



**CITY OF RICHMOND**  
URBAN DEVELOPMENT DIVISION

REPORT TO COMMITTEE

TO: Planning Committee  
 FROM: Joe Erceg  
 Manager, Development Applications  
 RE: APPLICATION BY SERGE AND IRENE ROY FOR REZONING FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA E (R1/E) TO TWO-FAMILY HOUSING DISTRICT (R5) AND A STRATA TITLE CONVERSION AT 8771/8791 ROSELEA PLACE

*To Planning - Aug. 21/01*  
DATE: August 7, 2001

FILE: RZ 01-115294  
SC 01-115295  
*8060-20-7243*

**STAFF RECOMMENDATION**

1. That Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7243 (8771/8791 Roselea Place, RZ 01-115294) be given second and third readings.
2. That Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7243 (8771/8791 Roselea Place, RZ 01-115294) be adopted.

*Joe Erceg*  
 Joe Erceg  
 Manager, Development Applications

HB:sk  
Att.6

<b>FOR ORIGINATING DIVISION USE ONLY</b>
CONCURRENCE OF GENERAL MANAGER
<i>Joe Erceg</i>

**STAFF REPORT****ORIGIN**

Serge and Irene Roy have applied to rezone 8771/8791 Roselea Place from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Two-Family Housing District (R5)" in order to legalize the existing duplex on the site and to permit a strata title subdivision.

Attachment 1 illustrates the location of the subject property and Attachment 2 is a copy of the proposed strata title subdivision plans.

The Planning Committee considered these applications on June 19, 2001. Based on their recommendation, Council adopted the following resolutions on June 25, 2001:

***"That Bylaw No. 7243, for the rezoning of 8771/8791 Roselea Place from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Two-Family Housing District (R5)", be introduced and given first reading."***

***"That the application for a strata title conversion by Serge and Irene Roy for the property located at 8771/8791 Roselea Place be approved on fulfilment of the following conditions:***

- (a) Adoption of Bylaw No. 7243, rezoning the subject property from "Single-Family Housing District, Subdivision Area E (R1/E)" to "Two-Family Housing District (R5)" and the filing by the City of a restrictive covenant limiting the number of dwelling units to two;***
- (b) Payment of:***
  - (i) all City utility charges; and***
  - (ii) property taxes up until and including the Year 2001 if the strata title conversion is to be approved prior to September 1, 2001, or the prepayment of the estimated property taxes for the Year 2002 if the strata title conversion is to be approved after September 1, 2001; and***
- (c) Submission of appropriate plans and documents for execution by the Mayor and City Clerk within 180 days of the date of the adoption of Bylaw No. 7243."***

At the Public Hearing on July 16, 2001, written submissions were received from John T. Hamada of 8811 Roselea Place and David Heard of 10880 Roselea Crescent. These submissions are enclosed as Attachment 3. Mr. Bill Whelan of 8711 Rosemary Avenue also spoke at the Public Hearing and indicated that he "was opposed to the stratification as he believed stratification would hamper the re-development of the property and would set a precedent that would lead to a decline in the neighbourhood".

As a result of these submissions (and since the applicants were not present), Council resolved:

***"That Zoning Amendment Bylaw 7243 be referred to staff in order that the purpose of stratification be clarified"***.

The applicants have now responded to the concerns expressed at the Public Hearing and submitted a letter from the adjacent property owner (Annette Louie) in favour of the proposed stratification as well as a letter from one of the prospective purchasers of the duplex if it is strata titled. Attachment 4 is a copy of this response/submission from the applicants.

**FINDINGS OF FACT**

ITEM	EXISTING	PROPOSED
Owner	Serge and Irene Roy	To Be Determined
Applicant	Serge and Irene Roy	To Be Determined
Site Size	893 m <sup>2</sup> (9613 ft <sup>2</sup> )	Approximately 500 m <sup>2</sup> (5382 ft <sup>2</sup> ) and 393 m <sup>2</sup> (4231 ft <sup>2</sup> )
Land Uses	Duplex	Duplex (strata titled)
OCP Generalized Land Use Designation	Neighbourhood Residential	No Change
OCP Specific Land Use Designation	Low-Density Residential	No Change
702 Policy Designation	None Available	No Change
Zoning	Single-Family Housing District Subdivision Area E (R1/E)	Two-Family Housing District (R5)

**RELATED POLICIES & STUDIES**

The City does not have an official policy with regard to the strata title conversion of existing duplexes.

