
3. That Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10348 introducing tickets related to the amendments to the tree protection bylaw be introduced and given first, second and third reading;
4. That Official Community Plan Bylaw 7100 and 9000, Amendment Bylaw 10339, which would amend provisions for the protection of trees, be introduced and given first reading;
5. That Richmond Official Community Plan Bylaw 7100 and 9000, Amendment Bylaw 10339, having been considered in conjunction with:
 - a. the City's Financial Plan and Capital Program; and
 - b. the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;

is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the *Local Government Act*;

6. That Richmond Official Community Plan Bylaw 7100 and 9000, Amendment Bylaw 10339, having been considered in accordance with Section 475 of the *Local Government Act* and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation.



James Cooper, Architect AIBC
Director, Building Approvals
(604-247-4606)

REPORT CONCURRENCE		
ROUTED TO: Law Development Applications Policy Planning	CONCURRENCE <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER 
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO 

Staff Report

Origin

At July 6, 2021, Planning Committee meeting, staff received the following referral: “That staff explore ways to protect further significant trees and the green space they occupy.”

This report supports Council’s Strategic Plan 2018-2022 Strategy #2 A Sustainable and Environmentally Conscious City:

Environmentally conscious decision-making that demonstrates leadership in implementing innovative, sustainable practices and supports the City's unique biodiversity and island ecology.

2.2 Policies and practices support Richmond's sustainability goals.

Background

The purpose of this report is to provide options for Council consideration of enhanced protections for significant trees and the green space they occupy. Tree protection provisions on private lands are primarily contained within Tree Protection Bylaw 8057, with supporting policies and development permit guidelines in the Official Community Plan and associated Area and Sub-Area Plans contained in Bylaws 7100 and 9000.

Tree Protection Bylaw 8057 adopted May 8, 2006, provides a legal framework to protect Richmond’s urban forest by preventing removal of trees 20cm caliper (8” diameter) or greater, retaining structurally safe trees and ensuring replacement trees are provided when removal is unavoidable.

Tree Protection Bylaw 8057 was last amended on April 26, 2021. These amendments included increasing the minimum size of replacement trees for both non-development and development related tree permits to 6cm caliper/3.5m high and 8cm caliper/4m high, respectively, increasing tree permit application fees to \$62 for one tree and \$75 for every additional tree, and increasing the tree replacement ratio for non-development tree removals from a 1:1 ratio and single-family Building Permit applications to a 2:1 replacement tree ratio – congruent with the 2:1 replacement tree ratio associated with Rezoning and Development permit applications. The net gain of increasing the replacement tree ratio is the planting of approximately 850 additional replacement trees on an annual basis.

More recently, there have been concerns voiced by both the Community and Council for the adoption of additional protections for “Significant” trees located on private lands. In response, staff proposed a number of amendments to Tree Protection Bylaw 8057, allowing greater regulatory authority with respect to “significant” trees on private lands.

The current maximum fine that can be achieved in Provincial Court for a Tree Bylaw offence is \$50,000.

Analysis

Tree Protection Bylaw 8057 currently protects (regulates the retention and/or removal of) all trees 20cm caliper or greater located on private property. In order to provide additional protections for significant or mature trees, staff have defined a significant tree as one that is 92cm cal. (36" dia.) or greater measured 1.4m above ground in order to distinguish from the minimum tree size protected by the bylaw. This new Bylaw definition for a "significant" tree allows staff to focus on amendments that would provide both additional regulatory authority on private lands and greater protections for mature or "significant" trees. Staff also recommend amendments to Tree Protection Bylaw 8057 to give staff the ability to order property owners to remove a hazardous or standing dead tree from their property, and to the Consolidated Fees Bylaw 8636 and Municipal Ticked Information Authorization Bylaw 7321 to support and enable the enforcement of the proposed amendments to the Tree Protection Bylaw 8057.

Proposed Bylaw Amendments:

Amendments are proposed to the Tree Protection Bylaw 8057, Consolidated Fees Bylaw 8636, Municipal Ticked Information Authorization Bylaw 7321, and relevant parts of the Official Community Plan and associated Area Plans and Sub-Area Plans (Bylaws 7100 and 9000).

- 1) ***Amend Tree Protection Bylaw 8057 to add the definition of a "Significant" tree as***
"Any tree with a dbh (diameter at breast height) of 92cm caliper (36" diameter) or greater identified for retention."

This amendment intends to create a distinction between a "Protected tree" and a "Significant tree" with greater regulatory protections. This new class definition would capture the largest 20% of all "protected trees" as currently identified under Tree Protection Bylaw 8057. Trees 92cm cal. (36" dia.) have an average age of 60 years, an average height of 70'. These trees are prominent and contribute to the character of neighbourhoods and streetscapes. Trees in this diameter class tend to provide more vertical structures in the landscape that wildlife depends upon for various life cycle requirements. They also contribute more to soil structure, sediment control, and erosion prevention, provide a high level of storm water interception and shade benefits in reducing the energy costs associated with cooling buildings.

The amendments also adds a number of other new definitions related to the other amendments to the bylaw related to significant tree protection, the taking of security, and the orders to remove hazardous or standing dead trees.

- 2) ***Amend Tree Protection Bylaw 8057 to compel a property owner to remove a hazardous and/or standing dead or dying tree.***

This amendment intends to improve the City's authority to compel a property owner to remove and replace a large dying/dead or hazardous tree, trigger the requirement for a tree removal permit and associated replacement trees.

This would also allow staff to address life-safety issues associated with (hazardous) standing dead trees. If a standing dead tree is not removed within a very short timeframe, it will eventually become unstable and pose a life safety risk to adjacent neighbours or those within the vicinity of the tree.

Any costs incurred by the City to remove the tree (in the event of non-compliance) could be placed on the owner's property taxes if they go unpaid. The amendment to the Municipal Ticked Information Authorization Bylaw 7321 will give the City the ability to ticket property owners as a tool to encourage compliance. This amendment would address situations where a significant tree has died (or has been willfully damaged) and the owner has not applied for a permit to remove it.

- 3) ***Amend Tree Protection Bylaw 8057 to compel a property owner to provide a replacement tree to be planted in the same location should a significant tree be unlawfully removed.***

This amendment intends to authorize staff to compel replacement trees to be planted in the same location where the significant tree was removed, and requiring the retention in entirety the live landscape area defined by the tree.

- 4) ***Amend Tree Protection Bylaw 8057 to require that when a "Significant tree" is willfully damaged and requires removal and replacement that one of the three required replacement trees (required at a 3:1 ratio) is a minimum of 8m high.***

This amendment intends to both require additional new trees to help compensate for the loss of a "significant tree" but also ensure a significantly larger replacement tree (a doubling the standard replacement tree size from 4m high to 8m high minimum) is provided in the same location. The requirement for a minimum of three replacement trees, one at 8m high and two at 4m high, would provide a combined canopy area closer to that of a "significant tree."

- 5) ***Amend Tree Protection Bylaw 8057 to require a person to provide security for the retention of a "Significant tree" where one is identified as a condition of subdivision approval or Building permit issuance, for the retention of other identified trees as a condition of subdivision approval, for the planting of replacement trees as a condition of the issuance of a cutting permit in relation to subdivision, and/or for planting of replacement trees if a significant tree is illegally cut or damaged; and Amend Consolidated Fees Bylaw 8636 to establish the various security amounts.***

This amendment intends to provide staff with the ability to require tree survival securities associated with the retention of "Significant trees" related to a building permit and subdivision, and to require security for replacement trees required as compensation if a significant tree is damaged or removed illegally. This amendment also intends to remove the necessity for a separate tree security agreement with the property owner at subdivision, when they would otherwise already be obtaining a tree permit for removal

that will require a tree replacement security, or have identified trees for retention that will require a tree retention security for any retained trees, including significant trees.

The tree survival security for a significant tree would be set at \$20,000/tree where a significant tree is identified for retention at either subdivision or building permit. This new standard doubles the current highest rate required for a “per tree” for survival security associated with Rezoning/Development Permit applications.

The tree survival security for a retained tree identified at subdivision that is not a significant tree would be set at \$5,000/tree for trees 20cm-30cm caliper and \$10,000/tree for trees 31-91cm caliper.

The tree replacement security at subdivision would be \$750 per replacement tree to be planted.

6) ***Amend Tree Protection Bylaw 8057 to stipulate how securities are used, how long they are held (for significant trees) and how they are returned or cashed.***

This amendment intends to stipulate how any security collected pursuant to the Bylaw can be used by the City and how if the owner is in compliance it can be returned. If certain conditions are not fulfilled, then the City can cash the security and, in the City’s discretion, apply the proceeds towards the required tree planting or apply it as a cash-in-lieu contribution to the City’s Tree Compensation Fund. The City will have the ability to draw down on the security and provide a replacement tree(s) at no cost to the City (if replacement trees have not been planted under a relevant permit, or a retained tree or significant tree has been damaged or cut and the person has not planted the appropriate replacement trees). Tree survival securities and/or replacement tree securities are only forfeited if the owner does not plant the replacement tree(s) per the City’s specifications, those trees die within the one year maintenance period, or the owner fails to deliver the required arborist reports that demonstrate compliance. This amendment intends to ensure replacement trees can be provided even in the event that a property is sold. For example if a “Significant tree” dies, the property has been sold, and the new owner will not allow the developer on site to plant a replacement tree, the City may draw down upon the security and enter the site to carry out the work.

Rezoning/Development Permit landscape securities are currently returned at the following rates; 90% at project completion and the remaining 10% twelve months later. Tree replacement security under a tree cutting permit related to subdivision, and tree survival security related to non-significant trees are proposed to follow the same return schedule.

Tree survival securities for “Significant trees” are proposed to be returned on the following alternate schedule: 50% (\$10,000) returned at project completion (upon a final inspection and letter from the project Arborist) confirming all specified tree retention measures were followed and the tree has not been damaged or cut, and the remaining

50% (\$10,000) returned twelve months later after a second inspection by Tree Protection Bylaw staff.

If the security amount is insufficient for the City to plant the required replacement trees and the City incurs costs in excess of the security, the owner must pay such excess amount and if they fail to do so the amendment intends to ensure that the City may collect such excess costs as taxes.

- 7) ***Amend Tree Protection Bylaw 8057 to require a 3:1 replacement ratio when a tree 92cm cal (36" dia.) is approved for removal and replacement in conjunction with either a Homeowner non-development tree permit or Building Permit or Subdivision related tree permit, and where a significant tree is illegally damaged, cut or removed to require one larger replacement tree***

This amendment intends to require additional new trees beyond the current 1:1 and 2:1 ratio identified in Tree Protection Bylaw 8057 to compensate for the loss of a tree of significant size. If a significant tree is illegally damaged, cut or removed one of the tree replacement trees must be of a larger size, being 24 cm cal. or a minimum of 8 m in height.

- 8) ***Amend the Official Community Plan (OCP) and Area Plans, and Sub-Area Plans to be consistent with updated tree replacement requirements that ensure a 3:1 replacement ratio for a significant tree.***

This amendment intends to ensure no conflicts exist among key plans and regulations about the City's tree protection/replacement provisions.

- 9) ***Amend the Municipal Ticket Information Authorization Bylaw 7321 to introduce tickets related to the changes and additions to the Tree Protection Bylaw 8057 introduced by Amendment Bylaw 10343***

This amendment intends to introduce a variety of tickets for the new provisions in the Tree Protection Bylaw 8057 that relate to the protection of significant trees, the provision of security as a condition of tree cutting permit or the subdivision and BP, as applicable, and the orders by the City for owners to remove hazardous or standing dead trees.

Development Permit and/or Rezoning Application Policy for "Significant" Trees

The discretionary ability to require applicants to undertake special measures or provide higher value securities in the context of comprehensive development applications is inherent in these conditional applications. Although no tree removal permit is issued in the context of considering a rezoning or development permit, the Tree Protection Bylaw provides the framework for the retention of "protected" trees.

Accordingly, should these proposed Tree Bylaw amendments be adopted by Council, the enhanced protections for "Significant" trees (i.e. \$20,000 tree survival security, longer holdback period and 3:1 tree replacement ratio) in addition to the current ability to require significantly

larger replacement trees, would be implemented for both Building Permit applications and Development Permit and/or rezoning applications.

If Council adopts the above Tree Bylaw amendment and related amendments, the enhanced protections for “Significant” trees (i.e. \$20,000 tree survival security, longer holdback period and 3:1 tree replacement ratio), in addition to the current ability to require significantly larger replacement trees, would be implemented for Building Permit applications, subdivision approvals, and Development Permit and/or rezoning applications.

Consultation

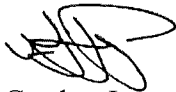
In accordance with Section 475 of the *Local Government Act* and the City’s OCP Consultation Policy No. 5043, staff have reviewed the OCP amendments and recommend that the bylaw does not require referral to external stakeholders as the amendments are to ensure consistency with the proposed amendments to the Tree Protection Bylaw. Rather, staff recommend that public consultation regarding the proposed amendments to the OCP occur as part of the bylaw adoption process, which includes a public hearing for proposed Bylaw 10339. This approach will provide interested stakeholders with a number of opportunities to share their views with the Council as part of the statutory bylaw amendment process. Public notification for the public hearing will be provided in accordance with the *Local Government Act*.

Financial Impact

None. The additional administrative requirements will be borne by existing department administrative staff.

