



To: Planning Committee
From: Holger Burke
Acting Manager, Development Applications
Date: January 5, 2004
File: RZ 03-251707
SC 03-251708
Re: **APPLICATION BY NKS ENTERPRISES FOR A REZONING AND STRATA TITLE CONVERSION AT 10611/10631 BIRD ROAD FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA E (R1/E) TO TWO-FAMILY HOUSING DISTRICT (R5)**

Staff Recommendation

1. That Bylaw No. 7645, for the rezoning of 10611/10631 Bird Road from “Single-Family Housing District, Subdivision Area E (R1/E)” to “Two-Family Housing District (R5)”, be introduced and given first reading; and
2. That the application by NKS Enterprises for a strata title conversion for 10611/10631 Bird Road be approved upon fulfillment of the following conditions:
 - a. Adoption of Bylaw No. 7645, rezoning the subject property from Single-Family Housing District, Subdivision Area E (R1/E) to Two-Family Housing District (R5) and the registration of a restrictive covenant limiting the number of dwelling units to two (2);
 - b. Payment of all City property taxes up to and including the year 2004; and
 - c. Submission of appropriate plans and documents for execution by the Mayor and City Clerk within 180 days of the date of adoption of Bylaw No. 7645.

Holger Burke
Acting Manager, Development Applications

KE:blg
Att.

FOR ORIGINATING DIVISION USE ONLY

CONCURRENCE OF GENERAL MANAGER

Staff Report**Origin**

NKS Enterprises has applied to the City of Richmond for permission to rezone 10611/10631 Bird Road (**Attachment 1**) from Single-Family Housing District, Subdivision Area E (R1/E) (minimum width 18 m or 59.055 ft.) to Two-Family Housing District (R5) in order to strata title the existing duplex.

Findings of Fact

Item	Existing	Proposed
Owner	Nissim & Keren Samuel	To be determined
Applicant	NKS Enterprises (Nissim Samuel)	No change
Site Size	1,402 m ² (15,123 ft ²)	1,402 m ² (15,123 ft ²)
Land Uses	One duplex lot	One strata-titled duplex
OCP Designation	Neighbourhood residential	No change
East Cambie Area Plan Designation	Single-family residential only	No change
702 Policy Designation	R1/B	No change
Zoning	R1/E	R5

Surrounding Development

The subject site contains an existing older style duplex. Duplexes are located to the east and west along the north side of Bird Road. A majority of these duplexes are 20 to 30 years old. Single-family houses on small lots are located on the south side of Bird Road.

Related Policies & Studies**East Cambie Area Plan**

The Area Plan designates the subject site for single-family residential development only. No increase in the number of dwelling units will occur as there is already an existing duplex on site. The Area Plan also requires covenants to ensure that future construction adheres to Canada Mortgage and Housing Corporation's (CMHC) guidelines for noise mitigation.

Lot Size Policy 5424

The existing 702 policy, which permits subdivision to Single-Family Housing District, Subdivision Area B (R1/B) is not applicable as the application is to rezone the existing duplex to a conforming zoning district.

Staff Comments

A Restrictive Covenant limiting the property to a maximum of two (2) dwelling units needs to be registered. A similar rezoning and strata title conversion for an existing duplex to the east (10811/10831 Bird Road) was supported by staff and brought forward to the December 2, 2003 Planning Committee Meeting.

Analysis

The City has no strata title conversion policy for duplexes containing two (2) dwelling units. However, staff consider the following questions when processing a relatively small strata title conversion and rezoning application:

Is the duplex appropriately zoned and does it comply with the provisions of that zone?

A rezoning application to Two-Family Housing District (R5) is being submitted in conjunction with the strata title conversion. Original Building Permit drawings for the duplex as well as a site visit indicate that the duplex complies with regulations of this zone.

Are staff satisfied that the duplex contains no more than two (2) dwelling units?

In a submitted letter, the applicant has stated that there are only two (2) dwelling units in the duplex with no additional suites (**Attachment 2**). Furthermore, a covenant limiting the number of dwelling units to two (2) will be a requirement of this rezoning.

What is the age and condition of the existing duplex and are any repairs or renovations being undertaken to contribute to the upkeep of the structure?

The duplex is in reasonably good condition for a 30 year old structure. Currently, the applicant does not have any immediate plans to upgrade or renovate the structure.

Are any off-site improvements required to bring the site up to City standards?

No off-site improvements are required.

How are existing tenants in the duplex going to be affected by the subject application?

The applicant has informed tenants in both dwelling units of the application to rezone and strata title the duplex. The general intent is to sell the strata titled duplex, which may result in the occupants of the duplex finding alternate accommodations (see applicant's letter in Attachment 2).

Are there any special conditions relevant to the subject applications?

None, as this is a fairly straight forward application.

Financial Impact

None.

Conclusion

The standard conditions and requirements are applicable to both applications. Staff support the rezoning and strata title conversion as it complies with applicable guidelines and is consistent with existing strata titled duplexes throughout the neighbourhood.



