



To: Planning Committee
From: Raul Allueva
Director of Development
Date: March 1, 2005
File: RZ 04-275494
Re: Application by Dedar Singh Jagpal for Rezoning at 9431/9451 Arvida Drive from Single-Family Housing District, Subdivision Area E (R1/E) to Two-Family Housing District (R5)

Staff Recommendation

That Bylaw No. 7915, for the rezoning of 9431/9451 Arvida Drive from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Two-Family Housing District (R5)", be introduced and given first reading.

Raul Allueva
Director of Development

WC:blg
Att.

FOR ORIGINATING DIVISION USE ONLY
CONCURRENCE OF GENERAL MANAGER

Staff Report

Origin

Dedar Singh Jagpal has applied to the City of Richmond for permission to rezone 9431/9451 Arvida Drive (**Attachment 1**) from “Single-Family Housing District, Subdivision Area E (R1/E)” to “Two-Family Housing District (R5)” in order to formalize the site zoning for a lot with an existing two-family dwelling.

Findings of Fact

Item	Existing	Proposed
Owner	Dedar Singh & Madan Mohan Kaur Jagpal	No change
Applicant	Dedar Singh Jagpal	No change
Site Size	892 m ² (9,602 ft ²)	No change
Land Uses	One (1) duplex	No change
OCP Designation	Neighbourhood Residential	No change
Zoning	R1/E	R5
Parking Required	2 per dwelling unit	No change
Parking Actual	2 stalls per driveway	No change

Surrounding Development

The subject site is located in the Shellmont planning area and contains an existing older style duplex. The existing development surrounding the subject site is described as follows:

- To the north, a single-family dwelling, zoned Single-Family Housing District, Subdivision Area E (R1/E);
- To the east, across Arvida Drive, a single-family dwelling, zoned Single-Family Housing District, Subdivision Area E (R1/E) and a strata-titled duplex, zoned Two-Family Housing District (R5);
- To the west, an existing duplex lot, zoned Two-Family Housing District (R5); and
- To the south, a single-family dwelling, zoned Single-Family Housing District, Subdivision Area E (R1/E).

Related Policies & Studies

Official Community Plan

The proposed development is consistent with the “Neighbourhood Residential” Official Community Plan (OCP) designation, which permits two-family dwellings.

Two-Family Rezoning Application Policy

A proposed Policy for “Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-conforming Two-Family Dwellings” is being brought forward for Council consideration as part of Development Applications RZ 04-276056 and SC 04-276057. A copy of the proposed Policy is attached for reference (**Attachment 2**). The Policy is intended to allow the legislation of existing duplexes on a case by case basis, provided due consideration is given to site specific issues, including neighbourhood input.

Staff Comments

The applicant is proposing the rezoning to enable the existing two-family dwelling to be zoned appropriately for insurance purposes. A Restrictive Covenant restricting the property to a maximum of two (2) dwelling units must be registered prior to final adoption of the rezoning bylaw.

Analysis

The proposed rezoning has been reviewed in accordance with current practices and complies with the recommended Council Policy for Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-conforming Two-Family Dwellings (**Attachment 2**) being brought forward with Development Applications RZ 04-276056 and SC 04-276057.

The issues related to this application are summarized below:

- A survey certificate, prepared by a registered BC Land Surveyor, was provided to verify conformance with the Two-Family Housing District (R5) (**Attachment 3**);
- Community Bylaws Department staff inspected the existing building on December 7, 2004, to confirm that the building contained a maximum of two (2) dwelling units. A Restrictive Covenant, limiting the property to a maximum of two (2) dwelling units is required as a condition of rezoning;
- The applicant provided a written statement indicating that no structural renovations are proposed and the rezoning application is being sought in order to ensure the property is zoned appropriately for insurance purposes. The applicant has also indicated that the duplex is presently owner occupied and tenanted on the other side and that the rezoning application will not impact the existing tenant;
- No concerns from the neighbourhood have been identified as a result of the posting of the development sign for this rezoning application;
- No off-site improvements are required to bring the site up to City standards;
- The subject site is not located in a Council approved Single-Family Lot Size Policy area;
- The applicant is not seeking to Strata-Title the existing structure;
- The rezoning is consistent with the Neighbourhood Residential OCP designation;
- The rezoning would legitimize an existing land use that is compatible with the immediate surrounding area, which currently contains a number of existing two-family dwellings; and
- The existing duplex is in good state of repair, and is generally in keeping with the surrounding area.

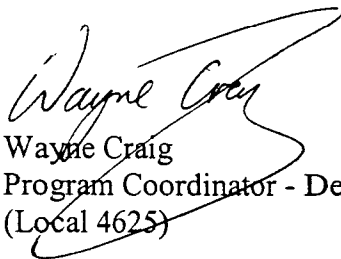
Financial Impact

None.