Conclusion

The report recommends that the Council support proposed changes to improve Richmond’s Tree Protection Bylaw 8057, as well as associated amendments to the Consolidated Fees Bylaw 8636, Municipal Ticket Information Authorization Bylaw 7321, and OCP Bylaws 7100 and 9000 providing greater protections to “Significant” trees and the green space they occupy, the City the ability to require security for tree survival and replacement trees at building permit and subdivision, and the City the ability to order owners to remove hazardous trees. These changes will ensure that important City objectives related to tree preservation and policy supporting the continual development of a sustainable, resilient and diversified urban forest are advanced.



Gordon Jaggs
Program Lead, Tree Preservation
(604-247-4910)

GJ:gj



**Richmond Official Community Plan Bylaw 9000 and 7100,
Amendment Bylaw 10339 (Significant Tree Protection)**

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

1. Richmond Official Community Plan Bylaw 9000, as amended, is further amended:
 - a) at Section 3.6.1 Arterial Road Land Use Policy, Objective 1, Arterial Road Compact Lot Development Requirement, by deleting subsection 16(a) and replacing it with the following:

“a) meet the City’s tree replacement policy requirements as specified in Tree Protection Bylaw 8057;”;
 - b) at Section 14.0 Development Permit Guidelines, by deleting subsection 14.2.5.A(e) and replacing it with the following:

“e) To reinforce the image of a well-established landscape, developers are encouraged to retain and incorporate mature trees and landscaping into the development area. Where this is not possible, trees should be relocated. Where one or more existing trees are being removed, the City’s tree replacement policy requirements as specified in Tree Protection Bylaw 8057 must be met.”;
 - c) at Section 14.0 Development Permit Guidelines, by deleting subsection 14.3.7.B(a) and replacing it with the following:

“a) Where one or more existing trees are being removed, the City’s tree replacement policy requirements as specified in Tree Protection Bylaw 8057 must be met.”;
 - d) at Section 14.0 Development Permit Guidelines, by deleting the first bullet under subsection 14.4.13.I(a) and replacing it with the following:

“• meet the City’s tree replacement policy requirements as specified in Tree Protection Bylaw 8057 where one or more existing trees are being removed;”;
and
 - e) at Section 14.0 Development Permit Guidelines, by deleting subsection 14.4.14.L(a) and replacing it with the following:

“a) Where one or more existing trees are being removed, the City’s tree replacement policy requirements as specified in Tree Protection Bylaw 8057 must be met.”.

2. Richmond Official Community Plan Bylaw 7100, as amended, is further amended:

a) at Schedule 2.6C (Sunnymede North Sub-Area Plan) by deleting subsection 8.2.4(h) and replacing it with the following:

“h) Incorporate mature trees and landscaping into the development area. Where one or more existing trees are being removed, the City’s tree replacement policy requirements as specified in Tree Protection Bylaw 8057 must be met;” and

b) at Schedule 2.8A (Ironwood Sub-Area Plan) by deleting subsection 8.2.3(g) and replacing it with the following:

“g) Preserve natural heritage by retaining, relocating and augmenting existing healthy on-site trees and shrubs. Where one or more existing trees are being removed, the City’s tree replacement policy requirements as specified in Tree Protection Bylaw 8057 must be met. Wherever possible, plant new landscaping which will be beneficial to native and migratory birds.”.

3. This Bylaw may be cited as **“Richmond Official Community Plan Bylaw 9000 and 7100, Amendment Bylaw 10339”**.

FIRST READING



PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

_____	CITY OF RICHMOND

_____	APPROVED by 
_____	APPROVED by Director or Solicitor 

MAYOR

CORPORATE OFFICER



**Tree Protection Bylaw No. 8057,
Amendment Bylaw No. 10343**

The Council of the City of Richmond enacts as follows:

1. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Section 2.1 by adding the following definition in alphabetical order:

"CALIPER	means the diameter of a tree at 15 centimetres [6 inches] above the natural grade of the ground, measured from the base of the tree .
CONIFEROUS	means a cone bearing tree that has its seeds in a cone structure.
DAMAGE	means any action which will likely cause a tree to die or to decline, including, but not limited to, ringing, poisoning, burning, topping, root compaction, root cutting, excessive pruning, excessive crown lifting, or pruning in a manner not in accordance with "ISA Best Management Practices, Tree Pruning and ANSI A300 pruning standards". " Damaged " and " damaging " shall have the corresponding meaning.
DECIDUOUS	means a tree that sheds most or all of its foliage annually.
HAZARDOUS OR STANDING DEAD TREE	means a tree assessed by the City to be in a condition dangerous to people or property, a tree that is in imminent danger of falling, and/or to be dead notwithstanding the fact it is still standing.
LETTER OF UNDERTAKING	<p>means a letter of undertaking from a certified tree risk assessor providing for the measures to be taken or preformed by the certified tree risk assessor to assist with and monitor tree protection treatments and compliance during site preparation and the construction phase on the parcel, to the satisfaction of the Director, including but not limited to:</p> <ol style="list-style-type: none">(i) pre-construction treatment of trees including root and branch pruning;(ii) regular on-site inspections of the parcel and any retained trees during site preparation works and construction, and a statement that they will report any offence against this

bylaw on the **parcel** or adjacent to the **parcel** on **City** land to the **Director**;

- (iii) restorative landscape treatment, including soil renovation;
- (iv) selection and planting of any **replacement trees** required under this bylaw;
- (v) a post construction inspection of the **parcel** and any **retained trees**, and preparation of a certified report for submission, in a timely manner, to the **Director**; and
- (vi) a monitoring inspection of the **parcel**, any **retained trees** and any **replacement trees** one (1) year following the post-construction inspection, and preparation of a certified report for submission, in a timely manner, to the **Director**.

ORDER TO REMOVE means an order, which is substantially in the form of Schedule D attached to and forming a part of this bylaw.

OWNER means a person registered in the records of the Land Title Office as the fee simple owner of the **parcel**:

- a) to which the **permit** relates at the time of **permit** application,
- b) upon which a **tree** is located; or
- c) upon which a **retained tree** is located, or
- d) adjacent to a **City tree** that is a **retained tree**, where **works** are being undertaken on the **parcel**,

as applicable.

PERMIT HOLDER means the **owner** of the **parcel** subject to a **permit**, and if the applicant for the **permit** is not the **owner** of the **parcel**, includes the applicant.

RETAINED TREE means any **tree** or **trees** identified for retention and protection as part of a subdivision, or building permit approval process.

SECURITY DEPOSIT means a security deposit in the form of cash or a clean, unconditional, and irrevocable letter of credit drawn on a Canadian financial institution, in a form acceptable to the **Director**.

SIGNIFICANT TREE means any **tree** with a **dbh** of 92.0 cm caliper (36" diameter) or greater, which is not a **hazardous or standing dead tree**.

SUBDIVISION

for the purposes of this bylaw subdivision shall not include subdivision by way of strata plan, or air space subdivision plan.

WORKS

means any works pursuant to or related to a building permit, including demolition, excavation, and construction, any pre-construction site preparation works, any site servicing works, and any works and activities related to the subdivision of the **parcel**. ”.

2. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Section 2.1 by:
 - (a) in the definition of “**Tree**”, deleting the following words “in Schedule “D”” and replacing them with the words “in Schedule “E””.
3. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Section 3.1 by adding the following as new Section 3.1.1a and 3.1.1b following Section 3.1.1:

“3.1.1a A person must not **damage, cut or remove a retained tree**, or cause, suffer or permit any **retained tree** to be **damaged, cut or removed**.

3.1.1b A person must not commence or carry on **works** on a **parcel** except in accordance with the requirements of this bylaw, any applicable **permit**, and any other applicable **City** bylaw.”.
4. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Part Four: Permit Application Process by:
 - (a) adding the following to the end of section 4.1.2:

“For greater certainty, if the **owner** of the **parcel** changes after a **permit** is issued under this bylaw, said issued **permit** is not transferred to the new **owner** and the new **owner** wished to proceed with the **cutting or removal the new owner** must:

 - a) apply for a new **permit**;
 - b) must pay the non-refundable application fee as specified in the *Consolidated Fees Bylaw No. 8636*; and
 - c) deliver a new **security deposit**, upon such delivery the existing **security deposit** will be returned to the **owner** listed in the original **permit**. If, after making reasonable efforts to locate the original **owner**, said person cannot be located, a non-refundable administrative fee of \$500 will be charged by the **City** and paid from the original **security deposit** for each year that the **City** retains said **security deposit** commencing six (6) months after the original **security deposit** is replaced with the new **security deposit**.”;
 - (b) replacing subsection 4.2.1(a) with the following:

- “a) non-refundable application fee in the amount set from time to time in the *Consolidated Fees Bylaw No. 8636*, unless the application is for permission to remove a **hazard tree** or required pursuant to an **order to remove**.”;
- (c) inserting the following as new section 4.2.3:

“4.2.3 Each and every application for a **permit** will include written confirmation from the applicant and from the **owner(s)** that they will release, indemnify and save harmless the **City** and its elected officials, officers, employees, contractors and agents from and against all claims, demands, damages, losses, actions, costs and expenses related to or arising from the issuance of a **permit**, the breach of any **permit** conditions, the **security deposit** being provided to the **City**, the proposed **cutting or removal**, or the breach of any provisions of this bylaw by the applicant, the **owner(s)**, or those for whom they are responsible at law.”;
- (d) inserting the following as new section 4.4 and renumbering the existing subsequent sections accordingly:

“4.4 Security Deposits for Cutting or Removal Permits

- 4.4.1 Prior to the issuance of a **permit**, every **owner** must provide a **security deposit** to the Director in the amount specified in the Consolidated Fees Bylaw No. 8636. If the applicant is not the **owner**, then the applicant is deemed to provide the **security deposit** on behalf of and for the **owner**.
- 4.4.2 Notwithstanding the expiry of any **permit**, the **City** may immediately cash any letter of credit held as the **security deposit**, and, in the **Director’s** discretion, apply the proceeds of such letter of credit, or, if the **security deposit** is held as cash, apply said funds, to have **replacement trees** planted on the subject **parcel** by **City** staff, or a contractor engaged by the **City**, as a cash-in-lieu contribution on behalf of the **owner** to the **City’s** Tree Compensation Fund for off-site planting, or as the **Director** may otherwise decide, if:
 - a) the **tree** or **trees** that are the subject of the **permit** are **cut or removed** and the **permit holder** fails to, or refuses to, plant the **replacement tree(s)** required under this bylaw or as a condition of a **permit**, which is issued independent of any works or subdivision, within two (2) years of the date of issuance of the **permit**;
 - b) the **tree** or **trees** that are the subject of the **permit** are **cut or removed** and the **permit holder** fails to, or refuses to, plant the **replacement tree(s)** required under this bylaw or as a

condition of a **permit**, which is issued relating to a building permit or subdivision,

- (i) within one (1) year of the final building inspection permitting occupancy of the related **works**, building, or structure; or
 - (ii) if the related **works**, building, or structure does not obtain final building inspection permitting occupancy within four (4) years of the date of issuance of the **permit**, within five (5) years of the date of issuance of the **permit**;
- c) any **replacement tree** is **damaged**, dies or is reasonably likely to die, other than as a result of natural accidental causes such as lightening strike, or is **cut or removed**;
- d) the **permit holder** fails to deliver to the **Director** any tree replacement completion report, or monitoring report within one (1) year of the time such report is required to be delivered to the **City** pursuant to this bylaw, and thus the **permit holder** is deemed not to have complied with their **permit** obligations.

4.4.3 Subject to Section 4.4.2, if the **permit holder** complies with the provisions of the bylaw and performs all of the terms and conditions of the applicable **permit**, the **City** will:

- a) return 90% of the remaining **security deposit**, with no interest, to the **owner**, or upon written request of the **owner** to the **owner's** agent, within six (6) months, after the completion of the planting of the **replacement trees** as demonstrated by a site inspection and/or by delivery to the **Director** of a tree replacement completion report from a **certified tree risk assessor**, to the satisfaction of the **Director**; and
- b) return the balance of the **security deposit** held by the City, with no interest, to the **owner**, or upon written request of the **owner** to the **owner's** agent, within six (6) months of a monitoring inspection of the applicable **tree(s)** and/or by delivery to the **Director** of a monitoring report from a **certified tree risk assessor** as to the health of the applicable **tree(s)**, to the satisfaction of the **Director**, conducted or delivered, as applicable, one (1) year after the later of the inspection and/or report that triggered the first return of **security deposit** funds under section 4.4.3(a).

