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**To:** Planning Committee **Date:** November 4, 2002  
**From:** Joe Erceg **File:** SC 02-217909  
Manager, Development Applications  
**Re:** **Application by Chris Herbst for a Strata Title Conversion at 10500 Argentina Drive**

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**Staff Recommendation**

That the application for a strata title conversion by Chris Herbst for the property located at 10500 Argentina be approved on fulfilment of the following conditions:

1. Payment of all City utility charges and property taxes up to and including the year 2003; and
2. Submission of appropriate plans and documents for execution by the Mayor and City Clerk within 180 days of the date of this resolution.



Joe Erceg  
Manager, Development Applications

JE:hb  
Att. 1

<b>FOR ORIGINATING DIVISION USE ONLY</b>
<b>CONCURRENCE OF GENERAL MANAGER</b>
<i>[Handwritten signature]</i> (For P. McLELLAN)

## Staff Report

### Origin

Chris Herbst has applied to strata title the existing duplex at 10500 Argentia Drive. He and his wife (Susan) have recently purchased the duplex from Edward and Jessie Vesak.

Mr. Herbst has submitted a sworn affidavit “that the existing building is used as a two-family dwelling only and is not a fourplex”. There is also a restrictive covenant on the property (entered into by the Vesaks) that “the land shall only be used as a site of a two-family dwelling, and in any event shall not be used as a residence of any more than two families”.

### Findings of Fact

Item	Existing	Proposed
Owner	Chris and Susan Herbst	To Be Determined
Applicant	Chris Herbst	No Change
Site Size	892.5 m <sup>2</sup> or 9,608 ft <sup>2</sup>	No Change
Land Uses	Rental Duplex	Strata Title (Owned) Duplex
OCP Designation (Generalized Land Use Map)	Neighbourhood Residential	No Change
Steveston Area Plan Designation	Single-Family	No Change
Zoning	Two-Family Housing District (R5)	No Change

### Related Policies & Studies

The Steveston Area Plan currently defines Single-Family Residential as meaning “a detached building used exclusively for residential purposes, containing one dwelling unit only”. However, in order to accommodate the convertible house demonstration project at 3860 Regent Street, the Policy Planning Department is proposing to amend this definition to include “A second dwelling unit may be permitted under special policy and zoning controls”. Since the subject property is already zoned Two-Family Housing District (R5) and contains an existing duplex, Development Applications Department staff have no objection to Council approving the proposed strata title conversion application under either the existing or proposed definition of Single Family Residential in the Steveston Area Plan.

### Staff Comments

There were adverse comments from the staff who reviewed this application.

### Analysis

The City does not have a strata title conversion policy for duplexes (like it does for commercial/ industrial and multiple-family residential developments).

However, some of the questions staff examine in considering this type of application include the following:

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

Yes, the subject property is zoned Two-Family Housing District (R5) and appears to meet the floor area ratio, lot coverage, setback, height and lot size requirements of the R5 zone.

***Are staff satisfied that the duplex only contains two dwelling units (is not used as a fourplex)?***

The applicant has submitted a sworn affidavit that the existing building is used as a two-family dwelling only and is not a fourplex. There is also a covenant registered on the title of the property to this effect.

***What is the age and condition of the existing duplex and are any repairs or improvements being undertaken or contemplated to extend the life expectance of the building?***

The applicant is not proposing any major renovations to the exterior of the duplex as it is in relatively reasonable condition for a 25-30 year old building.

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

Argentia Drive has been built with curb and gutter with a sidewalk on the east side of the street. There is also a completed walkway along the southern boundary of the site to Railway Avenue.

***What is going to happen to the tenants that are being displaced by the strata title conversion?***

Apparently, one of the tenants has already decided to move and the others' status will be determined once the Herbsts decide whether they will continue to own both halves of the duplex.

***Are there any circumstances peculiar to this application which require special conditions in approving it?*** No, this is a fairly straight forward strata title conversion application.

**Options**

**Approval** subject to the standard conditions for a strata title conversion application (i.e. payment of next year's utility charges and property taxes; completion of the subdivision within 180 days).

**RECOMMENDED**

**Denial** because the application is contrary to the Single Family Residential definition in the Steveston Area Plan and the site should be redeveloped into one dwelling unit only.

**Financial Impact**

None to the City.

**Conclusion**

Chris and Susan Herbst have recently purchased the existing duplex at 10500 Argentia Drive. They want to strata title the duplex. Staff are satisfied that the duplex is only used as a two-family dwelling and see no reason to recommend that the application be denied.



Holger Burke, MCIP  
Development Coordinator

HB:hb

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