Conclusion

Rezoning of the subject site is required to legalize an existing duplex for insurance purposes, and complies with the proposed Policy for "Rezoning Applications for Two-Family Housing Districts, Involving Existing and Non-conforming Two-Family Dwellings". Prior to final adoption of the rezoning bylaw, the applicant is required to register a Restrictive Covenant restricting the subject site to a maximum of two (2) dwelling units.

On this basis staff support the proposed rezoning.



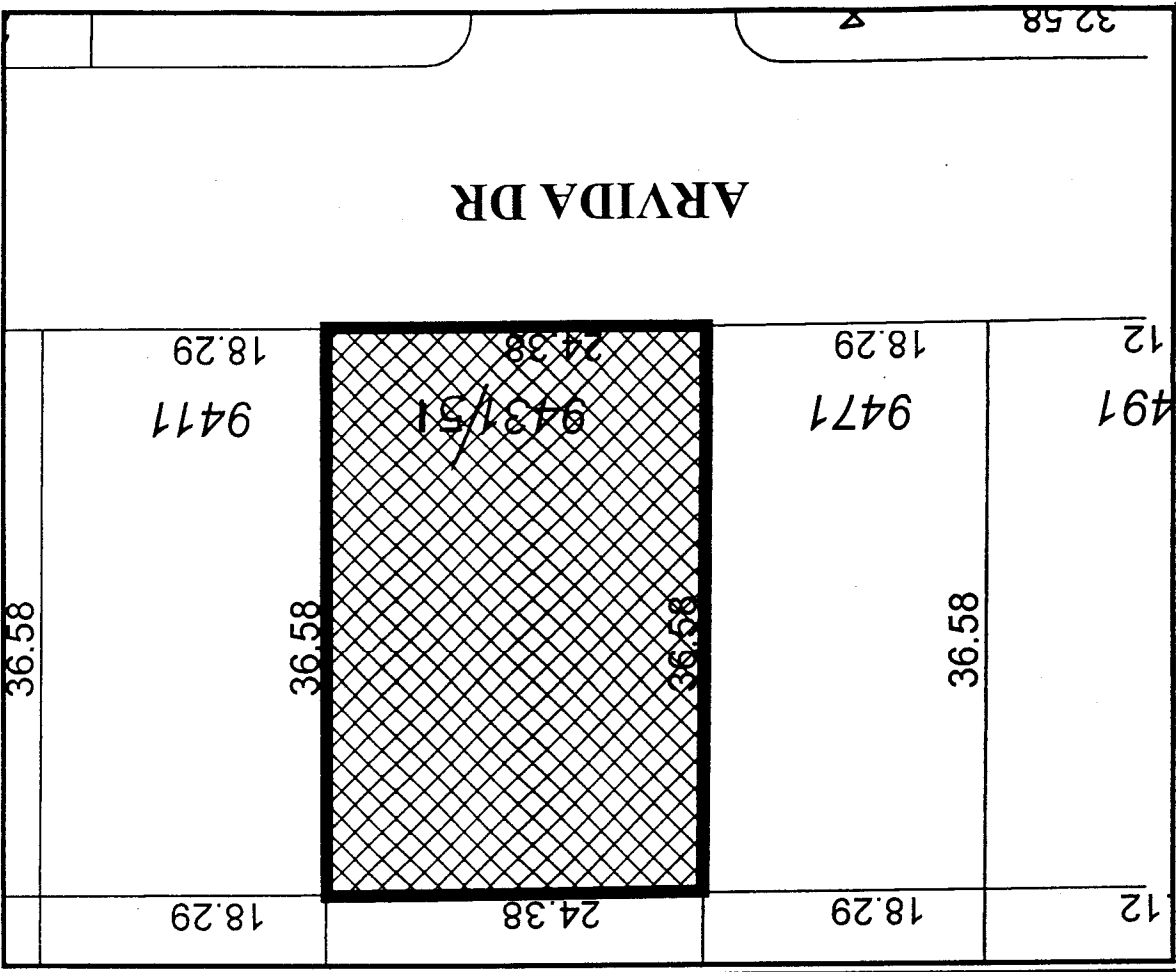
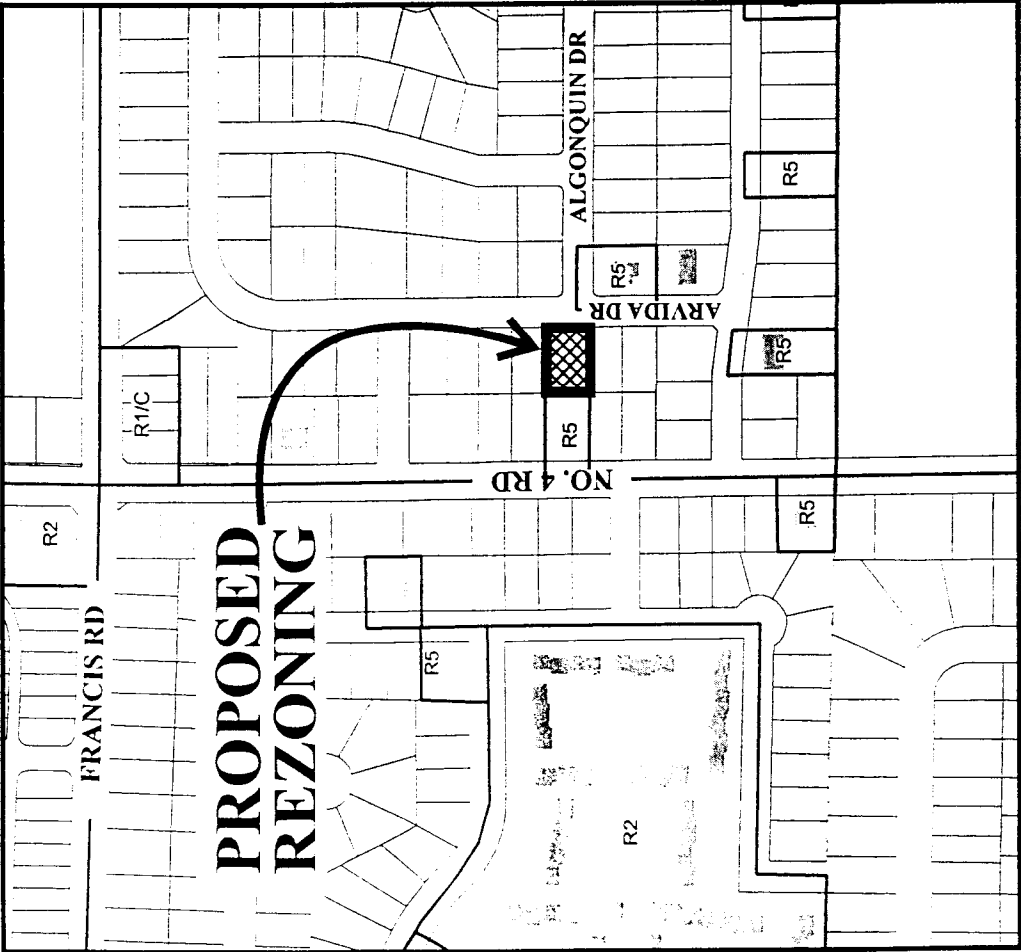
Wayne Craig
Program Coordinator - Development
(Local 4625)