- 4.4.4 Where the **security deposit** is drawn upon by the **City** for any reason prior to the expiry of the **permit**, the **owner** will, within 15 days of receipt of written notice from the **City**, replenish the **security deposit** to the amount required by Section 4.4.1, unless exempted in writing by the Director.
- 4.4.5 Notwithstanding the expiry of a **permit**, the **security deposit** will continue to secure the **owner's** obligations under the **permit** and this bylaw until it is either returned pursuant to Section 4.4.3, or used by or forfeited to the **City** pursuant to Section 4.4.2. Upon expiry of a **permit** (including any renewal thereof), the **owner** will undertake any activity required by the **Director** to ensure that the provisions of this bylaw, and the terms and conditions of the **permit**, have been complied with.
- 4.4.6 If the **security deposit** is not sufficient for the **City** to rectify any contravention or non-compliance with the **permit**, this bylaw, or any other **City** bylaw relevant to the matter that is the subject of the applicable **permit**, including but not limited to the planning of **replacement trees**, the **owner** will pay any deficiency to the **City** within seven (7) days of receiving a written demand for such amount from the **City**. Any such deficiency charges that remain unpaid on or before December 31st in the year in which the charges are incurred by the **City**, form part of the taxes payable on such **parcel**, as taxes in arrears.
- 4.4.8 If a **security deposit** is in the form of a letter of credit and it will expire prior to the **permit holder** complying with the provisions of this bylaw, or prior to the performance of all of the terms and conditions expressed in the applicable **permit**, the **owner** will deliver to the **City**, at least 30 days prior to its expiry, a replacement letter of credit on the same terms as the original letter of credit provided to the **City**, unless otherwise approved by the **Director**. If the **owner** fails to do so, the **City** may draw down upon the letter of credit and hold the resulting cash as the **security deposit** in lieu thereof.”;

(e) deleting and replacing Section 4.3.1 with the following

“4.3.1 For **parcels**:

- a) containing a one-family dwelling, as a condition of issuing a **permit** for **cutting or removal** under this bylaw, it is required that one (1) **replacement tree** be planted and maintained for each **tree cut or removed** on the applicant's **parcel** in accordance with the requirements set out in Schedule “A”;

- b) other than those specified in 4.3.1(a) above, as a condition of issuing a **permit** for **cutting or removal** under this bylaw, it is required that one or more **replacement trees** be planted and maintained for each **tree cut or removed** on the applicant's **parcel** in accordance with the requirements of Schedule "A";
- c) where the **tree** or **trees** to be **cut or removed** pursuant to **permit** under this bylaw form part of a **hedge**, the **Director** may require that less than one **replacement tree** be planted and maintained for each **tree** that is **cut or removed**; and
- d) where a required **replacement tree** cannot, in the opinion of the **Director**, be accommodated on the **parcel**, the **Director** may require the applicant to plant the **replacement tree** on **City** owned property, including road, in a location designated by the **Director**.”;
- (f) inserting the following words at the end of Section 4.3.3 “or a **tree** subject to an **order to remove**, unless said **tree** was **damaged** causing it to be a **hazardous or standing dead tree**.”; and
- (g) inserting the following as new Section 4.7:

“4.7 Abandoned or Cancelled Applications

- 4.7.1 An application will be deemed to have been abandoned if the applicant fails to fully and completely respond to a request by the **Director** for documentation or information under this bylaw within one (1) year of the date the request is made. Once abandoned, all application fee(s) collected will be forfeited to the **City**, and if the applicant has delivered a **security deposit** to the **City**:
 - a) it shall be returned to the applicant if no **tree** subject to the application has been **cut or removed**. If, after making reasonable efforts to locate the **owner**, said person cannot be located, a non-refundable administrative fee of \$500 will be charged by the **City** and paid from the **security deposit** for each year that the **City** retains the **security deposit** commencing six (6) months after the application is deemed abandoned; or
 - b) if any **tree** subject to the application has been **cut or removed** other than in accordance with an issued **permit**, the **security deposit** shall be forfeited to the **City** for the planting of **replacement tree(s)** on the **parcel**, for contribution to the **City’s Tree Compensation Fund**, or for use as otherwise determined by the **Director**.

If the applicant wishes to proceed with any **cutting or removal** after any such abandonment, the applicant must, unless exempted in writing by the **Director**, submit a new application for a **permit** and must pay an additional

non-refundable application fee as specified in the *Consolidated Fees Bylaw No. 8636*. If the **security deposit** has been forfeited a new **security deposit** will be required, and if the **security deposit** has been drawn down upon as provided in subsection 4.7.1(a) above the **owner** will be required to replace it with a new **security deposit** in the full amount required by this bylaw.

5.7.2 Where the applicant for a **permit** is not the **owner** of the subject **parcel**, the **owner**:

- a) may withdraw the application, or
- b) if the **permit** has been issued but the **tree cutting or removal** under said **permit** has not yet commenced, may cancel said **permit**;

upon not less than five (5) business day's written notice to the **Director**. If a **security deposit** has been delivered it will be returned to the **owner**.”.

5. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Part Five by adding the following as a new Sections 5.2 and 5.3:

“5.2 Protection of Retained Trees During Construction and Site Preparation

5.2.1 With an application for issuance of a building permit or subdivision approval, the **owner**, or the applicant on behalf of the **owner**, must submit

- a) a survey, certified correct by a BC land surveyor who is a member of the Association of British Columbia Land Surveyors that shows:
 - i) each **tree** located on the **parcel**, on adjacent property within two metres of any boundary of the **parcel**, and on any City street adjacent to the **parcel**;
 - ii) the **tree** grade or **tree** elevation for each **tree** referred to in subsection (i);
 - iii) the **drip line** for each such **tree**; and
 - iv) the location, height, and diameter of each stump on the **parcel**.
- b) a certified report by a **certified tree risk assessor**, that sets out:
 - i) the condition, size, and species of **trees** on the **parcel**;
 - ii) the impact of the proposed **works** or subdivision on the health of **trees** on the **parcel**, and potential hazards to them during or after the **works**; and

- iii) recommended construction practices to protect **trees** during and after the **works**; and
- c) a statement of purpose and rationale for the proposed **tree protection barrier(s)**;
- d) a tree management plan drawn to approximate scale identifying:
 - i) the boundaries of the subject **parcel**;
 - ii) any abutting streets, lanes or public access rights of way;
 - iii) the location of existing buildings and structures;
 - iv) the location, species and **dbh** of those **trees** proposed to be **retained trees** and the location and specifications of any **tree protection barrier(s)**; and
 - v) the location of significant topographic and hydrographic features and other pertinent site information;
- e) the street location and legal description of the **parcel**;
- f) the consent, in writing, of the **owner(s)** of the **parcel**, if different from the applicant, authorizing the applicant to act as the **owner's** agent;
- g) if any **tree protection barrier(s)** are to be located on any additional **parcel(s)**, the consent in writing of the registered owner(s) of such **parcel(s)**;
- h) the proposed commencement and completion dates for the **works**; and
- i) a **letter of undertaking**.

5.2.2 Despite anything contained in the **City's** bylaws, a person is not entitled to a building permit for demolition, excavation, or construction on a **parcel**, and the application for such building permit will not be deemed complete, and a person is not entitled to a subdivision approval, and the application for such subdivision is not deemed complete, except if:

- a) the **owner** has complied with Sections 5.2.1 and 5.2.2 of this bylaw; and
- b) the **Director** has inspected and approved the **tree protection barrier(s)** on the **parcel**, on adjacent property, or the **City** street, as applicable.

- 5.2.3 If a building permit application is for alterations to only the interior of a building, and, in the opinion of the **Director**, none of the **work**, or storage, transport, or removal of materials, will affect any **tree** located on the **parcel**, sections 5.2.1 and 5.2.2 do not apply.
- 5.2.4 A person performing **works** on a **parcel** containing one or more **retained trees**, or where one or more **retained trees** are located on property or **City** street adjacent to the **parcel** shall:
- a) install a **tree protection barrier** around any **retained tree** or group of **retained trees** of size and location specified in the **City's** tree protection distance table, as approved and amended by the **Director** from time to time;
 - b) ensure that such **tree protection barrier** is constructed of mesh fencing on 2"x4" wood rails or equivalent framing with railings along the tops, sides and bottom, or is constructed of materials otherwise satisfactory to the **Director**;
 - c) display signage indicating that the area within the **tree protection barrier** is a "tree protection zone," and stating that no encroachment, storage of materials, excavation, or **damage** to **retained trees** is permitted within the "tree protection zone;"
 - d) arrange for inspection by the **Director** before any **works** commence, and refrain from commencing **works** until the **Director** has approved the **tree protection barrier(s)**; and
 - e) ensure that the **tree protection barrier(s)** remain in place until approval of its removal is received from the **Director**.
- 5.2.5 In addition to the requirements of Section 5.2.4, before and during **works** on a **parcel**, if one or more **retained tree** is located on **City** road, the **owner** must:
- a) comply with the requirements of the **Director** with respect to any tree on a boulevard or lane adjacent to the **parcel**;
 - b) ensure that each **tree protection barrier**:
 - i) allows for free and clear passage of pedestrians on the surrounding portion of the boulevard and on the sidewalk adjacent to the boulevard;
 - ii) allows for clear visibility of fire hydrants, driveway accesses, and crosswalks;

- iii) is 0.6 m or more from the curb to allow for the opening of car doors; and
- iv) is 0.3 m or more from the edge of any sidewalk located within a grass boulevard.

5.2.6 Security Deposit Required for Retained Trees

Prior to the issuance of a building permit or approval of a subdivision where one or more **retained trees** have been identified, the **owner**, or the applicant on behalf of the **owner**, must deliver a **security deposit** to the **Director** in the amount specified in the *Consolidated Fees Bylaw No. 8636* securing the preservation of the **retained tree(s)**. If the applicant provides the **security deposit**, the applicant is deemed to provide the **security deposit** on behalf of and for the **owner**.

5.2.7 The **security deposit** delivered pursuant to Section 5.2.6 above will be governed by the following provisions:

- a) The **City** may immediately cash any letter of credit held as the **security deposit**, and, in the **Director's** discretion, apply the proceeds of such letter of credit, or, if the **security deposit** is held as cash, apply said funds to have **replacement trees** planted on the subject **parcel** by **City** staff, or a contractor engaged by the **City**, as a cash-in-lieu contribution on behalf of the **owner** to the **City's** Tree Compensation Fund for off-site planting, or as the **Director** may otherwise decide, if:
 - i) any **retained tree** is **damaged**, or dies, other than as a result of natural accidental causes such as lightening strike, or is **cut or removed**;
 - ii) any **replacement tree**, to be planted by the **owner** as compensation for a **retained tree** that is **damaged**, dies, or is **cut or removed**, is:
 - (A) not planted within six (6) months of the **damage**, death, **cutting or removal** of the **retained tree**; or
 - (B) is planted but is itself **damaged**, or dies, or is **cut or removed**; or
 - iii) the **owner** fails to deliver to the **Director** any post-construction assessment report from the certified tree risk assessor within one (1) year of the substantial completion of the **works**, or the monitoring report from the certified tree risk assessor within two (2) years of the substantial completion of the **works**, and thus the **owner** is deemed not

to have complied with their obligations to preserve the **retained trees** under this bylaw.

- b) Subject to subsection 5.2.7(a), if the **owner** complies with the provisions of the bylaw, the **City** will:
 - i) return 90% of the remaining **security deposit**, with no interest, to the **owner**, or upon written request of the **owner** to the **owner's** agent, within six (6) months after the later of:
 - (A) substantial completion of the **works** and confirmation that the **retained tree(s)** have been protected in accordance with the **permit**, as demonstrated by a site inspection and/or by delivery to the **Director** of post-construction assessment report from a **certified tree risk assessor**, to the satisfaction of the **Director** and
 - (B) completion of the planting of the **replacement trees** as demonstrated by a site inspection and/or by delivery to the **Director** of a tree replacement completion report from a **certified tree risk assessor**, to the satisfaction of the **Director**.

Notwithstanding the foregoing, if any or all of the **retained tree(s)** are a **significant tree**, the City will return 50% rather than 90% of the remaining **security deposit** upon the later of the above dates; and

- iii) return the balance of the **security deposit** held by the City, with no interest, to the **owner**, or upon written request of the **owner** to the **owner's** agent, within six (6) months after the later of the one (1) year post substantial completion and planting monitoring inspection and/or delivery of a monitoring report from a **certified tree risk assessor** as to the health of the applicable **tree(s)**, to the satisfaction of the **Director**.
- c) If the **security deposit** is not sufficient for the **City** to rectify any contravention or non-compliance with this bylaw, or any other **City** bylaw relevant to the matter that is the subject of the applicable **permit**, including the planting of any **replacement tree(s)**, the **owner** will pay any deficiency to the City within seven (7) days of receiving a written demand for such amount from the **City**. Any such deficiency charges that remain unpaid on or before December 31st in the year in which the charges are incurred by the **City**, form part of the taxes payable on such **parcel**, as taxes in arrears.

- d) If a **security deposit** is in the form of a letter of credit and it will expire prior to the **owner** complying with the provisions of this bylaw, the **owner** will deliver to the **City**, at least 30 days prior to its expiry, a replacement letter of credit on the same terms as the original letter of credit provided to the **City**, unless otherwise approved by the **Director**. If the **owner** fails to do so, the **City** may draw down upon the letter of credit and hold the resulting cash as the **security deposit** in lieu thereof.”

5.3 Hazardous or Standing Dead Trees

5.3.1 The **Director** may make the determination that a **tree** is a **hazardous or standing dead tree**, and, if such a determination is made, the **Director** may serve an **order to remove** on the **owner** of the **parcel** on which such **tree** is located which required the registered owner to:

- a) apply for a **permit**; and
- b) remove said **hazardous or standing dead tree**

within a specified time period.

5.3.2 The **order to remove** must be served on the **owner** of the **parcel** on which the **hazardous or standing dead tree** by either:

- a) personal service; or
- b) registered mail with acknowledgement of receipt, to the address of the **owner** of the **parcel** shown on the last real property assessment rolls, or

provided that where the **owner** is a registered company or society, service may be accomplished by leading it at, or mailing by it by registered mail to, the head office or attorney address shown on the corporate register or society register, as applicable.

5.3.3 Where an **order to remove** is not personally served in accordance with subsection 5.3.2(a) above, such order is deemed to have been served on the third (3rd) day after mailing.

5.3.4 The **Director** may make inspections pursuant to Section 6.1 at any time to determine if the directions of an **order to remove** and the required related **permit** are being complied with.

5.3.5 Where the **owner** of a **parcel** subject an **order to remove** fails to comply with that order, **City** staff, or a contractor engaged by the **City**, may enter on the **parcel**, at reasonable times and in a reasonable manner, to remove the **hazardous or standing dead tree** at the expense of the defaulting **owner**.

