



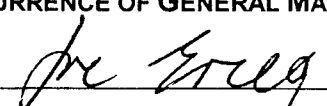
To: Planning Committee *To Planning - Mar 22, 2005*
From: Raul Allueva **Date:** February 17, 2005
 Director of Development RZ 04-276056
Re: **Application by Scott Findlay for a Strata Title Conversion and Rezoning at** **File:** SC 04-276057 + 8060-20-7909
10720/10740 Rosebrook Road from Single-Family Housing District, + 4045-00
Subdivision Area E (R1/E) to Two-Family Housing District (R5)

Staff Recommendation

1. That Council adopt the Policy for Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-conforming Two-Family Dwellings as per the attached Report from the Director of Development dated February 17, 2005.
2. That Bylaw No. 7909, for the rezoning of 10720/10740 Rosebrook Road from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Two-Family Housing District (R5)", be introduced and given first reading.
3. That the application by Scott Findlay for a Strata Title Conversion for 10720/10740 Rosebrook Road be approved upon fulfillment of the following conditions:
 - a) Adoption of Bylaw No. 7909, 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 property to a maximum of two (2) dwelling units;
 - b) Payment of all City property taxes up to and including the year 2005; 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. 7909.


 Raul Allueva
 Director of Development

WC:blg
 Att.

FOR ORIGINATING DIVISION USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Staff Report**Origin**

Scott Findley has applied to the City of Richmond for permission to rezone 10740/10720 Rosebrook Road (**Attachment 1**) from “Single-Family Housing District, Subdivision Area E (R1/E)” to “Two-Family Housing District (R5)” in order to Strata Title an existing two-family dwelling. A Strata Title Conversion application, for the existing two-family dwelling, was submitted concurrently with the rezoning application.

This report addresses the need for:

- A new Policy regarding the rezoning of existing non-conforming two-family dwellings;
- A rezoning application for 10740/10720 Rosebrook Road; and
- A Strata Title Conversion application for an existing two-family dwelling at 10740/10720 Rosebrook Road.

Findings of Fact

Item	Existing	Proposed
Owner	Scott Findlay	No change pending future sale
Applicant	Scott Findlay	No change
Site Size	1,007 m ² (10,839 ft ²)	No change
Land Uses	One (1) two-family dwelling	One (1) strata-titled two-family dwelling
OCP Designation	Neighbourhood Residential	No change
Zoning	R1/E	R5
Parking Required	2 per dwelling unit	2 per dwelling unit
Parking Actual	2 per dwelling unit	2 per dwelling unit

Surrounding Development

The subject site is located in the Broadmoor Planning Area. The immediate area surrounding the subject site is predominantly characterized by existing single-family and two-family dwellings. The majority of the existing two-family dwellings in the immediate vicinity are zoned “Two-Family Housing District (R5)”. The existing development surrounding the site is described as follows:

- To the north, an existing single family dwelling zoned “Single-Family Housing District, Subdivision Area E (R1/E)”;
- To the east, a dedicated but unconstructed Garden City Road right-of-way containing an existing drainage swale;
- To the south, an existing two-family dwelling zoned “Single-Family Housing District, Subdivision Area E (R1/E)”;
- To the west, across Rosebrook Road, existing single-family dwellings zoned “Single-Family Housing District, Subdivision Area E (R1/E)”.

Related Policies & Studies

Official Community Plan

The subject site is designated Neighbourhood Residential in the Official Community Plan (OCP), which permits the development of two-family dwellings.

Council Policy

Existing Policies:

Council Policy 5007, “Rezoning of Strata-Titled Two-Family Dwellings for Two-Family Housing District (R5)” provides information for processing rezoning applications for existing strata-titled two-family dwellings. Policy 5007 states, “Where the owner of one unit of a strata-titled two-family dwelling has consented to rezoning to Two-Family Housing District (R5), the entire property shall be considered for rezoning.”

Council Policy 5012, “Strata Title Conversion Applications – Residential” provides information on Strata Title Conversions involving three (3) or more dwellings.

The Challenge:

Council does not have an adopted policy for rezoning applications involving existing (non-conforming) non-strata titled two-family dwellings seeking a rezoning to the Two-Family Housing District (R5).