However, the subject application is consistent with the general approach taken with regard to this type of rezoning and strata title conversion application (i.e. confirmation that the duplex is not used as a fourplex; registration of a two-family dwelling covenant; compliance with the proposed "Two-Family Housing District (R5)" zone with regard to setbacks, lot coverage, floor area ratio, height restrictions, etc.; payment of taxes and utilities; commitment to proceed with the strata title conversion within 180 days).

**STAFF COMMENTS**

None of the staff to whom these applications were circulated had any objections or comments on either the proposed rezoning or strata title conversion.

The Building Department has noted in the past that the Zoning and Development Bylaw defines a "Two-Family Dwelling" as conforming to the following classification in the case of a duplex such as this:

- (ii) Each **dwelling unit** consisting of two **storeys** only, the upper **storey** not containing a kitchen; not set upon another **storey** or upon a basement."

Unlike other duplexes that have been rezoned or strata titled that do not confirm to this zoning definition, the subject duplex actually has its kitchens on the ground floor only. Although not strictly enforced, the intent of this provision is to ensure that the duplex does not have any illegal suites (which the subject duplex does not).

It is noted that the site has full frontage improvements (i.e. there is a sidewalk along Roselea Place and no open ditches).

**ANALYSIS**

In response to the concerns expressed by some of the neighbours at the July 16, 2001 Public Hearing, the applicants have indicated the following in their subsequent submissions (Attachment 4):

- They have already spent \$12,000 renovating one half of this duplex and are prepared to spend a further \$10,000 on the other half (thereby greatly improving the condition of the duplex from when it was rented out).
- The adjacent owner and a prospective purchaser of one half of the duplex have written letters supporting the applicants' argument that the stratification will in fact improve the condition of the duplex due to the pride of ownership vs a landlord/tenant situation.
- A covenant limiting the number of dwellings to two is in the process of being registered on the title of the property to help prevent it from being converted to an illegal fourplex.
- The applicants have no intention of removing the existing fence and trees along the property lines (although this would be subject to negotiation/agreement with the prospective purchasers and adjacent land owners).

Staff continue to support the proposed rezoning and strata title conversion applications on the following grounds:

- The subject property can not be subdivided into two single-family residential lots under the existing Single-Family Housing District, Subdivision Area E (R1/E) zoning (i.e. the proposed lots would not have the required 7.5 m/24.606 ft. minimum frontage or the 550 m<sup>2</sup>/5,920.34 ft<sup>2</sup> minimum area). Rezoning the property Single-Family Housing District, Subdivision Area B (R1/B) would permit a two lot single-family residential subdivision however these size lots (6 m/19.685 ft. minimum frontage and 360 m<sup>2</sup>/3,875.13 ft<sup>2</sup> minimum area) would be out character with the surrounding area.
- There are a total of approximately 26 duplexes in the Montrose Estates (area bounded by Ryan Road, Steveston Highway, No. 3 Road and the Garden City Road right-of-way). Only 9 are not currently zoned Two-Family Housing District (R5), and of these 3 are already strata titled. In other words, by approving the subject application to rezone and strata title 8771/8791 Roselea Place, there would be only 5 other duplexes in the area that would have to apply for rezoning if they were to be strata titled. Furthermore, of the remaining duplexes that are currently zoned Two-Family Housing District (R5), 8 are already strata titled. Therefore, in the future the City may receive up to 9 other applications to strata title an existing duplex. It should be noted that should any of these duplexes that are currently zoned Two-Family Housing District (R5) be demolished and rebuilt, the strata title subdivision could occur without the City's approval.
- According to the Strata Property Act, the approving authority (Council) must consider the following factors in making its decision on a strata title subdivision:
  - “(a) the priority of rental accommodation over privately owned housing in the area;
  - (b) any proposals for the relocation of persons occupying a residential building;
  - (c) the life expectancy of the building;
  - (d) projected major increases in maintenance costs due to the condition of the building; and
  - (e) any other matters that, in its opinion, are relevant”;Although the City has a policy with regard to strata title conversion applications involving three or more dwelling units, it has never adopted an official policy for duplexes

(Attachment 5 is a copy of City Policy 5012 Strata Title Conversion Applications – Residential). One reason staff can identify for this position is the belief that Council should exercise its discretion on whether or not to approve the stratification of an existing duplex on a case-by-case basis. Furthermore, since duplexes are a fairly common, affordable housing form in Richmond, staff do not want to saddle the strata title conversion of an existing duplex with a cumbersome and/or costly process.

### **FINANCIAL IMPACT**

None to the City.