- 5.3.6 Where a **hazardous or standing dead tree** has been removed in accordance with Section 5.3.5, the charges for such removal if unpaid on or before December 31st in the year in which the charges are incurred by the **City**, form part of the taxes payable on such **parcel**, as taxes in arrears.
- 5.3.7 Where an **owner** is subject to an **order to remove**, they may apply to the **City Council** for reconsideration of the matter in accordance with Section 6.5, other than that the deadline to apply for such reconsideration. The application for such reconsideration shall be made at least 72 hours prior to the expiration of the time given in the **order to remove**.”.
6. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Section 6.2 by adding the following as new Section 6.2.2:
- “6.2.2 The **Director** may give notice, in the form established in Schedule “C”, to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a **permit** issued under this bylaw, and such person shall immediately cease all **works** requiring the **tree protection barrier(s)** until such breach or non-compliance is remedied to the satisfaction of the **Director**, and every **owner** of lands shall refuse to suffer or permit further **works** upon the **owner’s parcel** until such time as the breach or non-compliance is remedied to the satisfaction of the **Director**.”.
7. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Section 6.3 by adding the following as new Section 6.3.2:
- “6.3.2 In the event that the **City** has drawn down on a **security deposit** and has elected to plant any of the related **replacement trees** on the **parcel** pursuant to Section 4.4.2, 5.2.7(a), or 7.6(c), the **City** or its appointed agents may enter upon the **parcel** or any part thereof, or upon any adjacent property on which **retained trees** were **damaged, cut or removed**, as applicable, notwithstanding the expiry of any related **permit** or the change in ownership of any **parcel**, to carry out the planting of such **replacement trees**.”.
8. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Section 6.4.1 by adding the words “and Section 4.4 (Security Deposit)” following after “Part Seven (Offences and Penalties)”.
9. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Part Seven by deleting Section 7.1 and replacing it with the following:
- “7.1 Any person who: (a) violates or contravenes any provision of this bylaw or any **permit** issued under this bylaw, or who causes or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw; or (b) fails to comply with any **permit** issued under this bylaw, or any of the provisions of this bylaw, any other **City** bylaw, or any applicable statute; or (c) neglects or refrains from doing anything required under the provisions of this bylaw or under any **permit** issued under this bylaw; or (d) obstructs, or seeks or

attempts to prevent or obstruct a person who is involved in the execution of duties under this bylaw, commits an offence, and where the offence is a continuing one, each day that offence is continued shall constitute a separate offence.”.

10. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Part Seven by deleting Section 7.3 and replacing it with the following:

“7.3 Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not less than one thousand dollars (\$1,000.00) and not more than Fifty Thousand Dollars (\$50,000.00), in addition to the costs of the prosecution.”

11. **Tree Protection Bylaw No. 8057**, as amended, is further amended at Part Seven by adding the following as a new subsection 7.6(c):

“c) notwithstanding subsection 7.6(b) above, if the **tree** that is **cut or removed** is a **significant tree**:

i) deliver a **security deposit** to the **Director** in the amount specified in the *Consolidated Fees Bylaw No. 8636* securing the planting of **replacement trees** as compensation for the **damage, cutting or removal** of a **significant tree**, which shall be held, use and released by the City upon the same terms as if it was taken pursuant to Section 5.2; and

ii) plant and maintain on the same **parcel** in accordance with the approved **tree cutting and replacement plan** a minimum of three (3) **replacement trees** for each **significant tree** unlawfully **damaged, cut or removed** and in the event that the **Director** determines it is not feasible or practical to place any or all of the **replacement trees** on the same **parcel**, the **replacement trees** shall be planted on **City land** in a location designated by the **Director**.

d) where the **tree damaged, cut or removed** is identified as a **retained tree**, then the **Director** may require the **owner** to plant the **replacement trees** at the exact location as the **retained tree** that has been **damaged, cut or removed** and may require that any **works** shall not be located within the **drip line** of the **replacement trees** at full growth.”.

12. **Tree Protection Bylaw No. 8057**, as amended, is further amended by deleting Schedule A to Bylaw No. 8057 and replacing it with Schedule A attached to and forming part of this bylaw.

13. **Tree Protection Bylaw No. 8057**, as amended, is further amended by adding Schedule B attached to and forming part of this bylaw as a new Schedule D of Bylaw No. 8057 and renaming existing Schedule D to Bylaw No. 8057 as “Schedule E to Bylaw No. 8057”.

14. This Bylaw is cited as “**Tree Protection Bylaw No. 8057, Amendment Bylaw No. 10343**”.

FIRST READING



SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating Division

APPROVED for legality by Solicitor


SCHEDULE A to BYLAW NO. 10343

**SCHEDULE A to BYLAW NO. 8057
REPLACEMENT TREE REQUIREMENTS**

Where **replacement trees** are required to be provided pursuant to this bylaw, such **replacement trees** shall be provided and planted as follows:

- 1) Subject to Sections 3, 5 and 6 below, for **tree cutting or removals** not related to rezoning, development permit, subdivision, or **works** on **parcels** containing a one-family dwelling, such **replacement trees** shall be provided at a ratio of 1:1 and planted as follows:
 - a) deciduous **replacement trees** shall be a minimum of 6 cm caliper* or a minimum 3.5 m in height, and
 - b) coniferous **replacement trees** shall be a minimum of 3.5 m in height.
- 2) Subject to Sections 3, 5 and 6 below, for **tree cutting or removals** on all **parcels** other than those described in Section 1 above for **permits** related to rezoning, development permit, subdivision, or **works**, such **replacement trees** shall be provided at a ratio of 2:1 and planted as follows:
 - a) every **deciduous replacement tree** shall be a minimum of 8 cm **caliper** or a minimum of 4 m in height, and
 - b) every **coniferous replacement tree** shall be a minimum of 4 m in height.
- 3) Subject to Sections 4 and 5 below and notwithstanding Sections 1 and 2 above, on all **parcels** where the **permit** relates to the **cutting or removal** of a **significant tree**, the **replacement trees** shall be provided at a ratio of 3:1 and planted in compliance with the type and size requirements in Section 1 or 2 above, as applicable.
- 4) On all **parcels** where **replacement trees** are to be provided as compensation for a **significant tree** that is **damaged, cut or removed** other than pursuant to a **permit** issued under this bylaw, the **replacement trees** shall be provided at a ratio of 3:1 and planted as follows:
 - a) one **replacement tree** for each such **significant tree** shall be:
 - i) if a **deciduous replacement tree**, a minimum of 24 cm **caliper** or a minimum of 8 m in height, and
 - ii) if a **coniferous replacement tree**, a minimum of 8 m in height; and
 - b) every other **replacement tree** shall be planted in compliance with the type and size requirements in Section 1 or 2 above, as applicable.
- 5) Every **replacement tree** shall be spaced from existing **trees** and other **replacement trees** in accordance with an approved tree management plan or landscape plan and in all cases shall be

planted in accordance with the current BCSLA (British Columbia Society of landscape architects) or BCLNA (British Columbia Landscape & Nursery Association) Landscape Standards, and all **replacement trees** shall meet current BCSLA or BCLNA standards.

- 6) Notwithstanding the foregoing, the **Director** may, at their discretion, require larger **replacement trees** than those set out in Sections 1, 2, 3 and 4 above in this Schedule.

SCHEDULE B to BYLAW NO. 10343

SCHEDULE D to BYLAW NO. 8057

ORDER TO REMOVE

ADDRESS OF PROPERTY

DATE

NAME OF OWNER(S)

YOU ARE HEREBY NOTIFIED that the City of Richmond considers the tree described below as a hazardous or standing dead tree:

Hazardous or Standing
Dead Tree:

AND pursuant to *Tree Protection Bylaw Number 8057*, **YOU ARE HEREBY ORDERED** to:

- 1) Apply to the City for a permit to remove the tree; and
- 2) After receiving the required permit, to remove the hazardous or dead standing tree.

BEFORE _____, 20____.

**EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER TO REMOVE MAY,
UPON CONVICTION FOR AN OFFENCE AGAINST THE SAID BYLAW, BE LIABLE
TO A PENALTY AS STIPULATED IN THE BYLAW.**

DIRECTOR

Persons affected by this Order to Remove may seek further information at the Building Approvals Department, Richmond City Hall, 6911 No. 3 Road, Richmond, British Columbia V6Y 2C1.

***NO PERSON MAY REMOVE REVERSE, ALTER, DEFACE, COVER, REMOVE OR IN ANY WAY TAMPER
WITH THIS ORDER WITHOUT AUTHORIZATION BY THE CITY OF RICHMOND.***



**CONSOLIDATED FEES BYLAW NO. 8636,
AMENDMENT BYLAW NO. 10347**

The Council of the City of Richmond enacts as follows:

1. The **Consolidated Fees Bylaw No. 8636**, as amended, is further amended at “SCHEDULE – TREE PROTECTION” by deleting it and replacing it with Schedule A to this Bylaw.
2. This Bylaw is cited as “**Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10347**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. <i>S.C.</i>
APPROVED for legality by Solicitor <i>[Signature]</i>

MAYOR

CORPORATE OFFICER

SCHEDULE – TREE PROTECTION**Tree Protection Bylaw No. 8057****Permit Fees**

Section 4.2, 4.6

Description	Fee
<u>Permit application fee</u>	
To remove a hazard tree	No Fee
To remove a hazardous or standing dead tree	No Fee
One (1) tree per parcel during a 12 month period	\$63.50
Two (2) or more trees	\$76.75 per tree
Permit renewal, extension or modification fee	\$63.50

Tree Protection Bylaw No. 8057**Security Deposits**

Section 4.4.1, 5.2.6, 7.6(c)

Section	Description	Fee
Section 4.4.1	Security Deposit for replacement tree under a permit: <ul style="list-style-type: none"> - not related to works - related to a building permit - related to subdivision 	\$0 per replacement tree \$0 per replacement tree \$750 per replacement tree
Section 5.2.6	Security Deposit for retained tree that is not a significant tree: <ul style="list-style-type: none"> - related to a building permit - related to subdivision 	\$0 per retained tree \$1,000 per retained tree
Section 5.2.6	Security Deposit for retained tree, if significant tree	\$20,000 per significant tree
Section 7.6(c)	Security Deposit for replacement trees planted as compensation for a significant tree, if significant tree damaged, cut or removed without permit	\$20,000 per significant tree



**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 10348**

The Council of the City of Richmond enacts as follows:

1. **Municipal Ticket Information Authorization Bylaw No. 7321**, as amended, is further amended by:

- (a) deleting the following line:

“Failure to place or maintain a prescribed protection, barrier around trees to be cut or removed for the duration of all construction or demolition 5.1.1(c) \$1,000”,

and replacing it with the following:

“Failure to place or maintain a prescribed protection, barrier around trees not to be cut or removed for the duration of all construction or demolition 5.1.1(c) \$1,000”;

- (b) inserting the following offences in bylaw section order into Schedule B13 (Tree Protection Bylaw No. 8057) to Bylaw 7321:

Offence	Bylaw Section	Fine
Damage, cutting or removing any retained tree	3.1.1a	\$1,000
Works on a parcel without a permit and not in compliance with bylaw (i.e. security for retained trees)	3.1.1b	\$1,000
Failure to place or maintain a prescribed protection barrier around a retained tree for the duration of all works	5.2.4(a) and (e)	\$1,000
Failure to construct the prescribed protection barrier from materials satisfactory to the Director	5.2.4(b)	\$250
Failure to display tree protection signage for the duration of all works	5.2.4(c)	\$250
Failure to have tree protection barrier inspected prior to works commencing	5.2.4(d)	\$250
Failure to meet the conditions and/or deadlines specific in an Order to Remove	5.3.1	\$1,000
Failure to submit tree cutting and replacement plan	7.6(a)	\$500

Failure to plant a replacement tree (other than as related to a significant tree)	7.6(b)	\$750
Failure to provide a security deposit for replacement trees related to a damaged, cut or removed significant tree	7.6(c)	\$1,000
Failure to plant a replacement tree related to a significant tree	7.6(d)	\$1,000"

2. This Bylaw is cited as **"Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10348"**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

_____	<div data-bbox="1395 674 1523 961" data-label="Form"> <table border="1"> <tr> <td>CITY OF RICHMOND</td> </tr> <tr> <td>APPROVED for content by originating dept. <i>S.C.</i></td> </tr> <tr> <td>APPROVED for legality by Solicitor <i>JA</i></td> </tr> </table> </div>	CITY OF RICHMOND	APPROVED for content by originating dept. <i>S.C.</i>	APPROVED for legality by Solicitor <i>JA</i>
CITY OF RICHMOND				
APPROVED for content by originating dept. <i>S.C.</i>				
APPROVED for legality by Solicitor <i>JA</i>				

MAYOR

CORPORATE OFFICER



City of Richmond

Report to Committee

To: Planning Committee
From: Kim Somerville
Director, Community Social Development
Date: January 5, 2022
File: 08-4057-05/2022-Vol 01
Re: BC Housing's SAFER Program

Staff Recommendations

1. That the staff report titled "BC Housing's SAFER program," dated January 5, 2022 from the Director, Community Social Development, be received for information;
2. That the City of Richmond write to the provincial government, including the Attorney General and Minister Responsible for Housing, Richmond's Members of the Legislative Assembly and BC Housing to advocate for an increase to the maximum rent ceilings and monthly payment amounts provided by the BC Housing Shelter Aid for Elderly Renters (SAFER) program; and
3. That the City of Richmond forward the City's analysis regarding BC Housing's SAFER program to the Union of British Columbia Municipalities for consideration.