Proposed Policy:

A new policy is proposed to address this issue

Staff Comments

A Restrictive Covenant limiting the property to a maximum of two (2) dwelling units is required as a condition of final adoption of the rezoning bylaw.

Analysis

Background

Zoning:

The City’s previous Zoning Bylaw (Zoning Bylaw No. 1430) originally permitted the development of two-family dwellings in some residential zones provided that a lot met specified minimum lot width requirements. Due to public concerns over the potential proliferation of two-family dwellings in predominantly single-family residential neighbourhoods, Zoning Bylaw No. 1430 was amended in December, 1987 to prohibit future development of two-family dwellings.

Zoning and Development Bylaw No. 5300, adopted April 3, 1989, originally made all two-family dwellings in the City non-conforming. A subsequent bylaw amendment (Zoning Amendment Bylaw No. 5386, adopted October 10, 1989) introduced the “Two-Family Housing District (R5)” in order to accommodate the existing two-family dwellings in the City. The purpose of creating the Two-Family Housing District (R5), at that time, was to:

- Give legitimacy to all existing genuine two-family dwellings;
- Establish areas where new two-family dwellings could be developed; and

- Regulate the development and redevelopment of two-family dwellings.

To address the non-conforming two-family dwellings, existing two-family dwelling property owners were contacted and given the opportunity to rezone to the Two-Family Housing District (R5) with no rezoning application fee during an established grace period. Applicants wishing to rezone were required to verify bylaw compliance through a site inspection and register a Restrictive Covenant restricting the property to a maximum of two (2) dwelling units. At the end of the grace period, similar Two-Family Housing District (R5) rezoning applications were considered on a case-by-case basis.

Current City Practices

Without a Council Policy on these types of rezoning applications in the past staff evaluated each application on its own merits on a case-by-case basis. To formulate a recommendation on each proposed rezoning, staff reviewed the following issues:

- Site context;
- Compliance with all applicable City Bylaws and plans;
- Confirmation that the existing building contained a maximum of two dwelling units;
- The provision of any off-site improvements to bring the site up to City standards;
- The condition of the building and if any improvements or renovations are proposed;
- The implications on the existing residents/tenants of the two-family dwelling;
- Community input received as part of the public notification process; and
- Whether any special conditions are relevant to the subject site.

Policy Issues

The City has historically recognized two-family dwellings as an acceptable housing choice. Two-family dwellings add variety to the range of housing types available and offer an affordable ground-oriented option to single-family housing in accordance with the Official Community Plan (OCP) goals on housing.

There are currently approximately 900 two-family dwellings in the City (520 R5 District zoned and 380 non-conforming). These existing two-family dwelling structures are generally of older stock and may soon become subject to redevelopment pressures. Typically, the non-conforming structures are seeking a rezoning to facilitate a Strata Title Conversion or to legitimize the existing use for insurance purposes. While existing structures may be in keeping with surrounding area, two-family dwelling redevelopment may raise concerns due to the increased building size permitted in the Two-Family Housing District (R5) and the lack of design control on two-family dwelling construction.

Building Mass

Issue:

The requested Two-Family Housing District (R5) potentially permits a larger building to be constructed than permitted in the Single Family Housing District (R1). The larger building results from a greater Floor Area Ratio (F.A.R.) in the R5 District and the potential for each dwelling unit to provide a maximum 50 m² (538 ft²) garage, which is exempt from the F.A.R. calculation. For comparison, using the minimum lot area required to construct a two-dwelling in the R5 District (864 m² (9,300 ft²)):

- The Two-Family Housing District (R5) would potentially permit an approximately 575 m² (6,192 ft²) two-family dwelling; while
- The Single-Family Housing District (R1) would potentially permit an approximately 425 m² (4,575 ft²) single-family dwelling.

Solution:

The Zoning Bylaw Review, slated for this year, will examine the R5 District to ensure the zoning provisions produce a suitable building mass for a residential building. Any recommendations regarding the provisions R5 District will be brought forward concurrently with the Zoning Bylaw Review.