### **CONCLUSION**

Serge and Irene Roy have applied to rezone the existing duplex (which is a legal, non-conforming use) at 8771/8791 Roselea Place and to strata title subdivide it. The applicants have responded to the concerns that some of the neighbours raised at the July 16, 2001 Public Hearing. Staff have also clarified items that Council had in referring this application back to them. It is recommended that Zoning Amendment Bylaw 7243 be given second and third reading, and subject to the registration of the required two-family dwelling covenant be adopted. Furthermore, staff continue to have no objection to the proposed strata title conversion application subject to the adoption of the aforesaid Zoning Amendment Bylaw 7243.



Holger Burke, MCIP  
Development Coordinator

HB:sk

The only requirement to be dealt with prior to final adoption of the rezoning is the legal requirement that a two-family dwelling covenant be registered on the title of the property.





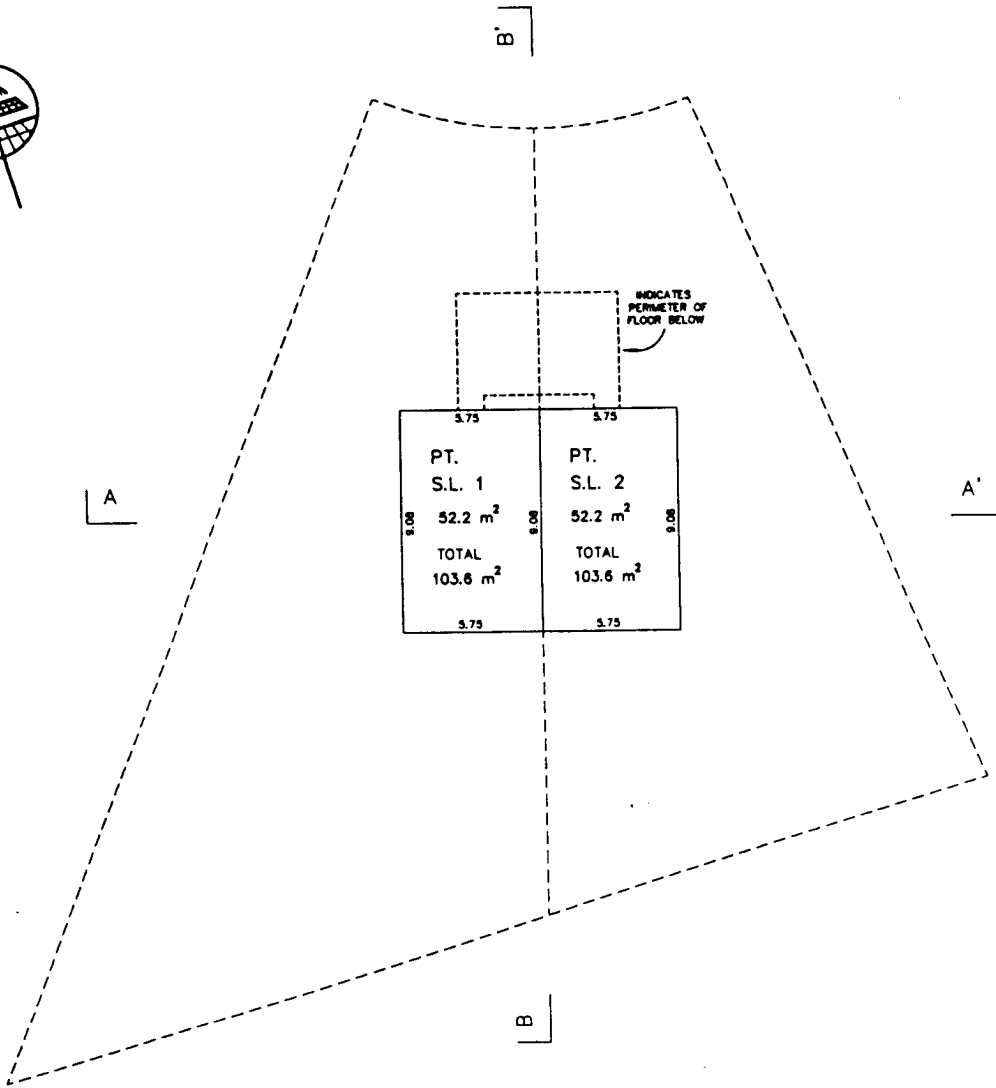
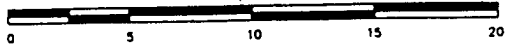