Kim Somerville
Director, Community Social Development
(604-247-4671)

REPORT CONCURRENCE		
ROUTED TO: Policy Planning	CONCURRENCE <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

On October 18, 2021, in response to an email inquiry from a member of the public, General Purposes Committee initiated the following referral regarding BC Housing's rent subsidy program, Shelter Aid for Elderly Renters (SAFER):

That the SAFER Program be referred to staff for analysis and recommendations on advocacy to raise the maximum qualifying income, including consideration of whether the matter should be forwarded to the Union of British Columbia Municipalities.

The purpose of this report is to provide a summary of BC Housing's SAFER program and to recommend next steps regarding advocacy.

This report supports Council's Strategic Plan 2018–2022 Strategy #6 Strategic and Well-Planned Growth:

6.5 Ensure diverse housing options are available and accessible across the housing continuum.

This report is also consistent with the Richmond Affordable Housing Strategy 2017–2027:

Strategic Direction 5: Increase Advocacy, Awareness and Education Roles

Analysis

The City is committed to playing a leadership role to increase housing choices for all Richmond residents, including seniors. The Affordable Housing Strategy (2017–2027) identifies seniors as a key priority group for the City's affordable housing programs and initiatives.

Using a range of tools, the City has supported several developments that provide housing for seniors (aged 55 and over), including Kiwanis Towers, which provides 296 units of affordable housing for seniors. Seniors also reside in other developments supported by the City—for example:

- 40% of households residing in a Low End Market Rental unit have at least one household member over the age of 55 years; and
- 67% of households residing in the Storeys building have at least one household member over the age of 55 years.

While the City has achieved much success in increasing housing choices for seniors, housing affordability is a complex issue that requires significant support from other levels of government. In particular, the federal and provincial governments have a key role to play in creating housing options for seniors in Richmond.

Seniors Housing Needs

With seniors being the fastest growing age group in Richmond, the need for affordable housing amongst this demographic is increasing. Although there are many affluent seniors in Richmond, seniors on average have lower household incomes than other age groups as they are more likely to be retired and to have fixed incomes. For example, while 2016 Federal Census data showed that Richmond renters had a median household income of \$49,121, the median income for senior renters was \$30,130.

Seniors make up a significant proportion of households on the BC Housing waitlist. As of September 2021, approximately 48% of households on the waitlist were seniors 55 years and over. This proportion has stayed consistent since 2017. This rate is also equal to the overall proportion of households led by seniors (55+ years) in Richmond, which is estimated at 47% of all households based on 2016 Federal Census data.

SAFER Program

There are a range of housing options for Richmond seniors, including private market apartments and affordable housing buildings. BC Housing's Shelter Aid for Elderly Renters (SAFER) program supports some of these housing options by providing monthly payments to support eligible seniors residing in market rental homes. The purpose of the program is to make market rents more affordable for low-income seniors. In September 2021, a total of 1,057 Richmond seniors (over 60 years) were receiving rent subsidies from the SAFER program.

Applicants for SAFER apply through BC Housing. Eligible seniors are those over the age of 60 years, reside in British Columbia on a permanent basis and pay more than 30% of monthly income towards the rent of their home. Last updated in 2018, the maximum qualifying income for SAFER is \$33,000 per household within the Metro Vancouver area (including Richmond). In 2018, BC Housing reported that the average monthly payment provided by SAFER across the province was \$265 per month.

Rent Ceilings and Monthly Payments

SAFER's monthly payments vary based on household income and rental payments. To determine monthly payments, the SAFER program defines rent ceilings, which are set at \$803 for singles and \$866 for couples (two people). The monthly payment is calculated as the difference between the rent ceiling and the amount a household can afford based on 30% of household income (Table 1).

Table 1: Example SAFER Subsidy Calculations

	Example 1 (Single Person)	Example 2 (Couple)
SAFER Rent Ceiling (Metro Vancouver rate)	\$803	\$866
Example Household Income	\$24,000	\$30,000
Maximum Rent (calculated as 30% of income)	\$600	\$750
Monthly SAFER Subsidy	$\$803 - \$600 = \$203$ per month	$\$866 - \$750 = \$116$ per month

While the SAFER program provides much needed rental subsidies for seniors, the program's current rent ceilings and monthly payments do not reflect increasing housing costs for renters in Richmond. For example, the rent ceilings used to calculate SAFER subsidies are significantly below the average rental rates for market rental apartment buildings in Richmond. In October 2020, the average market rent for a one-bedroom apartment in Richmond was \$1,313 per month and the average for a two-bedroom was \$1,496 compared to SAFER's rent ceilings of \$803 for single person households and \$866 for couples. In order to reflect the region's rising rental costs since 2018, SAFER's rent ceilings require a significant increase to be appropriate within Richmond's housing market.

Based on this analysis, staff recommend advocating to the provincial government for an increase in the rent ceilings and associated monthly payment amounts provided through SAFER.

Qualifying Income

As referenced above, the 2016 median income for senior renters in Richmond was \$30,130. This figure is aligned with the current income threshold of \$33,000 for the SAFER program. In order to ensure that the SAFER program continues to prioritize low-income seniors who are most in need of financial supports, staff support maintaining the current income thresholds of the SAFER program.

Next Steps

In summary, staff recommend working with the provincial government to advocate for an increase to the rent ceilings and associated monthly payment amounts provided by SAFER. At this time, staff do not recommend advocating for an increase to the qualifying income of \$33,000.

Pursuant to Council direction, staff will prepare letters to advocate to the provincial government, including the Attorney General and Minister Responsible for Housing, Richmond's Members of the Legislative Assembly and BC Housing to raise the rent ceilings and monthly payments amounts provided by the SAFER program. Staff will also forward the City's analysis regarding the SAFER program to the Union of British Columbia Municipalities for consideration.

Moving forward, the City will continue to monitor the housing needs of Richmond residents, including seniors, who are identified as a priority group in the Affordable Housing Strategy (2017–2027). The City will also continue to secure Low End Market Rental units for low and moderate-income households, including senior households. Finally, the City will continue to seek significant sources of funding from the other levels of government to create new affordable housing to respond to the growing need for housing.

Financial Impact

None.

Conclusion

The City of Richmond continues to be committed to increasing housing choices for all Richmond residents. As summarized above, low-income seniors continue to be a key demographic in need of affordable housing and other forms of financial assistance.

While the SAFER program provides much needed rental subsidies for seniors, the program's current rent ceilings and monthly payments do not reflect increasing housing costs for renters in Richmond. As the responsibility for creating affordable housing, including housing for seniors, falls on other levels of government, staff recommend working with the Province of BC to advocate for changes to the SAFER program. With the combined efforts of all levels of government, Richmond seniors can receive the assistance they require to achieve housing stability.



Cody Spencer
Program Manager, Affordable Housing
(604-247-4916)



City of Richmond

Report to Committee

To: Planning Committee **Date:** January 24, 2022
From: John Hopkins **File:** 08-4060-05-01/2021-
Director, Policy Planning Vol 01
Re: **Referral Response on Public Access Along the Steveston Waterfront and
Proposed Amendments to the Steveston Area Plan**

Staff Recommendation

1. That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10344, to revise policies on public access to and along the waterfront in the Steveston Village Riverfront area contained in Section 2.4 of the Official Community Plan (Steveston Area Plan), be introduced and granted first reading.
2. That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10344, having been considered in conjunction with:
 - a) the City's Financial Plan and Capital Program; and
 - b) the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans;is hereby found to be consistent with said programs and plans, in accordance with Section 477(3)(a) of the Local Government Act.
3. That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10344, having been considered in accordance with Section 475 of the Local Government Act and the City's Official Community Plan Bylaw Preparation Consultation Policy 5043, is found not to require further consultation.

John Hopkins
Director, Policy Planning
(604-276-4279)
Att. 4

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Development Applications	<input checked="" type="checkbox"/>	
Parks	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

The following referral was made at the June 8, 2021 Planning Committee meeting:

That staff outline the existing Steveston Area Plan for provisions for full public access along the waterfront and provide options for any potential enhancements.

This report supports Council's Strategic Plan 2018-2022 Strategy #6 Strategic and Well-Planned Growth:

6.1 Ensure an effective OCP and ensure development aligns with it.

This report provides information on land use policies and zoning applicable for the Steveston Village Waterfront area for background purposes and responds to the referral by:

1. Reviewing current provisions for public access along the waterfront.
2. Providing ownership and jurisdiction information applicable to the area.
3. Outlining other factors related to achieving access to and along the waterfront in Steveston.
4. Proposing amendments to the Steveston Area Plan to include waterfront access and walkway implementation policies.

Findings of Fact

The area examined in response to the June 8, 2021 Planning Committee referral is the area south of Bayview Street in Steveston Village between 3rd Avenue to the west and No. 1 Road to the east. A location map of the area is contained in Attachment 1.

Related Policies and Studies

Official Community Plan – Steveston Area Plan

Public Access to and along the Waterfront

An objective contained in the Steveston Area Plan states the following:

“Work toward public accessibility for pedestrians to and along the waterfront between 3rd Avenue and No. 1 Road through pathways that connect Bayview Street to the water's edge, and completion of a continuous boardwalk.”

A map contained in the Steveston Area Plan showing the existing and future riverfront walkways and connections (existing and future) from Bayview Street is provided in Attachment 2. Policies are contained in the Steveston Area Plan that support the above referenced objective and are summarized as follows:

- Connections from Bayview Street to the waterfront walkway are identified at the road end locations (i.e., south foot of No. 1 Road, 1st Avenue, 2nd Avenue and 3rd Avenue) and lane ends (i.e., lanes between 1st and 2nd Avenue and 2nd and 3rd Avenue) as these are aligned with the main pedestrian thoroughfares linking Steveston Village to the waterfront.

- For pedestrian connections at road ends from Bayview Street to the waterfront, a minimum width of 5.6 m is required.
- For pedestrian connections at lane ends from Bayview Street to the waterfront, a minimum width of 4.5 m is required.
- A minimum width of 6 m is required for the walkway that runs along the waterfront.
- The policies also identify that the walkway along the waterfront in this area can be:
 - A walkway located above the high-water mark (i.e., elevated boardwalk); or
 - A walkway situated at the high-water mark (i.e., walkway at water's edge or situated on a floating dock structure).
- Walkway access to and along the waterfront is to be universally accessible and developed to be consistent with guidelines about minimum width and how the walkway interfaces with development.
- Collaborate with other agencies who own land and are involved in the operation of the commercial fishing harbour in recognition of the land ownership and multiple jurisdictions in the area.
- Secure connections to and along the waterfront for public access through the applicable development application processes (i.e., rezoning).

Steveston Area Plan Land Use Designation

Since the inception of the first Steveston Area Plan in 1985, policies for the 'Steveston Downtown Node' supported mixed commercial/residential development provided that residential uses were above the first floor. This policy applied to sites that were designated as Commercial in the Steveston Area Plan, including sites along the waterfront south of Bayview Street between 3rd Avenue and No. 1 Road. In 2009, the Commercial land use designation was changed to Heritage Mixed Use in the land use map. The Heritage Mixed Use land use designation explicitly allows for commercial and/or industrial uses with residential and office uses permitted above grade.

In 2017, Council approved a revision to the Steveston Area Plan for land on the south side of Bayview Street to establish a maximum density of 1.2 floor area ratio (FAR) and 2 storey building typology for this area. A 20 m maximum height is permitted in the Plan for development on the south side of Bayview Street, which supports building forms that are typical of larger buildings (e.g., cannery type design), characteristic of historical development fronting the water.

This report does not propose any changes to land use or density in the Steveston Area Plan. Mixed-use redevelopment, including residential uses on the second storey, will continue to be permitted. The proposed amendments to the Steveston Area Plan are related to the inclusion of waterfront access implementation policies, which are outlined later in this report. Should Council want staff to conduct a review of land uses along Bayview Street, direction from Planning Committee would be required.

Existing Zoning

Existing zoning for lots on the south side of Bayview Street between 3rd Avenue and No. 1 Road is summarized as follows:

- 3540 Bayview Street – Light Industrial (IL)
- 3800 Bayview Street – Steveston Commercial and Pub (ZMU10)
- 3866 Bayview Street – Steveston Commercial (CS2)

- 3880 Bayview Street – Light Industrial (IL)
- 3900 Bayview Street – Steveston Commercial (CS2)
- 12551 No. 1 Road – Light Industrial (IL)

The existing zones allow for a range of industrial and commercial uses and services along the waterfront. Furthermore, the sites at 3800, 3866 and 3900 Bayview Street have zoning, which has been in place for over 30 years that allows residential uses.

1. Current provisions for public access along the waterfront

A reference map contained in Attachment 3 outlines the existing public access areas to and along the waterfront. Existing areas of public access to and along the waterfront in Steveston Village between 3rd Avenue and No. 1 Road consist of a boardwalk/walkway located on federal land for the sites at 3800 and 3540 Bayview Street. The primary connection from Bayview Street to the waterfront boardwalk/walkway in this area is aligned with 2nd Avenue. This connection and waterfront boardwalk/walkway is accessible to the public to provide access to commercial businesses and restaurants located at Steveston Landing. Parking lots exist to the west of the building at 3800 Bayview Street to the 3rd Avenue, which also provides a means for pedestrian access to and along the waterfront. These areas also provide access to the public fishing sales dock located on the water lot directly south of Steveston Landing. West of 3rd Avenue, public access is provided through the Gulf of Georgia Cannery site and lands managed by the Steveston Harbour Authority (SHA) connecting to Garry Point Park.