Design Control

Issue:

Currently no design control restrictions are imposed on two-family dwelling construction. A survey of other local governments, in the GVRD, revealed the majority of these jurisdictions also do not impose additional design control regulations on two-family dwellings. Imposing design control regulations on all two-family dwellings may be onerous given the approximately 520 lots with R5 District zoning currently. Imposing design control regulations on all new rezoning applications is also considered problematic for the following reasons:

- Some non-conforming two-family dwellings are clustered with existing Two-Family Housing District (R5) zoned lots, therefore, imposing additional design control regulations on all new rezoning applications would not be equitable; and
- Not all of the approximately 320 non-conforming two-family dwellings will rezone to the Two-Family Housing District (R5). Non-conforming lots may pursue alternative development concepts such as single-family development, subdivision or other rezoning options;

In addition, as the majority of these existing structures are generally older housing stock, the surrounding neighbourhood may express concerns over the condition of the existing structure as part of the rezoning process.

Solution:

Rezoning applications are subject to a public notification process. Should concerns, related to the existing structure condition or potential future construction on the lot, arise from the public notification process, staff will present Council with a summary of the public concerns along with options and recommendation to address the concerns.

Implications to Existing Residents/Tenants

Issue:

The existing structure may form part of the existing rental housing market in the City. These rezoning applications are also often intended to facilitate a Strata Title Conversion of the existing structure, which may lead to the future sale of each dwelling unit. The rezoning application may, therefore, have an impact the existing residents/tenants of the two-family dwelling.

Solution:

The owner of the lot is required to provide a written statement indicating what implications the proposed rezoning may have on the existing residents/tenants. The written statement must indicate who currently resides in the dwelling units and what impact the rezoning application

will have on the existing residents/tenants. Staff will present a summary of the owner's statement to Council as part of the staff report on the proposed rezoning.

Future Subdivision Potential

Issue:

Single-Family Lot Size Policies provide Council direction on subdivision potential in established areas. Some Lot Size Policies permit existing two-family dwelling lots to be subdivided, in accordance with certain parameters.

Solution:

Where a Council approved 702 Single Family Lot Size Policy would permit the subject site to be subdivided, the report to Council on the Rezoning Application will identify the site has future subdivision potential.

Proposed Council Policy

To formalize the existing review process for these non-conforming rezoning applications, a Policy for Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-conforming Two-Family Dwellings is provided for Council consideration (**Attachment 2**). This Policy accounts for the City's history of two-family dwellings, formalizes past practices involved in the processing of these rezoning applications and proactively identifies and provides directions on potential issues associated with new rezoning requests.

If adopted, this Policy will enable Council, staff and applicants to be clear regarding the range of issues and how to address them during rezoning.

Current Rezoning Application

The proposed rezoning has been reviewed in accordance with current practices and the proposed Council Policy contained in **Attachment 2**. 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 9, 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 the existing structure is in a good state of repair, that no structural renovations outside of general maintenance are proposed and that the exterior will be painted to freshen up the appearance. Staff conducted a site visit to verify the structure is in keeping with the neighbourhood.
- The Strata Title Conversion application, if approved, will facilitate the sale of each dwelling unit. The applicant has indicated the rental tenants that currently occupy the existing structure are aware of the plan to sell each dwelling unit separately. The applicant has further indicated that the existing tenants will be offered the first right to purchase the dwelling units;
- No concerns from the neighbourhood have been identified through the public notification process 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 has submitted a Strata Title Conversion application in conjunction with the rezoning application;
- The rezoning is consistent with the Neighbourhood Residential OCP designation; and
- 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.

Financial Impact

None.

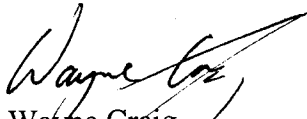
Conclusion

Council adoption of a Policy for Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-conforming Two-Family Dwellings” is recommended to guide the processing of future rezoning applications involving existing non-conforming two-family dwellings.

The proposed rezoning from “Single-Family Housing District, Subdivision Area E (R1/E)” to “Two-Family Housing District (R5)” will bring the site zoning into conformance with the existing use of the site and is consistent with the immediate surrounding neighbourhood.

As a condition of rezoning, the applicant is required to register a restrictive covenant limiting the subject site to a maximum of two (2) dwelling units.

