



City of Richmond
Planning and Development Department

Report to Committee

To: Planning Committee
From: Brian J. Jackson, MCIP
Director of Development
Date: August 10, 2010
File: RZ 10-509819
SC 10-527413
Re: **Application by Wen L. Cho and Wei C. Cho for a Strata Title Conversion and Rezoning at 4220/4240 Pendlebury Road from Single Detached (RS1/E) to Two-Unit Dwelling (RD1)**

Staff Recommendation

1. That Bylaw No. 8644, for the rezoning of 4220/4240 Pendlebury Road from "Single Detached (RS1/E)" to "Two-Unit Dwelling (RD1)", be introduced and given first reading.
2. That the application for a Strata Title Conversion by Wen L. Cho and Wei C. Cho for the property located at 4220/4240 Pendlebury Road be approved on fulfilment of the following conditions:
 - (a) Adoption of Bylaw No. 8644, rezoning the subject property from "Single Detached (RS1/E)" to "Two-Unit Dwelling (RD1)";
 - (b) Payment of all City utility charges and property taxes up to and including the year 2010;
 - (c) Filing by the City of a restrictive covenant limiting the number of dwelling units to two;
 - (d) Registration of a flood indemnity covenant on Title; and
 - (e) Submission of appropriate plans and documents for execution by the Approving Officer within 180 days of the date of this resolution.
3. That the City, as the Approving Authority, delegate to the Approving Officer, the authority to execute the strata conversion plan on behalf of the City, as the Approving Authority, on the basis that the conditions set out in Recommendation 2 have been satisfied.

Brian V. Jackson, MCIP
Director of Development

EL:blg
Att.

FOR ORIGINATING DEPARTMENT USE ONLY

CONCURRENCE OF GENERAL MANAGER

Staff Report

Origin

Wen L. Cho and Wei C. Cho have applied to the City of Richmond for permission to rezone 4220/4240 Pendlebury Road (**Attachment 1**) from “Single Detached (RS1/E)” to “Two-Unit Dwelling (RD1)” 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 needs for a rezoning application for 4220/4240 Pendlebury Road and a Strata Title Conversion application for an existing two-family dwelling at 4220/4240 Pendlebury Road.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached (**Attachment 2**).

Surrounding Development

To the North: Across Pendlebury Road, an existing duplex on a Two-Unit Dwelling (RD1) lot and a mix of newer and older single-family dwellings on Single Detached (RS1/E) lots on the north side of Pendlebury Road;

To the East: A mix of newer and older single-family dwellings on Single Detached (RS1/E) lots on the south side of Pendlebury Road;

To the South: A mix of newer and older single-family dwellings on properties within Land Use Contract (LUC052) fronting Peterson Drive; and

To the West: Across No. 1 Road, newer single-family dwellings on Compact Single Detached (RC1) lots and older single-family dwellings on Single Detached (RS1/E) lots.

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.

Lot Size Policy 5416

The subject site is located within the area covered by Lot Size Policy 5416 (adopted by Council August 14, 1989 and amended on August 19, 1996) (**Attachment 3**). This Policy establishes sizes for new lots created through subdivision. This development proposal is consistent with this Policy, as it does not result in the subdivision of the lot.

Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-Conforming Two-Family Dwellings

On March 29, 2005, Council adopted a Policy (# 5042) for Processing Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-Conforming Two-Family Dwellings. A copy of the Policy is contained in **Attachment 4**, which establishes a protocol to guide staff in the review of applications of this nature.

Floodplain Management Implementation Strategy

The applicant is required to comply with the Flood Plain Designation and Protection Bylaw (No. 8204). In accordance with the Flood Management Strategy, a Flood Indemnity Restrictive Covenant specifying the minimum flood construction level is required prior to rezoning bylaw adoption.

Staff Comments

The applicants are requesting to rezone the existing duplex lot in order to Strata Title the existing structure; no new building or structure is proposed. Staff have no concerns related to tree preservation, vehicle access, and site servicing.