# SECOND FLOOR

# STRATA PLAN LMS

SCALE 1:200



**MATSON, PECK & TOPLISS**  
 SURVEYORS AND ENGINEERS  
 210-8171 COOK ROAD  
 RICHMOND, B.C. V8Y 3T8  
 (ph) 270-9331  
 (fax) 270-4137  
 CADFILE: 13111F04.FLX  
 JOB NO. R - 13111

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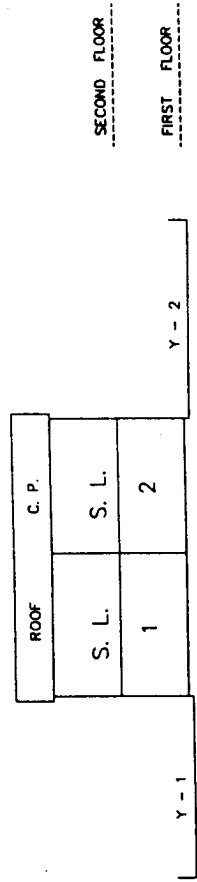
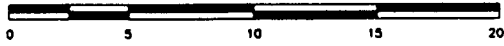
DATE May 18/01 WPK B.C.L.S.

# SECTIONS

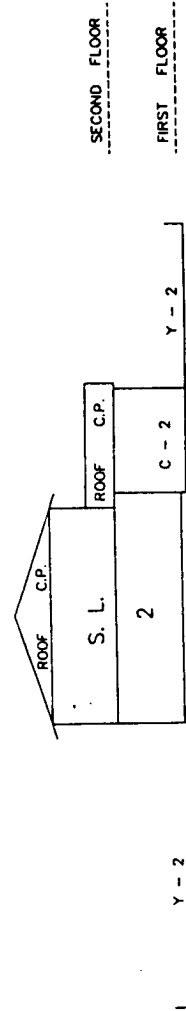
## STRATA PLAN

LMS

SCALE 1:200



SECTION A - A'



SECTION B - B'

**MATSON, PECK & TOPLISS**  
 SURVEYORS AND ENGINEERS  
 210-8171 COOK ROAD  
 RICHMOND, B.C. V8Y 3T8  
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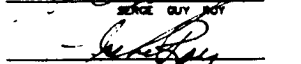
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May 18/01 WPH

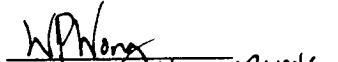
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STRATA PLAN LMS

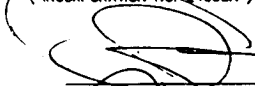
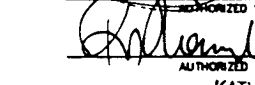
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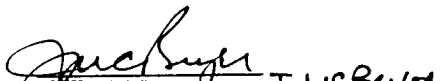
  
 SERGE GUY ROY  
  
 RENE MARGARET ROY


WITNESSES :

  
 WITNESS as to both WILLIAM WONG .  
 B.C. Land Surveyor  
 OCCUPATION  
 210-8171 Cook Rd  
 ADDRESS  
 Richmond, B.C.

MORTGAGEE :

CANADA TRUSTCO MORTGAGE COMPANY  
 ( INCORPORATION NO. 24085A )  
  
 IAN GRAY  
 MANAGER  
 AUTHORIZED SIGNATORY  
  
 AUTHORIZED SIGNATORY  
 KATHARINE PLAWSKA  
 SUPERVISOR

  
 WITNESS as to both J. McBEVER  
 ASST. MGR  
 OCCUPATION

 **Canada Trust**  
 Pacific Credit Administration  
 Royal City Centre  
 #237, 810 8th St. 7563  
 NEW WESTMINSTER, BC V3L 5V1

STRATA PROPERTY ACT  
FORM T

ENDORSEMENT BY APPROVING AUTHORITY

I certify that the conversion of the building included in this strata plan has been approved under section 242 of the Strata Property Act.

Dated at Richmond this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Approving Officer for  
the CITY OF RICHMOND

**MATSON, PECK & TOPLISS**  
 SURVEYORS AND ENGINEERS  
 210-8171 COOK ROAD  
 RICHMOND, B.C. V8Y 3T8  
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 CADFILE: 13111F02.FLX  
 JOB NO. R - 13111

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DATE May 18/01 WPN B.C.L.S.