On this basis, staff supports the proposed rezoning and Strata Title Conversion.

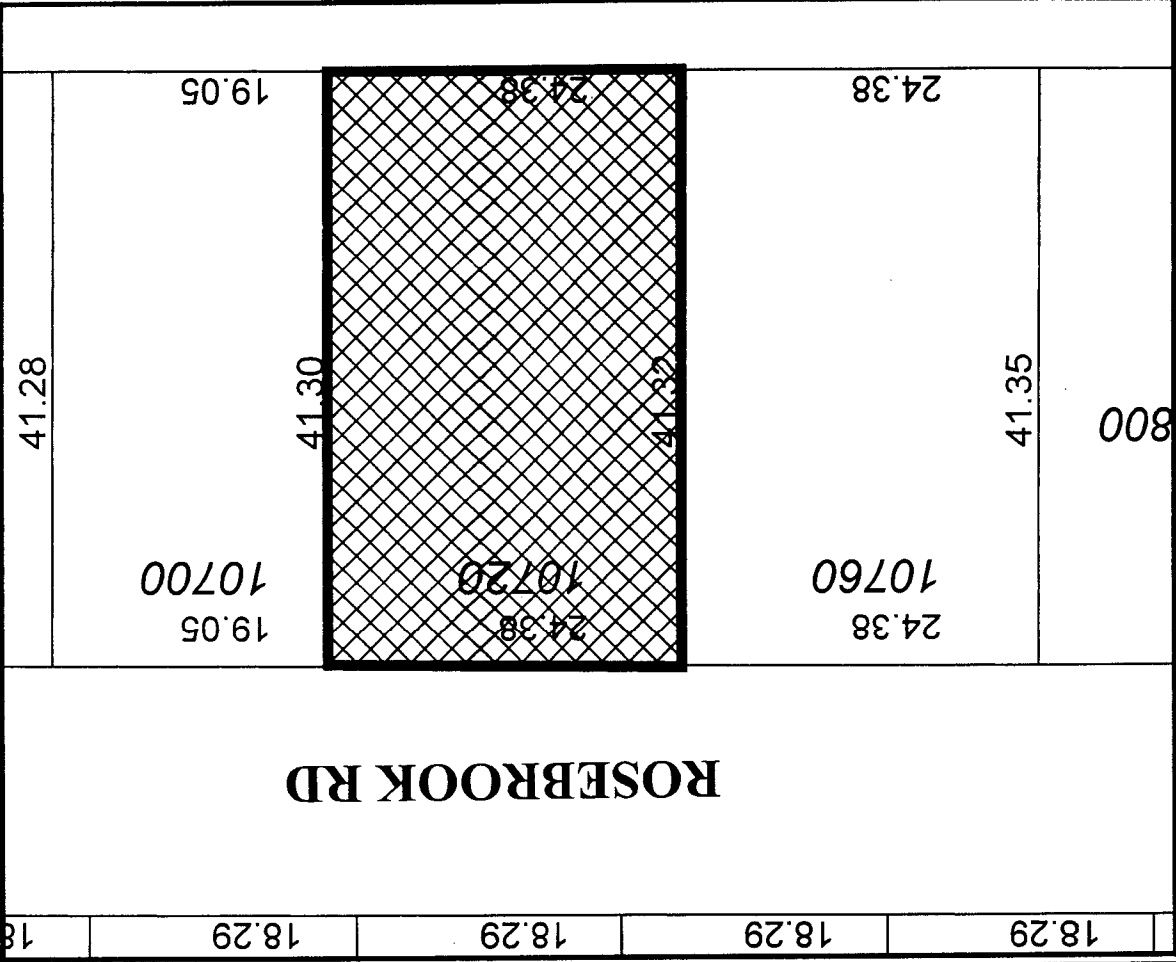


Wayne Craig
Program Coordinator
(local 4625)