For the area between 3866 Bayview Street and No. 1 Road to the east, there is no continuous public access to and along the waterfront. Public access provisions are provided for at the site located at 3900 Bayview (Riversong Inn complex) with pedestrian connections from Bayview Street situated in the middle of this site and along the west edge providing access to commercial businesses and restaurants located in the development. A waterfront boardwalk/walkway, that is accessible to the public, is located along a portion of the site's south edge. Currently, no boardwalk/walkway exists on sites to the west and east of 3900 Bayview Street (refer to Attachment 3). Presently, Bayview Street provides public access along this area, connecting to the waterfront boardwalk/walkway along Imperial Landing to the east.

Currently, all public access to and along the waterfront in this area is located on federal land for the sites at 3540, 3800 and 3900 Bayview Street. It is important to note that the City has not secured any arrangements, through statutory right-of-ways or other legal agreements, to ensure public access is maintained and protected in perpetuity in this area on these sites. No public access is provided through the federal owned land at 12551 No. 1 Road (additional information on this site provided later in this report).

For the privately owned land located at 3866 Bayview Street and 3880 Bayview Street (currently vacant with no development), there is no public access provided on these sites and to date no arrangements have been secured by the City, through public right-of-ways or other legal agreements, to ensure public access is provided in perpetuity in this area.

2. Ownership and jurisdiction information applicable to the area

Department of Fisheries and Oceans and Steveston Harbour Authority

The commercial fishing harbour in Steveston is administered by the Department of Fisheries and Oceans – Small Craft Harbours (DFO-SCH). Steveston Harbour Authority (SHA) lease these areas from DFO-SCH to manage, operate and maintain the commercial fishing harbour.

In partnership, DFO-SCH and SHA manage upland lots on federally owned land and commercial fishing harbour facilities located on water lots. Additional information on ownership and jurisdiction of the upland lots and water lots is provided in the next sections of this report.

Upland Lots – Ownership Summary

On the south side of Bayview Street, between 3rd Avenue and No. 1 Road, are six upland lots. Current ownership of these lots is summarized in the table contained in the reference map provided in Attachment 3. Four lots are under federal ownership and managed by DFO-SCH and SHA. The federally owned lots with development are arranged through lease agreements with third parties located at Steveston Landing (3800 Bayview Street) and Riversong Inn Ltd. (3900 Bayview Street). The remaining two lots located at 3866 and 3880 Bayview Street are privately owned.

Water Lots – Jurisdiction Summary

Water lots located south of the upland lots along Bayview Street are under the jurisdiction of the Province of BC. The Ministry of Forests, Lands, Natural Resource Operations and Rural Development administer and provide authorizations for any use or development on a water lot.

DFO-SCH and SHA have a number of marine based facilities and installations located in the water lots located in the South Arm of the Fraser River (Cannery Channel) and have existing agreements to use these water lots for and in support of the commercial fishing harbour.

Discussions with Department of Fisheries and Oceans and Steveston Harbour Authority

Staff met with DFO SCH and SHA staff to discuss matters related to public access on federally owned/controlled areas along the waterfront and how new development along the waterfront is reviewed by these agencies. Highlights of this discussion as it relates to provisions for access to and along the waterfront are as follows:

- Providing access for the public to and along the waterfront and to commercial harbour facilities is an important component to ensuring a viable commercial fishing harbour. Based on this, a majority of the federally owned upland lots between 3rd Avenue and No. 1 Road allow public access and have waterfront boardwalk infrastructure to facilitate public access.
- Although allowing public access to the waterfront remains an important component to ensuring viability of the commercial fishing harbour and related businesses and tenants, no federal policy is in place specific to provisions for public access in this area. Furthermore, areas with public access located on federal owned land do not have any arrangements that have been secured by the City (i.e., statutory right-of-ways or other legal agreements) for public access as noted earlier in this staff report.

- Projects that enhance public access to and along the waterfront, including opportunities to provide for a continuous walkway would be beneficial to the commercial fishing harbour so long as harbour operations are not impacted and involve no encroachment onto areas needed to maintain boat access to DFO SCH/SHA facilities and safe boat navigation within the harbour is maintained.
- The ability for the City to secure public access provisions, through some sort of legal agreement, on federal owned land would be subject to review and assessment by DFO SCH/SHA and other Federal agencies based on the specific details of the site, type of development and surrounding context. As a majority of the upland lots in this area is federally owned and under federal jurisdiction, the City may be potentially limited in the ability to secure applicable legal agreements for public access on these sites.
- Public access to some areas of the harbour are restricted for safety reasons or due to operational requirements for federal agencies operating on these sites.

3. Other factors related to achieving access to and along the waterfront in Steveston

Require Waterfront Walkway Connections through Rezoning

Development applications involving rezoning of the upland lots on the south side of Bayview Street provides for the appropriate means to require and secure public waterfront boardwalks/walkways, including applicable legal agreements, from developers to provide additional waterfront connections in this area. This approach applies to the two privately owned sites located at 3866 and 3880 Bayview Street.

For federally owned land, there may be some additional challenges specific to jurisdiction that limits the ability for the City to secure arrangements providing for waterfront public access through a legal agreement. These discussions would need to occur with the applicable federal agency for review on a case-by-case basis to determine the feasibility and willingness of the Federal Government to consent to allowing the City to legally secure waterfront public access on federal land.

Advantages of an Elevated Waterfront Walkway/Boardwalk

All of the public access along the waterfront in this area is in the form of an elevated walkway/boardwalk that is generally situated on the upland lots that also provide for direct connection and access to Bayview Street. Continuing this approach to achieve a connected waterfront walkway/boardwalk on upland lots is advantageous for the following reasons:

- Encroachments into water lot areas with public access infrastructure could potentially conflict with commercial fishing harbour operations, which DFO SCH and SHA have noted concerns about and would not support.
- Tie-ins and transitions between any new public access infrastructure to existing walkways would be more readily accommodated.
- An elevated walkway/boardwalk located on the upland lots maximizes universal accessibility for all users.
- From an urban design perspective, an elevated walkway/boardwalk integrates well with buildings at generally the same elevation, as demonstrated by existing developments along the waterfront.

Recognize Site-Specific Conditions in the Area

Establishing a continuous walkway along the waterfront with access to Bayview Street, in accordance with the Steveston Area Plan, will be contingent on what happens on sites within this area that presently do not provide access to and along the waterfront. A brief summary of each of these sites is provided as follows for information purposes:

- 3866 Bayview Street – Privately owned site containing a commercial building that is located both on the upland lot and water lot that extends into the river. For the water lot, prior authorizations for the use and development have been granted by the Province of BC. The current building located on the upland lot and water lot does not allow for public access on this site or ability to continue the walkway further east. The only means for a public waterfront walkway connection to be achieved on this site is through a comprehensive redevelopment proposal involving a rezoning. Furthermore, based on discussions with DFO SCH and SHA, if future redevelopment is planned on the upland lot and water lot, use of the water lot and provisions for a waterfront walkway connection would need to be reviewed and approved by the Province, DFO SCH, SHA and City to ensure operations and navigation in the harbour are not impacted and compliance with the OCP, as proposed to be amended in this report.
- 3880 Bayview Street – Privately owned site that is currently vacant. A recent proposal to rezone this site was found to be not compliant with the current density and building massing regulations contained in the Steveston Area Plan. As a result, that proposal was rejected by staff and the applicant has been advised that their rezoning application must meet the current provisions of the Steveston Area Plan. The rezoning process, provides the ability to secure public access to and along the waterfront. Furthermore, proposed amendments to waterfront access provisions contained in the Steveston Area Plan discussed in the next section of this report would be applicable to this site.
- 12551 No. 1 Road – This is a federally owned site that supports a number of federal agencies involved in the operations of the commercial fishing harbour (i.e., DFO enforcement) and SHA tenants. Based on the present usage of the upland site and adjacent water lots, obtaining public access along the waterfront through this site is not possible at this time.

4. Proposed amendments to the Steveston Area Plan

Upon review of information provided in this report on provisions for public access to and along the waterfront in Steveston and in response to the June 8, 2021 Planning Committee referral, proposed amendments to the Steveston Area Plan to add a number of implementation policies are recommended in this report and are summarized as follows:

- To ensure connectivity to existing waterfront walkway infrastructure and maximize public access to the waterfront, the preferred location of the walkway/boardwalk will be on the upland lots. If an existing waterfront walkway is located on an adjacent site, all new waterfront walkway infrastructure must provide a connection.
- Include a policy supporting collaboration between applicable levels of government and supporting agencies to secure appropriate arrangements providing public access to and along the waterfront in recognition of the land owned by the Federal Government in the area and challenges associated with securing typical public access agreements (i.e., public right-of-ways) for land under federal jurisdiction.

- For privately owned land, include a policy to require public access to and along the waterfront, through redevelopment and the applicable development application process, as the appropriate means to secure the walkway.
- To address the potential scenario of a development that involves use of both the upland lot and adjoining water lot, include the following policy directives to ensure the establishment of public access to and along the waterfront is maintained and not limited or obstructed by a development proposal:
 - No intervening structures or buildings would be permitted that would impede public access to or along the waterfront.
 - Provides connections (existing and/or future conditions) to the east and west to ensure the establishment of a continuous waterfront walkway.
 - Secures the appropriate legal agreement, to the satisfaction of the City, for the upland and water lots.
- Provide a policy to allow for flexibility in the location of pedestrian connections from Bayview Street to respond to site-specific conditions.
- To maximize public access to and along the waterfront for the site at 3880 Bayview Street and ensure connections to the east and west, the following policy directives apply to this site:
 - Require a pedestrian connection from Bayview Street to the waterfront walkway on the west side of 3880 Bayview Street at a minimum width of 4.5 m that would be entirely located on this site.
 - Require a pedestrian connection from Bayview Street to the waterfront walkway on the east side of 3880 Bayview Street that is coordinated with any existing pedestrian connection from Bayview Street to the waterfront walkway located on the west edge of 3900 Bayview Street to achieve a 5.6 m minimum combined pathway width (ultimate) that is shared between these two sites (3880 and 3900 Bayview Street)
 - Require a waterfront walkway along the south side of 3880 Bayview Street that provides for a functional connection to existing waterfront access infrastructure located on 3900 Bayview Street to the east and provides for a future connection to the west.
 - All pedestrian connections from Bayview Street to the waterfront and waterfront walkway is required to be fully accessible to the public and secured through the appropriate public right-of-way acceptable to the City.
- Waterfront walkways or pedestrian connections that dead-end are not supported.
- Based on discussions with DFO-SCH and SHA, include a policy to ensure that public access to and along the waterfront does not negatively impact commercial fishery operations or supporting infrastructure.
- To take into account areas that currently do not have public access to or along the waterfront, include a policy to recognize Bayview Street providing for pedestrian connections between existing waterfront walkways as an interim measure.
- A few minor administrative amendments are proposed in the waterfront public access section of the Steveston Area Plan to ensure consistent language throughout the policies.
- A revised Steveston Area Plan map that incorporates changes to provisions for waterfront access in this area is contained in Attachment 4.

The minimum width of the walkway along the waterfront (6 m wide minimum) and widths of connections from Bayview Street to the waterfront (5.6 m wide minimum at road ends; 4.5 m wide minimum at lane ends) will be maintained with no changes proposed in this report.

The proposed amendments to the Steveston Area Plan will bolster current policies to achieve public accessibility for pedestrians to and along the waterfront between 3rd Avenue and No. 1 Road. Implementation policies will also provide clarity on waterfront walkway alignment, required connections between sites and how to address site specific conditions to ensure a continuous pedestrian pathway along the waterfront is achieved.

In Stream Development Applications

The proposed amendments to the Steveston Area Plan will apply to in stream development applications submitted on the south side of Bayview Street. In stream applications and any future redevelopment proposals will be subject to the amended policies in relation to public access to and along the waterfront, if approved by Council.

Consultation

City staff engaged DFO-SCH and SHA to discuss public access provisions to and along the waterfront between 3rd Avenue and No. 1 Road and obtain comments about existing walkway infrastructure located on federal land and the importance of not impacting commercial fishing harbour operations and maintaining viability of the local fishing industry.

Discussion with and obtaining feedback from DFO-SCH and SHA is consistent with the provisions of the City's OCP Consultation Policy No. 5043 and no further consultation is recommended.

The OCP Bylaw Amendment proposed in this report will be forwarded to a Public Hearing. Prior to the Public Hearing, all impacted properties located on the south side of Bayview Street will be notified and the public will have an opportunity to comment at the Public Hearing.

Conclusion

This report responds to the following June 8, 2021 Planning Committee referral:

That staff outline the existing Steveston Area Plan for provisions for full public access along the waterfront and provide options for any potential enhancements.

The background policy information contained in this report about achieving public access to and along the waterfront, along with supporting information about upland lot and water lot jurisdiction and other factors related to establishing a waterfront walkway in the Steveston Village Riverfront Area in response to the Planning Committee referral, is provided for information purposes.

In response to the Council referral, amendments to the Steveston Area Plan are recommended to include waterfront access and walkway implementation policies that will help to achieve a continuous waterfront walkway, address site-specific conditions and recognize the current land ownership and jurisdiction issues for the area.

January 24, 2022

- 10 -

It is recommended that Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10344 be introduced and given first reading.

A handwritten signature in black ink, appearing to read 'K. Eng'.