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

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	JRM	
✓	DW	DW
	KY	
	AS	
	DB	
	WB	

Tuesday July 10, 2001

Attention: City Clerk, Mr. J. Richard McKenna  
Re: ZONING AMENDMENT BYLAW 7243 (RZ 01-115294)

B060-20-724

Dear sir,

My name is John Tadashi Hamada. My wife and I own the property at 8811 Roselea Place, which borders the east side of the subject property owned by Serge & Irene Roy. We are unable to attend the Public Hearing scheduled for July 16<sup>th</sup> and would like to submit the following comments for the record.

We have no objection to the rezoning that is being proposed, providing that the existing fence and trees along the property line between our two properties are not removed. The fence could be repaired, rebuilt or replaced. The removal of the trees would significantly and negatively affect the value and privacy of our home. Their age and the way they have been regularly trimmed and maintained over the years would make it very difficult to replace.

Thank you for your consideration in this matter.

Yours truly,



John T. Hamada  
8811 Roselea Place  
Richmond, BC. V7A 2K5



11251 Seahurst Road  
Richmond, B.C. V7A 3P1  
July 22, 2001

Holger Burke:

Urban Development,  
City of Richmond,  
6911 No. 3 Road,  
Richmond, B.C. V6Y 2C1

Dear Sirs:

Re: Zoning Amendment Bylaw 7243 RZ 01-115294 (8771/8791 Roselea Place)

This letter is written to address concerns brought up by our neighbours on Roselea Place. Rezoning was applied for so that the property, which has had a duplex on it for about 30 years, would now conform to the local zoning by-laws.

An application to also re-zone to a Strata title has been done so that the property can be re-sold as 2 separate units.

Mr. David Heard expressed a concern that the building will be demolished and rebuilt as an illegal 4-plex. This will not be happening. One side has had improvements made to it in the last few months of over \$12,000.00, and the same will be done with the other side in the next few months.

Mr. Bill Whelan of 8711 Rosemary Avenue, expressed a concern that stratification would hamper the re-development of the property. One would assume Mr. Whelan is suggesting that after stratification the property is less likely to be subdivided for the purpose of constructing 2 single family homes. On the surface there seems to be some validity to Mr. Whelan's point, however Mr. Holger Burke of the Urban Development Department at Richmond City Hall has confirmed that the property lacks the sufficient footage and overall lot size to be subdivided and re-developed.

Mr. Whelan also expressed the concern that stratification may lead to a decline in the neighborhood. We believe that the facts clearly indicate the opposite. We have already invested over \$12,000.00 to improve the interior and exterior of one half of the building. We have made a commitment to spend \$10,000.00 more to improve the other side if stratification is approved. We have two young families, each interested in buying one-half of the duplex subject to stratification approval. They are both planning to move into their respective halves of the property and will be owner-occupiers. Both families are eager for stratification approval and would feel very fortunate to be able to purchase a half duplex with a generous yard instead of a strata townhouse. It is our understanding that the duplex has been tenant occupied for the past decade. Our contention is that the new owner-occupiers will maintain and improve the property with more enthusiasm and effort than the average tenant. The neighbour immediately to the west of the property with the family name of Louie is strongly supportive of stratification largely for the reason of having

owner-occupier neighbours. We feel strongly that our efforts are making a positive impact on the value of the property and the surrounding area.

Mr. John Hamada expressed concerns about the existing fence and trees along the property line between his property and 8791 Roselea Place. We have topped one large tree on our property, done because John requested us to do it, out of his concern about the height and that it might topple on to his property in a storm. The cedar trees that are shared along the property line between the driveways will be kept pruned, but not removed. Any fence repairs or replacement would need to be negotiated with whomever buys the property. The same would need to be done regarding the trees and shrubs in the back yard. We would inform the new owners of his wishes.

Sincerely yours,



Serge and Irene Roy

July 24, 2001

Attn: Holger Burke  
Urban Development  
City of Richmond

I am writing this letter to express our support for the stratafication of 8771/ 8791 Roselea Pl. We happen to be immediate next door neighbours to this property. We have been impressed by the effort Mr. And Mrs. Roy have been making to improve the appearance of the property. It is much neater, and there is a definite improvement in the overall appearance of the property since the Roy's took over. Since we have moved into our home next to the duplex, it has always been occupied by various tenants. We look forward to the prospect of having owner occupier neighbours and the additional pride of ownership they will take. We support stratafication of the duplex.

Yours truly,

A handwritten signature in black ink, appearing to read 'Annette Louie', written in a cursive style.

Annette Louie  
8751 Roselea Place  
Richmond, B.C.