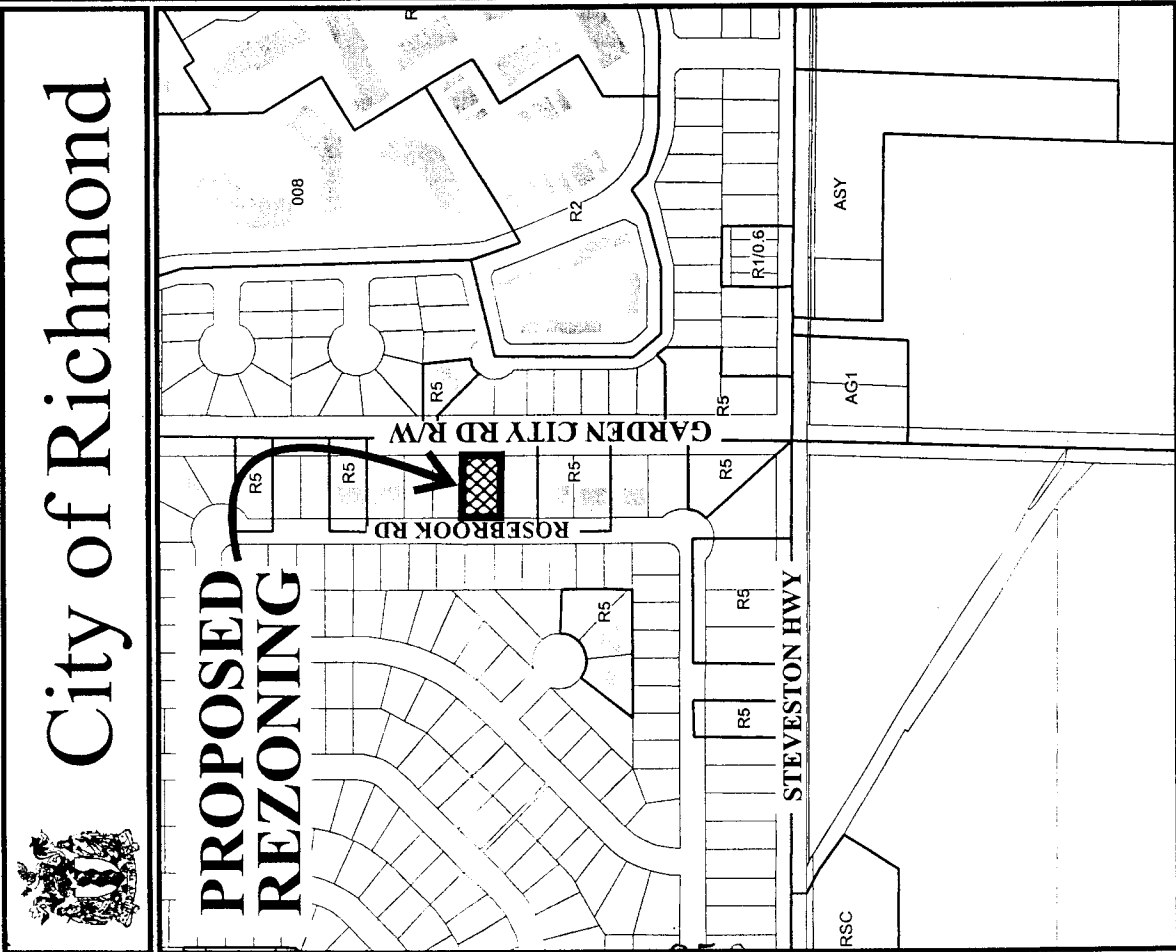
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The following requirements must be met prior to final adoption of the rezoning:

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



ROSEBROOK RD

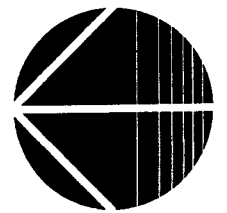


City of Richmond



PROPOSED REZONING

RZ 04-276056



Original Date: 09/13/04
 Revision Date: 02/21/05
 Note: Dimensions are in METRES



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:

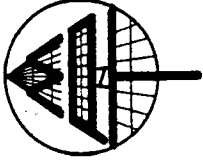
1. A certificate prepared by a registered B.C. Land Surveyor showing the location, dimensions, and setbacks of all buildings and structures presently on the property, together with a floor area ratio calculation is required to verify Zoning Bylaw compliance.
2. An inspection of the existing structure 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.