WC:blg

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

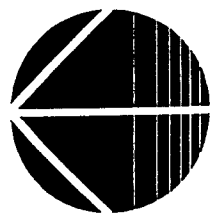
1. Registration of a Restrictive Covenant to restrict to the subject property to a maximum of two (2) dwelling units.

City of Richmond



Original Date: 08/16/04
 Revision Date: 03/01/05
 Note: Dimensions are in METRES

RZ 04-275494





Page 1 of 1	Adopted by Council: xx / xx / 2005	Policy 2005
File Ref:	Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-conforming Two-family Dwellings	

Policy 2005:

It is Council policy that:

Rezoning applications seeking a rezoning to "Two-Family Housing District (R5)", involving existing non-conforming two-family dwellings, must be supported with adequate information to assist Council assess all potential impacts arising from the rezoning application in the following areas:

1. A certificate prepared by a registered B.C. Land Surveyor showing the location, dimensions, and setbacks of all buildings and structures presently on the property, together with a floor area ratio calculation is required to verify Zoning Bylaw compliance.
2. An inspection of the existing structure by City Staff is required to confirm the building contains a maximum of two dwelling units. A Restrictive Covenant limiting the property to a maximum of two dwelling units is required as a condition of final adoption of a rezoning bylaw.
3. The property owner shall provide a written statement on the following items:
 - a. The building's age, quality, general conditions and any measures proposed to upgrade or alter the buildings appearance; and
 - b. The occupancy of the existing structure and what impact the proposed rezoning may have on the existing residents of the two-family dwelling.
4. Where as a result of the normal rezoning process, the public has raised concerns over the design of an existing structure or construction of a new two-family dwelling on the subject site, staff will present to Council a summary of the public concerns along with options available to address the concerns.
5. Each application shall be reviewed to determine if there are any off-site improvements required to bring the site up to City standards. Should any off-site improvements be required, such improvements are required as a condition of final adoption of a rezoning bylaw.
6. Where a Council approved 702 Single Family Lot Size Policy would permit the subject site to be subdivided, Council will be advised of the site's future subdivision potential.
7. Rezoning applications intended to facilitate a strata title conversion of the existing structure shall be accompanied by a Strata Title Conversion Application and such application forwarded to Council concurrently with the rezoning proposal.