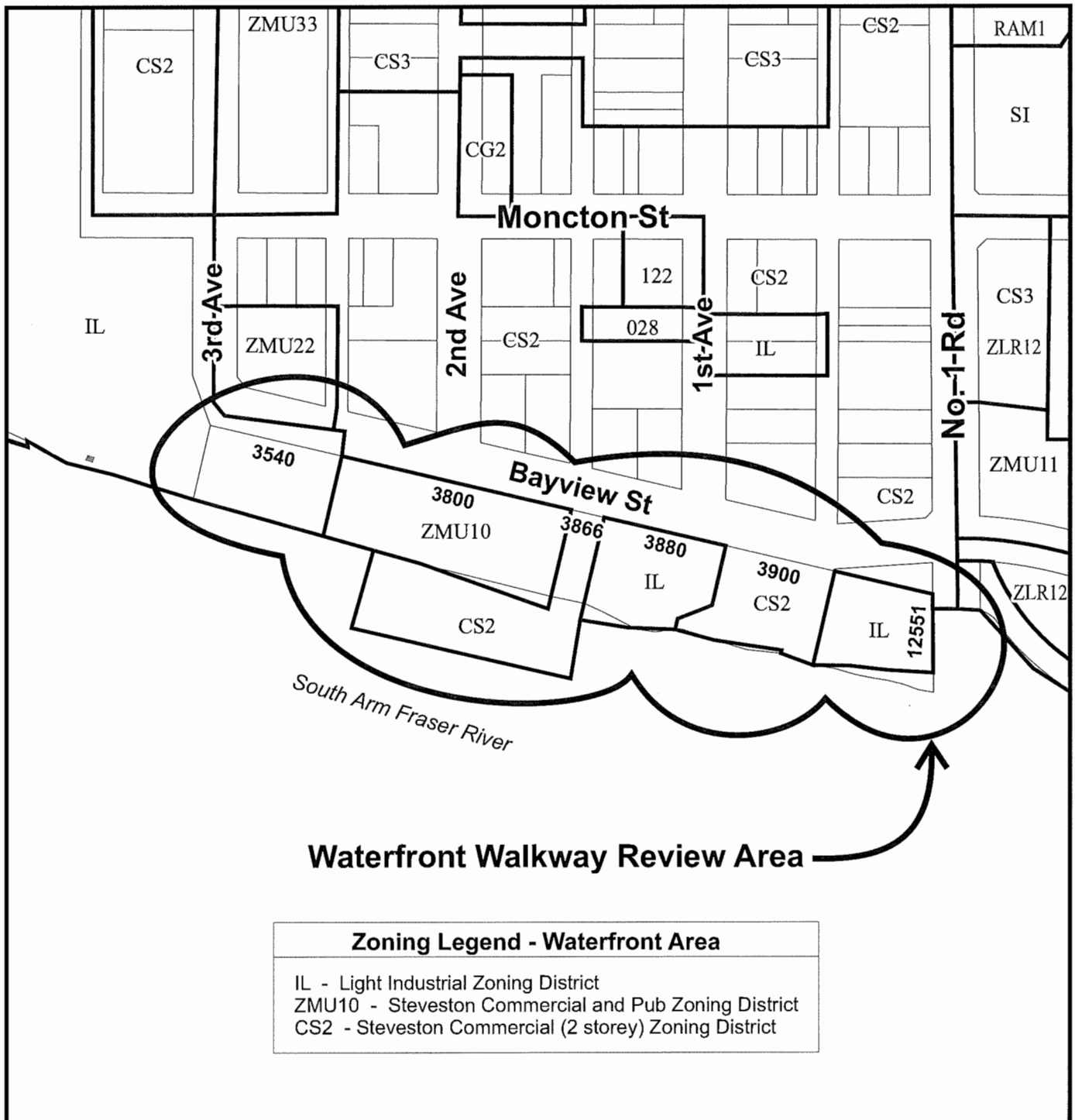
Kevin Eng
Planner 3
(604-247-4626)

KE:cas

- Att. 1: Location Map
- 2: Steveston Existing and Future Riverfront Walkways and Connections Map (Existing)
 - 3: Steveston Village Waterfront Area Reference Map
 - 4: Steveston Existing and Future Riverfront Walkways and Connections Map (Proposed)



City of Richmond



Steveston Village Waterfront Area

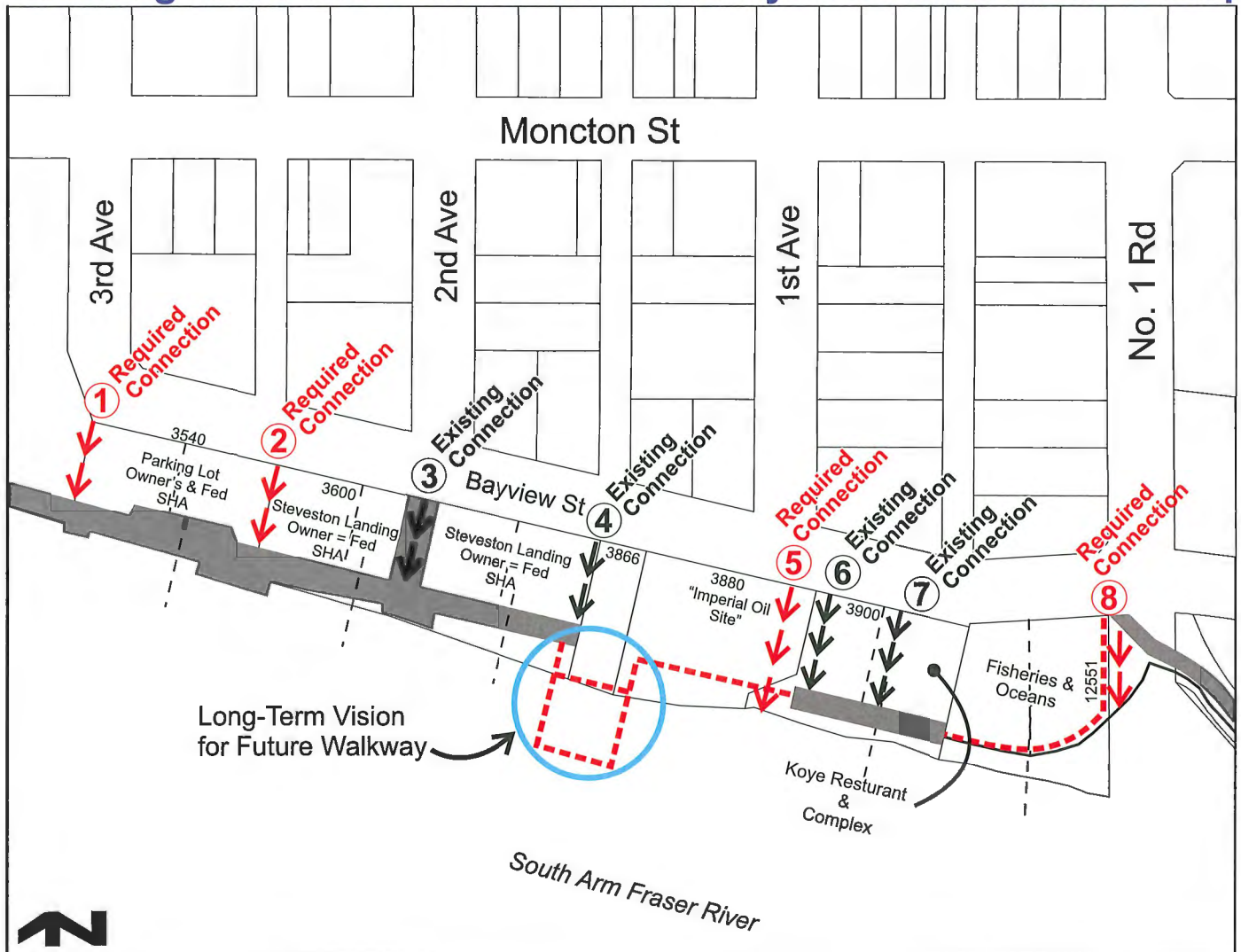
Original Date: 11/22/21

Revision Date: 11/26/21

Note: Dimensions are in METRES

Existing Map in Steveston Area Plan

Existing and Future Riverfront Walkways and Connections Map





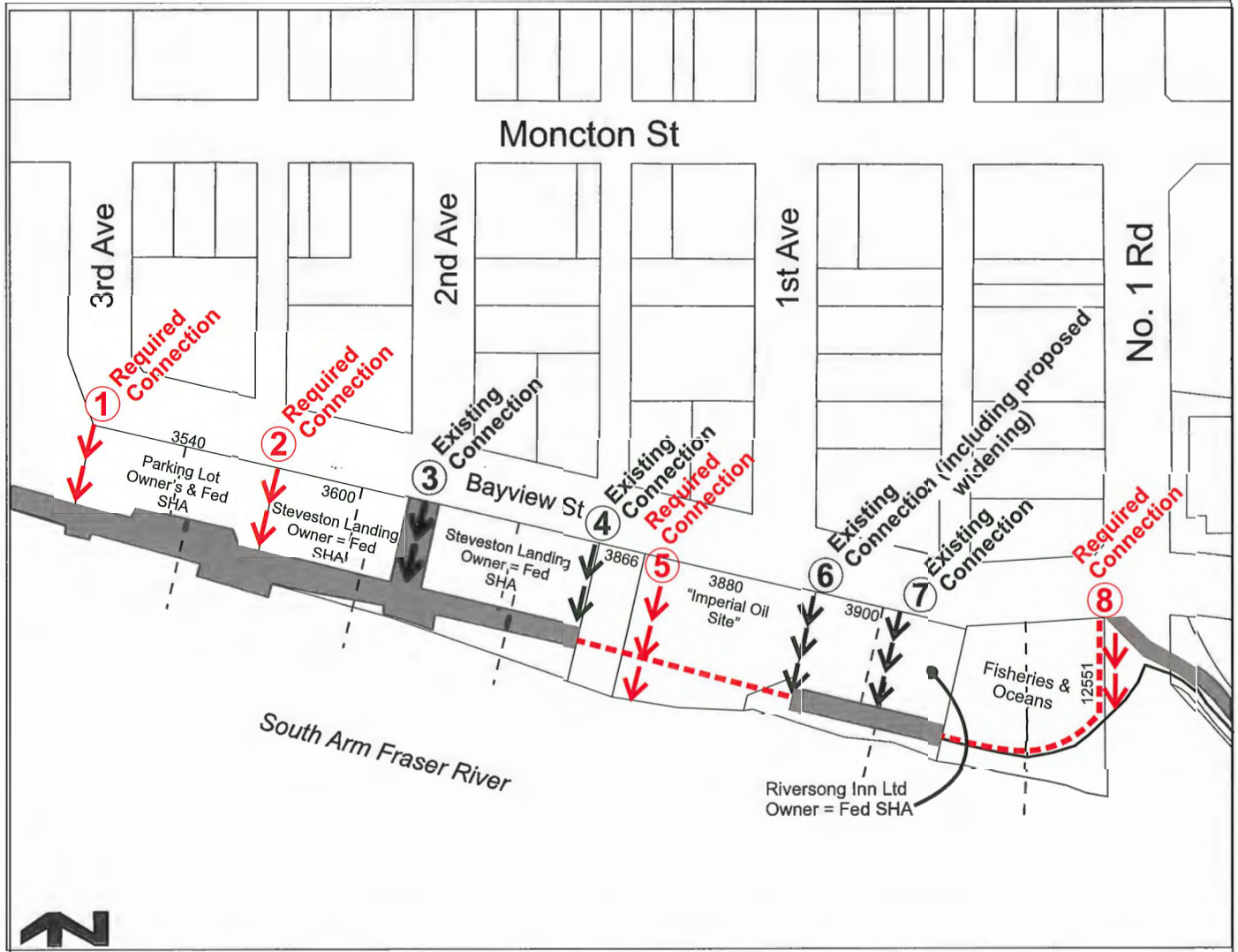
- Location of existing waterfront walkway
 — Zoning
- - - Potential waterfront walkway linkage (future)
- * Location of existing access from Bayview Street

Address	Ownership
3540 Bayview	Crown Federal/ Steveston Harbour Authority
3800 Bayview	Crown Federal/Steveston Harbour Authority/ (Lease with Steveston Waterfront Properties Inc.)
3866 Bayview	Blitz Properties Ltd.
3880 Bayview	Asia Pacific Yacht Centre Corp
3900 Bayview	Crown Federal/ Steveston Harbour Authority (Lease with Riversong Inn Ltd.)
12551 No.1 Road	Crown Federal/ Steveston Harbour Authority

January 20, 2022

Steveston Village Waterfront Area Reference Map

Proposed Map in Steveston Area Plan **Existing and Future Riverfront Walkways and Connections Map**



Existing Waterfront Walkway

Future Waterfront Walkway



Existing Pedestrian Connection



Required Future Pedestrian Connection

Note: - The number and location of connections from Bayview Street to the waterfront can be adjusted in accordance with waterfront walkway implementation policies contained in the Steveston Area Plan.