R-05-14563

THIS LOT IS SUBJECT, BUT NOT LIMITED, TO THE FOLLOWING PLAN AND NON-PLAN SPECIFIED CHARGES:
SRW C5812
SRW C37166
SRW C59045
SRW D75441

DIMENSIONS ARE MEASURED AT GRADE, TO VERTICAL FACE OF STUCCO WALLS AND SUPPORT POSTS FOR SECOND FLOOR

GARDEN CITY ROAD (NOT CONSTRUCTED)



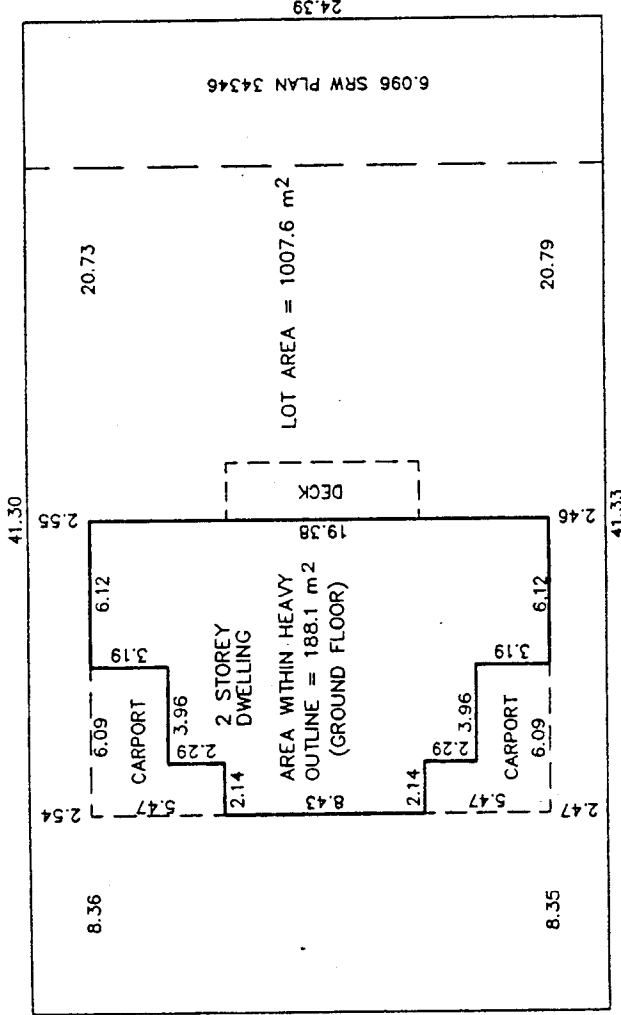
BRITISH COLUMBIA LAND SURVEYOR - CERTIFICATE OF LOCATION SHOWING OUTSIDE WALLS OF BUILDING ON LOT 456 SECTION 33 BLOCK 4 NORTH RANGE 6 WEST NEW WESTMINSTER DISTRICT PLAN 36884

PID: 003-922-821

CURRENT ADDRESS:
10720 & 10740 ROSEBROOK ROAD
RICHMOND, B.C.

SCALE 1:250
DIMENSIONS ARE IN METRES
UNLESS INDICATED OTHERWISE

ROSEBROOK ROAD



DATE OF SURVEY:
5th DAY OF JANUARY, 2005

Patrick B. ...
B.C. LAND SURVEYOR

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

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.

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MATSON PECK & TOPLISS
SURVEYORS & ENGINEERS

210 - 8171 COOK ROAD

RICHMOND, B.C.

V6Y 3T8

PH: 604-270-9331

FAX: 604-270-4137

e-mail: survey@mp.t.bc.ca

CADFILE: 14563-CERTIFICATE.FLX

R-05-14563



**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 7909 (RZ 04-276056)
10720/10740 ROSEBROOK 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. 003-922-821

Lot 456 Section 33 Block 4 North Range 6 West New Westminster District Plan 36884

2. This Bylaw may be cited as **“Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7909”**.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

LEGAL REQUIREMENTS SATISFIED

ADOPTED

CITY OF RICHMOND
APPROVED by <i>al</i>
APPROVED by Director or Solicitor <i>RA</i>

MAYOR

CITY CLERK