26 July 2001

Mr. Hogler Burke  
Urban Deveelopment  
City of Richmond  
6911 No. 3 Road  
Richmond, B.C.  
V6Y 2C1

Dear Sir:

I am writing with respect to Zoning Amendment Bylaw 7243 RZ01-115294 ( 8771 and 8791 Roselea Place). As a prospective purchaser, of 1/2 the duplex, I am both excited and supportive of the stratification. I am thrilled and fortunate to have the opportunity to own my first home in a city I have called home since 1964. My husband and young daughter, like myself, are excited to know that we will be a part of the South Arm community.

There are many reasons why we were awed by this home purchase. We have watched the market for some time and had resolved ourselves to owning an older strataed townhouse or condominium. Finding this home answered our dreams! A big yard, large enough to create a private patio garden with deck, and a family friendly floor plan. The South Arm community boasts many amenities appealing to a young family - a park with playgrounds, community centre, pool and space, an elementary school close enough to walk my child to school when she begins kindergarten, and shopping and public transit are on the doorstep. Both my husband I work in Richmond and see a short commute to work an asset. Most importantly however, we were impressed with the obvious pride in ownership of the surrounding neighbours. Manicured lawns, flower beds, and freshly painted homes, make this Block Watch community very appealing.

If the stratification of the property is approved, we anticipate getting to know our neighbours ( some of whom we have already met). In addition to the renovations already planned by Mr. and Mrs. Roy, we are planning to have windows and doors updated and also plan to improve the existing gardens and perimeter fencing.

Again, we are anticipating the realisation of a dream to own a home in the City of Richmond and we look forward to have the zoning approved.

Sincerely,



Mrs. Lenore Dennis and Mr. Lloyd Dennis, and daughter



Page 1 of 1	Adopted by Council: May 25/87	POLICY 5012
File Ref: 4105-03	STRATA TITLE CONVERSION APPLICATIONS - RESIDENTIAL	

**POLICY 5012:**

It is Council policy that:

The following matters shall be considered before deciding on any residential strata title or cooperative conversion applications involving three or more dwelling units:

1. The impact a proposed conversion will have on the stock of rental housing in Richmond. If rental vacancy rates are low (under 2%) and the number of affected units is significant (a dozen or more), then Council should consider refusing the application until vacancy rates have risen again.
2. The written proposals by the owner/developer for the accommodation or relocation of tenants. The application should be refused if undue hardship would result.
3. The written views of the affected tenants, both in favour and not in favour. This should be taken into account in evaluating the previous two criteria.

A standard form prepared by Planning Department staff can be used to solicit tenant views.

4. A written report in an acceptable form from a registered architect, engineer, or any other qualified person, that the building is of a reasonable quality for its age, including reference to the state of repair, general workmanship and measure of compliance with relevant City Bylaws.
5. Any proposals for open space, landscaping, common facilities, off-street parking and loading spaces.
6. Any other conditions that might be appropriate to the specific circumstances. Where additional conditions are imposed by Council, approval shall not be granted until they are met.

All applications for strata title and cooperative conversion will be expected to comply with all City Bylaws and servicing standards/requirements.

(Planning Department)

CITY OF RICHMOND

BYLAW 7243

RICHMOND ZONING AND DEVELOPMENT BYLAW 5300  
AMENDMENT BYLAW 7243 (RZ 01-115294)  
8771/8791 ROSELEA PLACE

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. 004-931-637

Lot 413 Section 33 Block 4 North Range 6 West New Westminster District Plan 37545

- 2. This Bylaw may be cited as "Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7243".

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER REQUIREMENTS SATISFIED

ADOPTED

\_\_\_\_\_

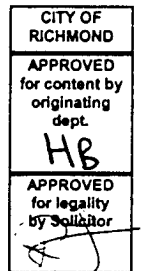
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\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**CITY OF RICHMOND**  
**BYLAW 7243**  
**RICHMOND ZONING AND DEVELOPMENT BYLAW 5300**  
**AMENDMENT BYLAW 7243 (RZ 01-115294)**  
**8771/8791 ROSELEA PLACE**

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P.I.D. 004-931-637  
Lot 413 Section 33 Block 4 North Range 6 West New Westminster District Plan 37545
2. This Bylaw may be cited as "**Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7243**".

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER REQUIREMENTS SATISFIED

ADOPTED

\_\_\_\_\_  
MAYOR

JUN 25 2001

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JUL 16 2001

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AUG 22 2001

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\_\_\_\_\_  
CITY CLERK