Analysis

The application has been reviewed in accordance with the adopted Council Policy for “Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-Conforming Two-Family Dwellings” (refer to **Attachment 4**). Based on this review, the following information is offered as analysis:

- A legal survey plan (**Attachment 5**) was submitted by the applicants indicating that the existing duplex complies with all regulations of the zone.
- On May 20, 2010, the Building Approvals and Community Bylaws conducted an inspection of the existing duplex and uncovered a number of alterations to the duplex that were done without Permit. A Building Permit to return the entire duplex to a proper two-family dwelling (legal, non-conforming) and to comply with the 2006 BC Building Code was submitted on June 1, 2010. Final inspection of the Building Permit was issued on July 22, 2010.
- Registration of a restrictive covenant, limiting the property to a maximum of two (2) dwelling units, is a requirement of this rezoning.
- A written statement provided by the applicants indicates that the duplex is 44 years old and is in a very liveable condition. The duplex is vacant at the moment and is on the market for sale. The purpose of the Strata Title application is to give the purchaser of the property an option to sell each duplex unit separately in the future.
- The external building condition of the duplex is consistent with the neighbouring dwellings. Each unit has a carport that could accommodate one (1) car. A portion of the front yard is paved to provide extra parking spaces for the duplex units.

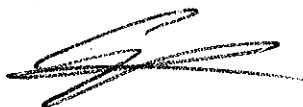
- At the time of report preparation, no public concerns or objections were received by staff since the posting of the rezoning sign on the property.
- No off-site improvements have been identified.
- Although the current Lot Size Policy 5416 only permits subdivision in accordance with Single Detached (RS2/E) (minimum 18 m wide), the subject site could be subdivided into two (2) single detached housing lots (minimum 10 m wide) in accordance with Section 2.3.7 of the Richmond Zoning Bylaw. The section of the Bylaw allows existing duplex site (including non-conforming duplex) to be subdivided into no more than two (2) single detached housing lots. However, at this current time, the applicants wish to rezone and Strata Title to legalize the existing duplex. This proposal would not preclude subdivision potential.
- A Strata Title Conversion application, for the existing two-family dwelling, was submitted concurrently with the rezoning application.

Financial Impact or Economic Impact

None.

Conclusion

The proposal is consistent with applicable land use designations and has been processed in accordance with the Council Policy dealing with "Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-Conforming Two-Family Dwellings". On this basis, staff support both the rezoning and Strata Title Conversion applications.