**B.C. LAND SURVEYORS CERTIFICATE OF LOCATION
SHOWING BUILDING ON LOT 183 SEC.26
B 4 N R 6 W N.W.D. PLAN 37933**

V-05-14583

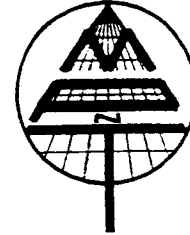
CLIENT REF: D. JAGPAL

PID.: 008-498-989

DIMENSIONS ARE IN METRES
UNLESS INDICATED OTHERWISE.

CURRENT ADDRESS:
9431/9451 ARVIDA DRIVE
RICHMOND, B.C.

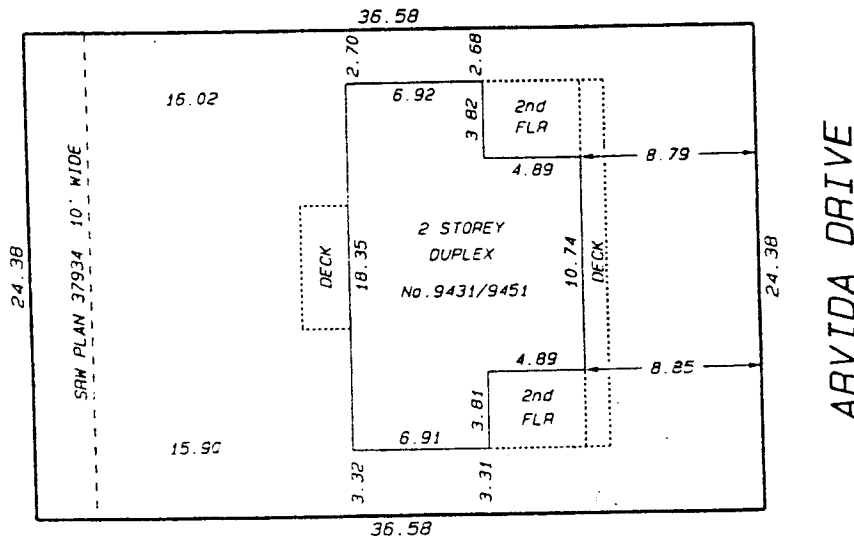
DIMENSIONS ARE MEASURED
AT GRADE, TO VERTICAL FACE
OF EXTERIOR BUILDING WALLS



SCALE 1:300

THIS LOT IS SUBJECT BUT NOT
LIMITED TO THE FOLLOWING
NON-PLAN SPECIFIED CHARGES :

- SAW - E38186
- SAW - F55545



THIS CERTIFICATE IS VALID ONLY UNDER THE ORIGINAL TERMS AND CONDITIONS OF OUR CONTRACT WITH THE PARTY FOR WHICH IT WAS PREPARED, AND AS SUCH ONLY ON THE DATE CERTIFIED HEREON. SUBSEQUENT ADDITIONS AND MODIFICATIONS TO TITLE, PROPERTY LINES, OR IMPROVEMENTS AND THE PASSAGE OF TIME WILL CAUSE IT TO BE INVALID AND OUT OF DATE.

THIS PLAN IS INTENDED ONLY TO SHOW THE POSITION OF CERTAIN IMPROVEMENTS WITHIN THE SUBJECT PARCEL. NO OTHER INFORMATION IS IMPLIED. IN PARTICULAR THIS IS NOT TO BE USED FOR THE LOCATION OF PROPERTY LINES OR FOR BUILDING MODIFICATIONS. WE ACCEPT NO RESPONSIBILITY FOR ANY UNAUTHORIZED USE.

MATSON PECK & TOPLISS
SURVEYORS & ENGINEERS

210 - 8171 Cook Road
Richmond, B.C.
V6Y 3T8
Ph: 604-270-9331
Fax: 604-270-4137

DATE OF SURVEY:
1st DAY OF FEBRUARY, 2005

Steve Campbell

B.C. LAND SURVEYOR

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

R-05-14583

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**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 7915 (RZ 04-275494)
9431/9451 ARVIDA DRIVE**

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. 008-498-989

Lot 183 Section 26 Block 4 North Range 6 West New Westminster District Plan 37933

2. This Bylaw may be cited as **“Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7915”**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

LEGAL REQUIREMENTS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED by
HB
APPROVED by Director or Solicitor
BA

MAYOR

CITY CLERK