Kevin Eng
Planning Technician – Design
(604) 276-4000 (Local 3205)

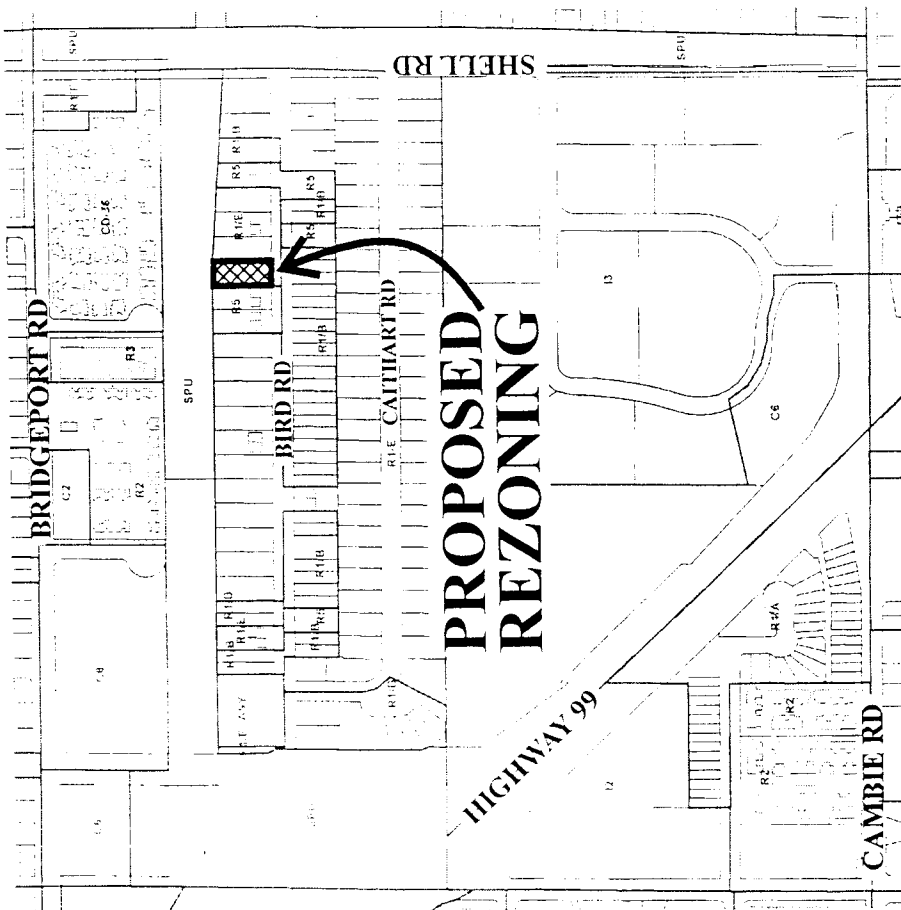
KE:blg

The following are requirements to be dealt with prior to final adoption:

- Registration of a Restrictive Covenant limiting the subject property to a maximum of two (2) dwelling units;
- Ministry of Transportation approval; and
- Registration of an aircraft noise covenant.



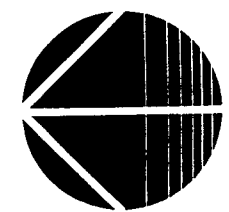
City of Richmond



PROPOSED REZONING

24.38	24.44	24.44	24.44
57.44	57.54	56.00	5
10571	10591	10651	107
24.38	24.38	24.38	24.38
10611	10611	10680	10680
42.98	42.98	42.98	42.98

BIRD RD



RZ 03-251707

ATTACHMENT 1

Original Date: 11/28/03
 Revision Date:
 Note: Dimensions are in METRES

ATTACHMENT 2

To,
Mr. Kevin Eng.
Planning Technician – Design
Development Applications
City of Richmond, BC.
30 December 2003.

Dear Sir,

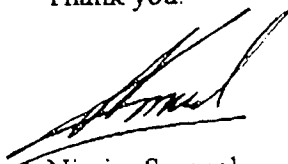
Re: 10611/10631 Bird Road Rezoning and Strata Title Conversion Application.
File: RZ 03-251707 and SC 03-251708

This letter serves as confirmation that there are currently two dwelling units in the existing duplex at 10611/10631 Bird Road. The existing duplex located on the subject property is used as a two family dwelling and does not contain any additional suites. The existing duplex is not being used as a four-plex nor is there any intention or plan to do so in the future. I understand that a restrictive covenant limiting the use of the subject property to a two-family dwelling is to be registered on the legal title prior to final adoption of the rezoning. Currently, no upgrades or renovations are planned for the duplex.

The current tenants have been personally informed of the rezoning and strata title conversion application. Both of them were prepared to move out of the duplex when I purchased it a few months ago. One of them has expressed interest in purchasing one half of it after it is rezoned, whilst the other is ever ready to move (perhaps in their son's basement) should the situation so demand.

Should you need any further information, please do not hesitate to contact me.

Thank you.



Nissim Samuel
NKS Enterprises,
4831 Westminster Hwy,
Richmond BC, V7C 1B7
Tel/Fax: 604-270-4115
Email: nksent@hotmail.com



**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 7645 (RZ 03-251707)
10611/10631 BIRD ROAD**

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

1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning and Development Bylaw 5300, is amended by repealing the existing zoning designation of the following area and by designating it **TWO-FAMILY HOUSING DISTRICT (R5)**.

P.I.D. 009-884-611

Lot 49 Block B Section 26 Block 5 North Range 6 West New Westminster District Plan 14105

2. This Bylaw may be cited as **“Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7645”**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

MINISTRY OF TRANSPORTATION APPROVAL

OTHER REQUIREMENTS SATISFIED

ADOPTED

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

MAYOR

CITY CLERK