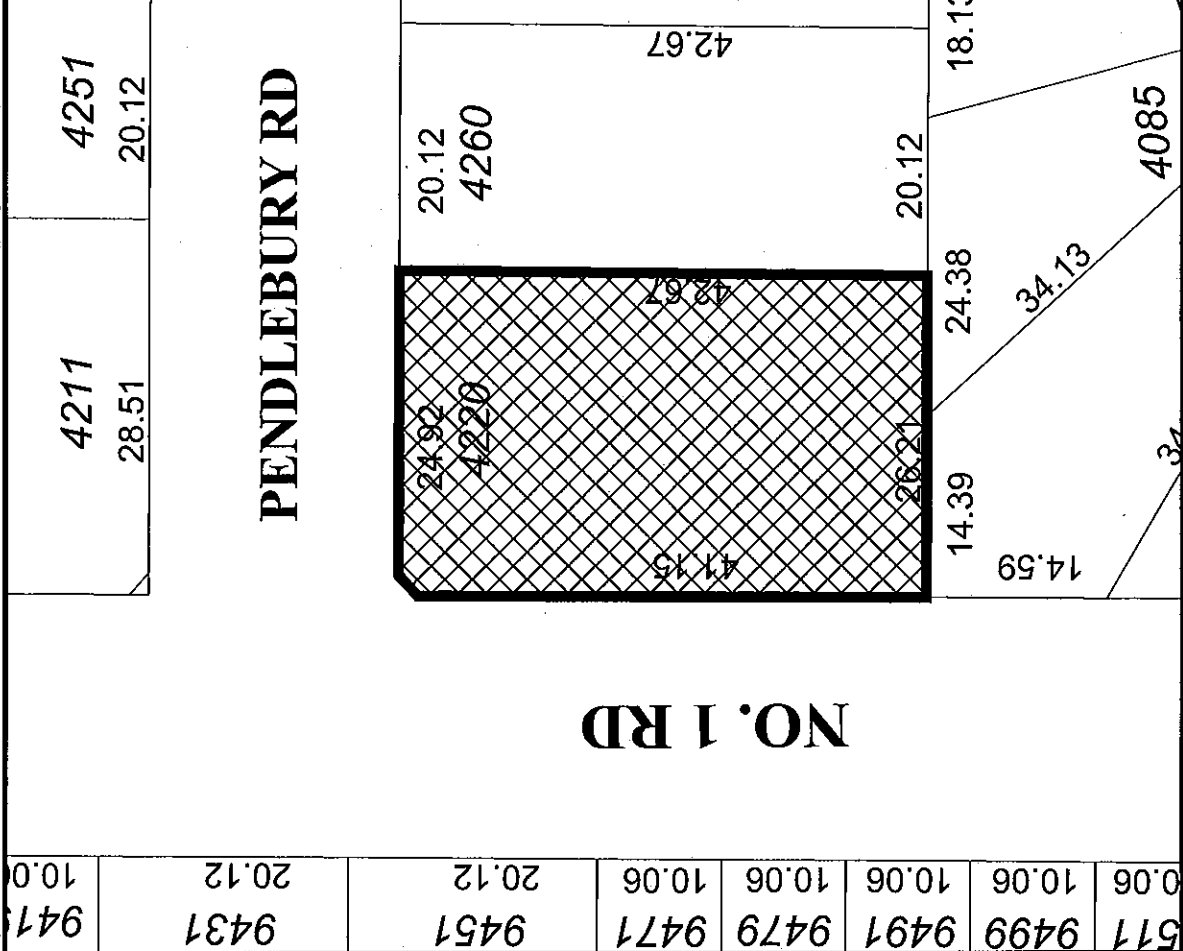
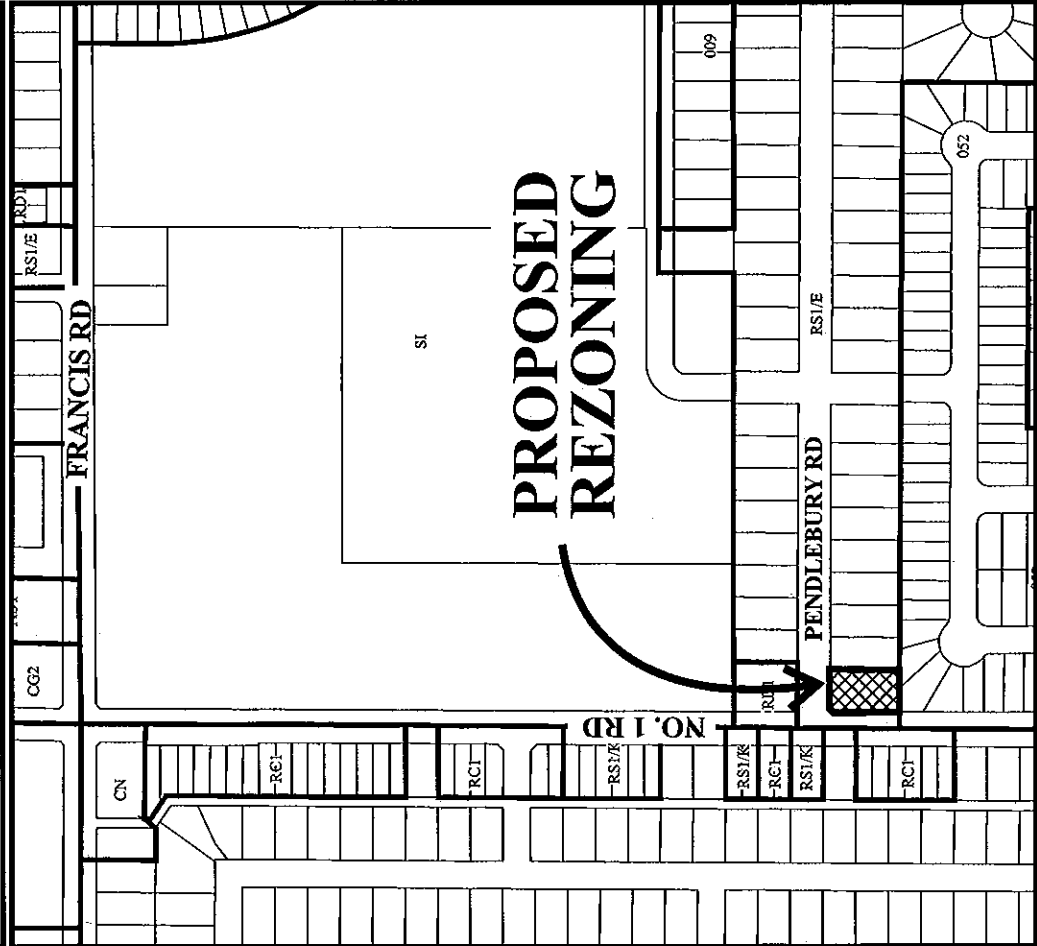
Edwin Lee
Planning Technician – Design
(604-276-4121)