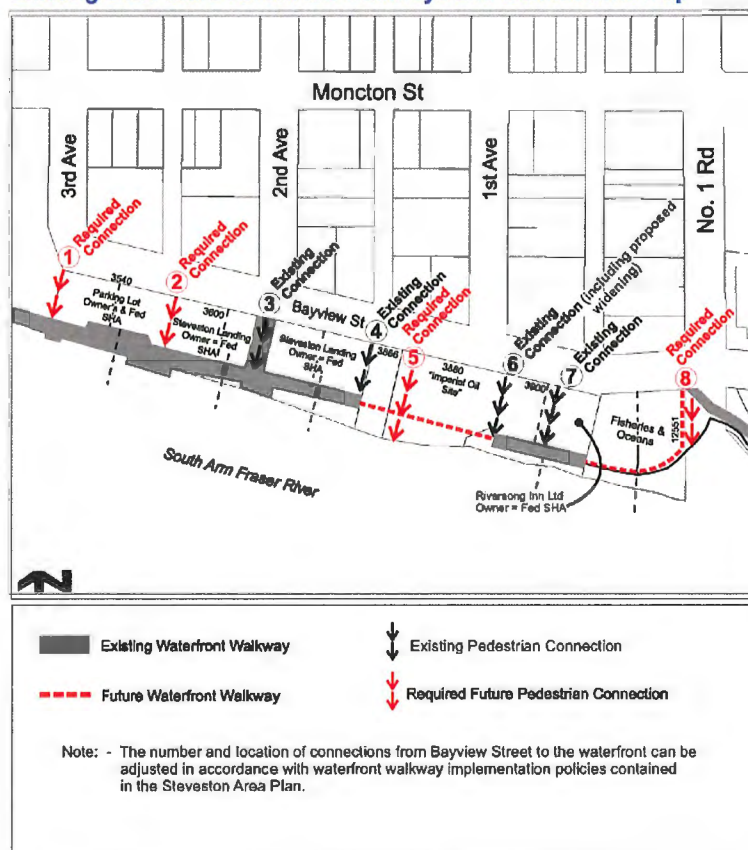


**Richmond Official Community Plan Bylaw 7100
Amendment Bylaw 10344 (Revisions to the Steveston Area Plan)**

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

1. Richmond Official Community Plan Bylaw 7100, as amended, is further amended by:
 - a. deleting the Existing and Future Riverfront Walkways and Connections Map under Objective 6 in Section 6.0 (Natural & Human Environment) of the Steveston Area Plan (Schedule 2.4) and replacing it with the following:

Existing and Future Riverfront Walkways and Connections Map



- b. deleting the second, fourth, ninth and eleventh bullets under clause a) in the Policies subsection of Objective 6 in Section 6.0 (Natural & Human Environment) of the Steveston Area Plan (Schedule 2.4) and replacing it with the following:

Second bullet

“- Minimum width of 5.6 m including 1.0 m setbacks from adjacent buildings;”

Fourth bullet

“- The width of the public walkway (minimum 5.6 m) must be free and clear of obstructions, including but not limited to: building projections (except for signage), doors, patios, store stalls;”

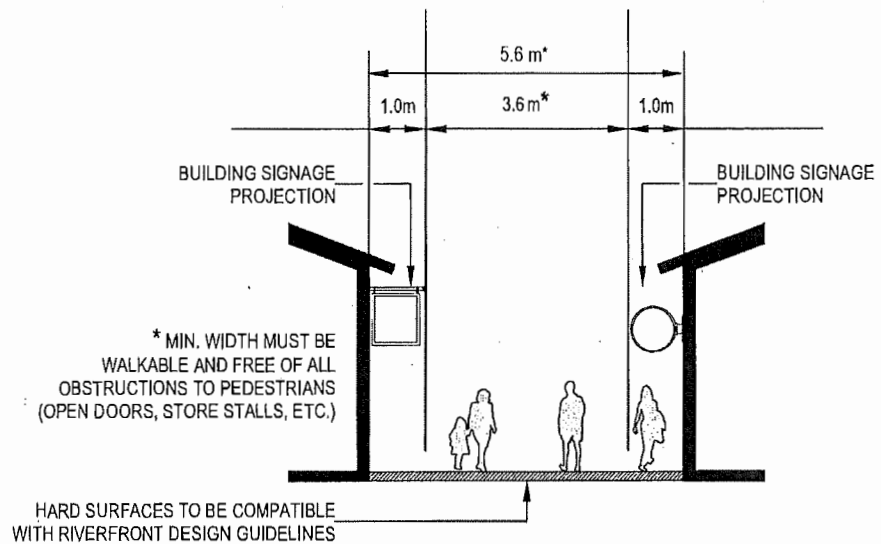
Ninth bullet

“- Minimum width of 4.5 m including 1.0 m setbacks from adjacent buildings;”

Eleventh bullet

“- The width of the public walkway (minimum 4.5 m) must be free and clear of obstructions, including but not limited to: building projections (except for signage), doors, patios, store stalls;”

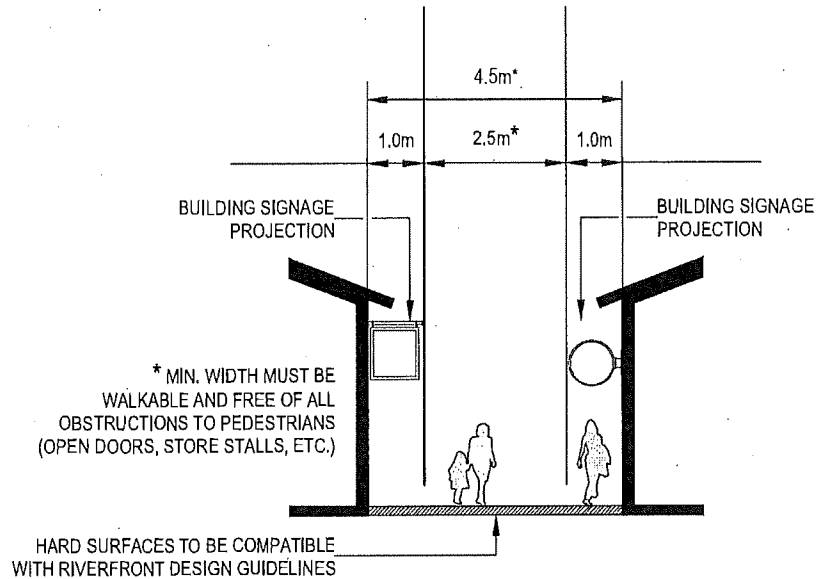
- c. deleting the Pedestrian Connections at Road Ends diagram under clause a) in the Policies subsection of Objective 6 in Section 6.0 (Natural & Human Environment) of the Steveston Area Plan (Schedule 2.4) and replacing it with the following:



X-SECTION NORTH - SOUTH WALKWAYS

SOUTH FOOT OF:
NO.1 ROAD
1ST AVENUE
3RD AVENUE

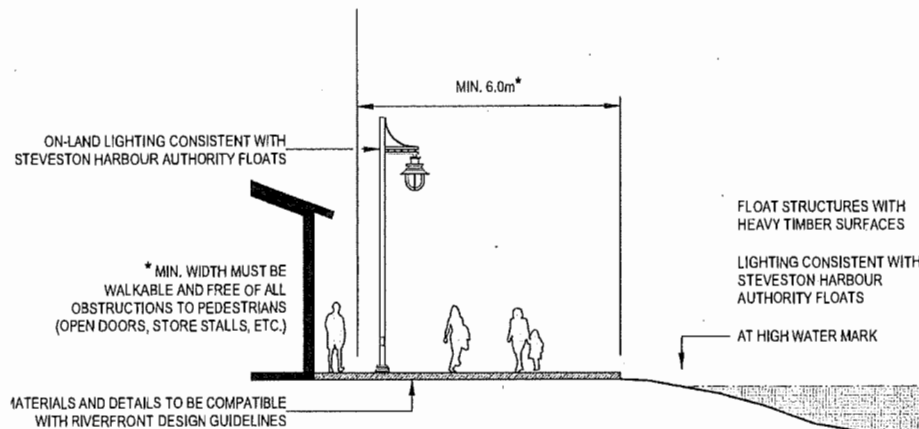
- d. deleting the Pedestrian Connections at Lane Ends diagram under clause a) in the Policies subsection of Objective 6 in Section 6.0 (Natural & Human Environment) of the Steveston Area Plan (Schedule 2.4) and replacing it with the following:



X-SECTION NORTH - SOUTH WALKWAYS

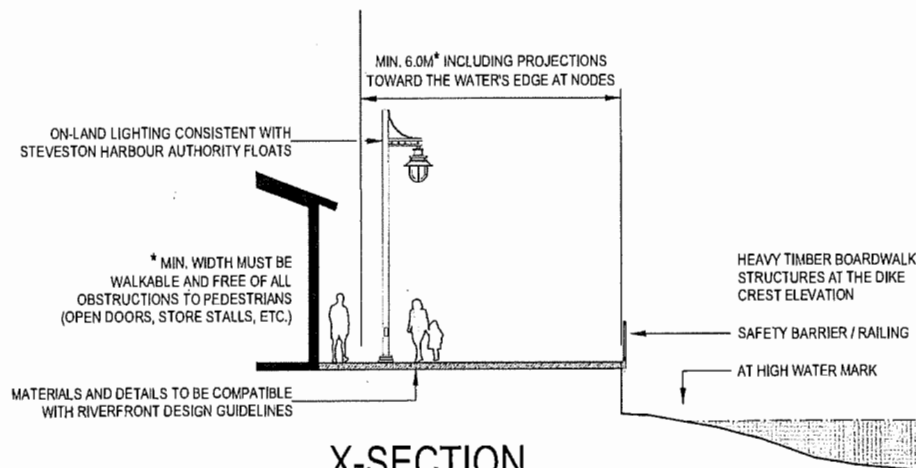
SOUTH FOOT OF LANE ENDS BETWEEN:
NO.1 ROAD & 1ST AVENUE
1ST AVENUE & 2ND AVENUE
2ND AVENUE & 3RD AVENUE

- e. deleting the Waterfront Walkway at High Water Mark diagram under clause b) in the Policies subsection of Objective 6 in Section 6.0 (Natural & Human Environment) of the Steveston Area Plan (Schedule 2.4) and replacing it with the following:



**X-SECTION
WATERFRONT WALKWAY
AT HIGH WATER MARK**

- f. deleting the Waterfront Walkway Above High Water Mark diagram under clause b) in the Policies subsection of Objective 6 in Section 6.0 (Natural & Human Environment) of the Steveston Area Plan (Schedule 2.4) and replacing it with the following:



**X-SECTION
WATERFRONT WALKWAY
ABOVE HIGH WATER MARK**

- g. deleting clauses d) and e) in the Policies subsection under Objective 6 in Section 6.0 (Natural & Human Environment) of the Steveston Area Plan (Schedule 2.4)
- h. adding the following clauses a), b), c), d), e), f), g), h), i) and j) under a new Implementation Policies subsection under Objective 6 in Section 6.0 (Natural & Human Environment) of the Steveston Area Plan (Schedule 2.4) after clause c):

“Implementation Policies

- a) Preference for waterfront walkways to be located on the upland lots and secured through the necessary legal agreements (i.e., public right-of-way) to ensure public access to and along the waterfront.
- b) For development occurring on land under federal jurisdiction, work collaboratively to secure appropriate agreements or arrangements that provide for public access to and along the waterfront (including provisions for design and construction of walkway infrastructure) that is acceptable to the City, Federal Government and Steveston Harbour Authority to advance mutual interests of public access to the waterfront and a viable commercial fishing harbour.
- c) For development occurring on privately owned land, property owners and/or developers, through the applicable development application processes, shall be required to provide their portion of access to and along the waterfront through:
 - Ensuring public access to the riverfront walkway and pathway connections in perpetuity through the necessary legal agreements (i.e., public right of ways);
 - Design and construction of the waterfront walkway and pathway connections by the developer in accordance with the design guidelines contained in the Steveston Area Plan.
- d) Establishment of new waterfront walkways (including connections from Bayview Street) must connect to existing waterfront walkway and access infrastructure or provide the ability for future connections to be made in accordance with the policies contained in the Steveston Area Plan.
- e) Development that involves use of both the upland lot and water lot would only be supported if the following conditions are met in relation to securing access to and along the waterfront:
 - Provides public access to and along the waterfront with no buildings or intervening structures that would block or limit public access.

- Provides connections (existing and/or future walkways) to the east and west to ensure the establishment of a continuous waterfront walkway.
 - Secures the appropriate legal agreement acceptable to the City to provide for public access to and along the waterfront for any development involving both the upland lot and adjoining water lot that may include:
 - A public right-of-way on the upland lot; and
 - For the water lot, an appropriate legal agreement acceptable to the City that secures public access to and along the waterfront.
- f) The location of pedestrian connections from Bayview Street to the waterfront walkway can be adjusted from identified road and lane end locations to respond to site specific conditions and to maximize public access to the waterfront.
- g) The following policy directives apply to the site at 3880 Bayview Street and adjacent areas to maximize public access to and along the waterfront and ensure connections to the east and west.
- Require a pedestrian connection from Bayview Street to the waterfront walkway on the west side of 3880 Bayview Street at a minimum width of 4.5 m that would be entirely located on this site.
 - Require a pedestrian connection from Bayview Street to the waterfront walkway on the east side of 3880 Bayview Street that is coordinated with any existing pedestrian connection from Bayview Street to the waterfront walkway located on the west edge of 3900 Bayview Street to achieve a 5.6 m minimum combined pathway width (ultimate) that is shared between these two sites (3880 and 3900 Bayview Street).
 - Require a waterfront walkway along the south side of 3880 Bayview Street that provides for a functional connection to existing waterfront access infrastructure located on 3900 Bayview Street to the east and provides for a future connection to the west.
 - All pedestrian connections from Bayview Street to the waterfront and waterfront walkway is required to be fully accessible to the public and secured through the appropriate public right-of-way acceptable to the City.

- h) Waterfront walkways or pedestrian connections that dead-end are not supported.
 - i) Development of public access to and along the waterfront shall ensure that commercial fishery operations or infrastructure, administered and managed by the Federal Government and Steveston Harbour Authority, are not negatively impacted.
 - j) For areas between 3rd Avenue and No. 1 Road that presently do not provide for public access to or along the waterfront, Bayview Street will provide for pedestrian connections between existing waterfront walkways as an interim measure.”
2. This Bylaw may be cited as **“Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10344”**.

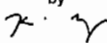

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

_____	CITY OF RICHMOND
_____	APPROVED by 
_____	APPROVED by Manager or Solicitor 

MAYOR

CORPORATE OFFICER