EL:blg

- Attachment 1: Location Map
- Attachment 2: Development Application Data Sheet
- Attachment 3: Lot Size Policy 5416
- Attachment 4: Council Policy 5042
- Attachment 5: Legal Survey Plan

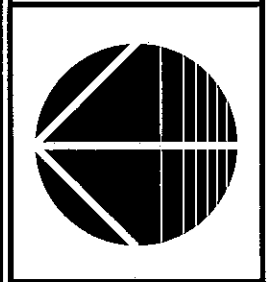
Prior to final adoption of the Zoning Bylaw, the following is required:

- Registration of a restrictive covenant limiting the property to a maximum of two (2) dwelling units; and
- Registration of a flood indemnity covenant on Title.



Original Date: 02/01/10
 Revision Date:
 Note: Dimensions are in METRES

RZ 10-509819





RZ 10-509819

Original Date: 02/01/10

Amended Date:

Note: Dimensions are in METRES



City of Richmond

6911 No. 3 Road
 Richmond, BC V6Y 2C1
 www.richmond.ca
 604-276-4000

**Development Application
 Data Sheet**

RZ 10-509819 & SC 10-527413

Attachment 2

Address: 4220/4240 Pendlebury Road

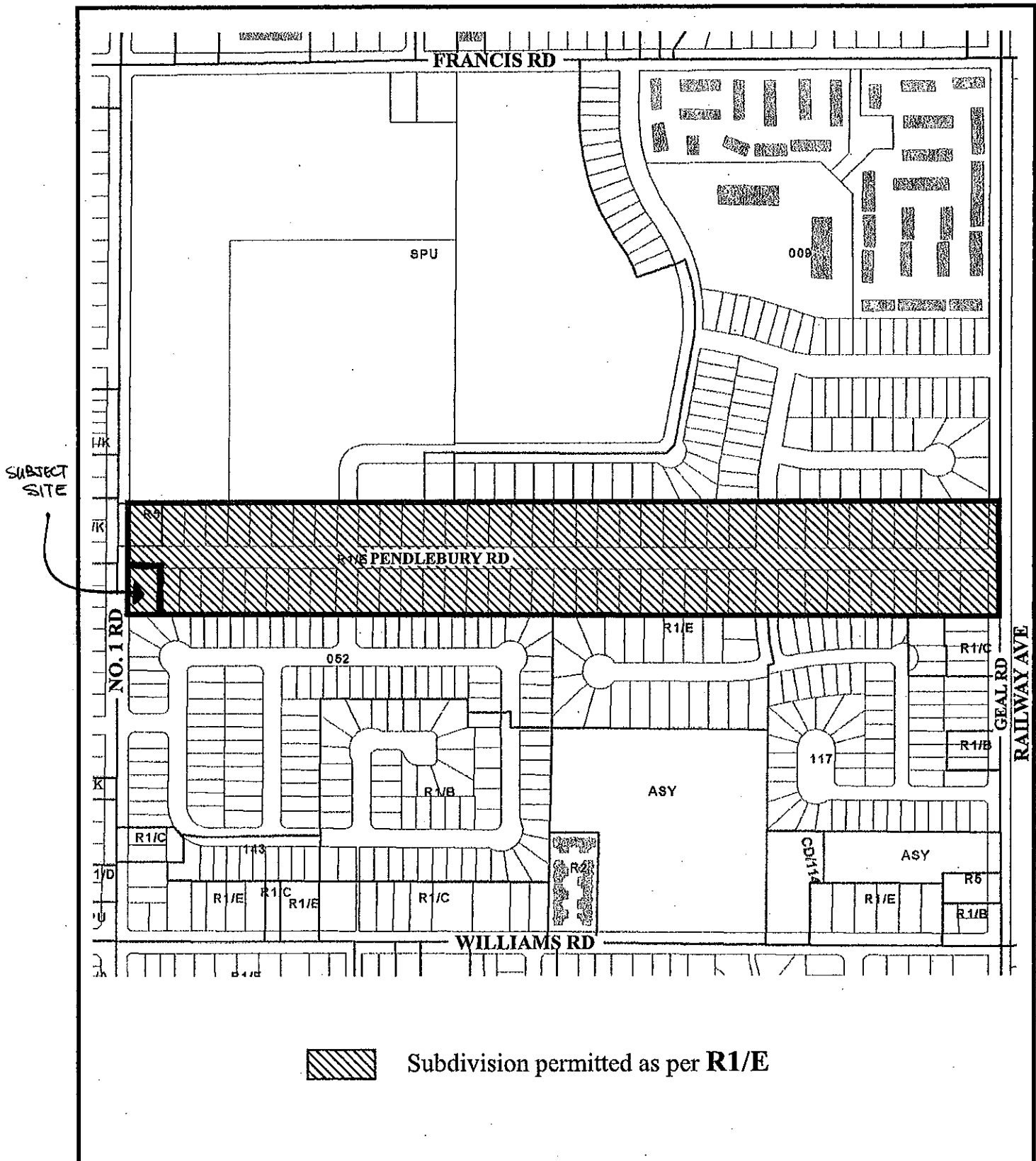
Applicant: Wen L. Cho and Wei C. Cho


Planning Area(s): Seafair

	Existing	Proposed
Owner:	Wen Lung Cho & Wei Chen Cho	No Change
Site Size (m²):	1,121 m ² (12,067 ft ²)	No Change
Land Uses:	One (1) legal non-conforming two-family dwelling	One (1) two-family dwelling
OCP Designation:	Generalized Land Use Map – Neighbourhood Residential	No change
Area Plan Designation:	N/A	No change
702 Policy Designation:	Lot Size Policy 5416 permits Single Detached (RS2/E)	No change
Zoning:	Single Detached (RS1/E)	Two-Unit Dwelling (RD1)
Number of Units:	2	No change
Other Designations:	N/A	No change

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.55	0.55	none permitted
Lot Coverage – Building:	Max. 45%	approx. 18%	none
Lot Size (min. dimensions):	864 m ²	1121 m ²	none
Setback – Front Yard (m):	Min. 6 m	6 m Min.	none
Setback – Side & Rear Yards (m):	Min. 1.2 m	1.2 m Min.	none
Height (m):	2.5 storeys	2 storeys	none
Off-street Parking Spaces – Regular (R) / Visitor (V):	2 (R) and 0 (V) per unit	2 (R) and 0 (V) per unit	none
Off-street Parking Spaces – Total:	4	4	none
Tandem Parking Spaces:	permitted	0	none

Other: n/a



 Subdivision permitted as per R1/E



POLICY 5416
SECTION 26, 4-7

Adopted Date: 08/14/89
 Amended Date: 08/19/96



Page 1 of 1

Adopted by Council: March 29th, 2005

Policy 5042

File Ref:

Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-conforming Two-family Dwellings

Policy 5042:

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:

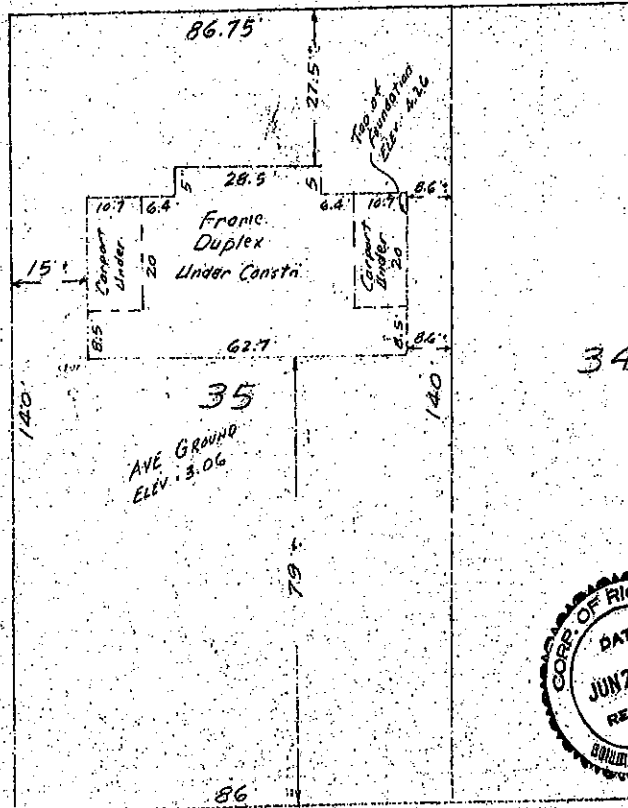
1. A certificate prepared by a registered B.C. Land Surveyor showing the location, dimensions, and setbacks of all buildings and structures presently on the property, together with a floor area ratio calculation is required to verify Zoning Bylaw compliance.
2. An inspection of the existing structure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

PLAN OF
LOT 35 OF S 1/2 SEC. 26, B. 4 N., R. 7 W., PL. 18265,
NEW WESTMINSTER DISTRICT
RICHMOND, B.C.
SCALE - 20 FEET = 1 INCH

PENDLEBURY ROAD



No. 1 ROAD



SUBJECT TO THE LIMITATIONS PRINTED HEREON,
WE HEREBY CERTIFY THAT THE ABOVE SKETCH SHOWS THE REGISTERED
DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND THE RELATIVE
LOCATION OF THE IMPROVEMENTS THEREON.

MAY 3rd 1966

HERMON & COTTON

C.E.T.

BLISS CONSTRUCTION LTD.
788 BURNHILL STREET
Vancouver, B.C.

THIS PLAN IS FOR THE PROTECTION OF THE
MORTGAGE ONLY. WE ACCEPT NO RESPONSIBILITY FOR UNAUTHORIZED USE.

HERMON & COTTON
DOMINION & C.O. LAND SURVEYORS
VANCOUVER, B.C.

M-15701-T

422 & 424 Pendlebury Rd.



Richmond Zoning Bylaw 8500
Amendment Bylaw 8644 (RZ 10-509819)
4220/4240 PENDLEBURY 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 Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it TWO-UNIT DWELLING (RD1).

P.I.D. 010-383-131

Lot 35 Section 26 Block 4 North Range 7 West New Westminster District Plan 18265

- 2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 8644".

FIRST READING

SEP 13 2010

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER REQUIREMENTS SATISFIED

ADOPTED



MAYOR

CORPORATE OFFICER