



To: Planning Committee **Date:** May 11, 2009
From: Brian J. Jackson, MCIP **File:** SC 09-467216
Director of Development
Re: **Application by Kamil Mashukur, Sakhina Raham, Alejandro Custodio and Edna Custodio for a Strata Title Conversion at 7391/7411 No. 2 Road**

Staff Recommendation

1. That the application for a Strata Title Conversion by Kamil Mashukur, Sakhina Raham, Alejandro Custodio and Edna Custodio for the property located at 7391/7411 No. 2 Road be approved on fulfilment of the following conditions:
 - (a) Payment of all City utility charges and property taxes up to and including the year 2009;
 - (b) Registration of a Restrictive Covenant on title that would require the existing two (2) driveways to be consolidated into a single 6 m wide and 6 m deep driveway to be located in the middle of the No. 2 Road frontage should the site be redeveloped with a new building. The driveway letdowns must be built as per City engineering specifications and the driveway design approved by the Transportation Department;
 - (c) Registration of a flood indemnity covenant on title; and
 - (d) Submission of appropriate plans and documents for execution by the Approving Officer within 180 days of the date of this resolution.

2. That the City, as the Approving Authority, delegate to the Approving Officer the authority to execute the plan on behalf of the City, as the Approving Authority, after the conditions set out in Recommendation 1 have been satisfied.

Brian J. Jackson, MCIP
Director of Development

BJJ:el
Att.

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CONCURRENCE OF GENERAL MANAGER

Staff Report

Origin

Mashukur Kamil, Sakhina Rhaman, Alejandro Custodio and Edna Custodio have applied to Strata Title the existing duplex at 7391/7411 No. 2 Road (**Attachment 1**). The applicants currently reside in the duplex and jointly own it. The main reason the applicants wish to Strata Title this duplex is so that each couple can have separate ownership (and mortgages) of their half of the duplex.

Background

The first Strata Title Conversion application for this property was submitted in 2002 (SC 02-207494). At that time, the City's Lane Establishment and Arterial Road Redevelopment Policies were under review and no clear direction existed for the preferred redevelopment potential of this area. Due to concerns about the future redevelopment potential of the property, the applicants withdrew the application.

The second Strata Title Conversion application was submitted in 2007 (SC 07-363226); after the revised Lane Establishment and Arterial Road Redevelopment Policies were adopted by Council. Since the subject property is not identified for new single-family development, the Strata Conversion Application was approved by Council in April, 2008. Since the applicants failed to file the strata plan at the Land Title Office within 180 days of approval, the Land Title Office requires the City to re-approve the application. Therefore, the applicants submitted a new application in April, 2009.

Findings of Fact

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

Surrounding Development

The subject property is located in an established residential neighbourhood consisting predominantly of older character dwellings on lots zoned Single-Family Housing District, Subdivision Area E (R1/E). There is also some presence in the surrounding area of duplexes on lots zoned Two-Family Housing District (R5). Specifically, development immediately surrounding the site is as follows:

- To the north: Multiple-family developments on properties zoned Townhouse District (R2);
- To the east and west: Older character dwellings on lots zoned Single-Family Housing District, Subdivision Area E (R1/E); and
- To the south: Older character dwellings on legal non-conforming Single-Family Housing District, Subdivision Area E (R1/E) lots.

Related Policies & Studies

Council policies exist to provide direction to staff in the review of:

- Rezoning applications to Two-Family Housing District (R5) involving existing strata-titled duplexes (Policy 5007);
- Rezoning applications to Two-Family Housing District (R5) involving non-conforming duplexes (Policy 5042); and
- Residential strata-title conversion applications involving three (3) or more units (Policy 5012).

The subject application is for a Strata-Title Conversion of an existing duplex involving less than three (3) units, with no rezoning application required. Therefore, none of the above Council policies specifically apply in this case. Nonetheless, portions of the requirements of Council Policy 5042 were used in reviewing the subject application (**Attachment 3**).

Lane Establishment and Arterial Road Redevelopment Policies

Single-Family residential and Coach House development along arterial roads will only be considered where lane access is possible. Due to the existing development pattern and property configurations on this block, the subject property does not have any subdivision potential.

Single-Family Lot Size Policy 5463

The subject property is governed by Single-Family Lot Size Policy 5463 (**Attachment 4**). This Policy currently limits rezoning and subdivision of the subject site to "Single-Family Housing District, Subdivision Area E (R1/E)", which means any new lots being subdivided are a minimum 18 m (59.055 ft.) wide, 24 m (78.740 ft.) deep and 550 m² (5,920.34 ft²) in area. The subject property does not have any subdivision potential under these zoning requirements.

Staff Comments

Transportation

The Transportation Division has requested that the existing driveways be consolidated into a single 6 m wide and 6 m deep driveway to be located in the middle of the No. 2 Road frontage in order to reduce the number of conflict points with No. 2 Road through traffic. Considering that the double driveway configuration is an existing condition, the Transportation Division supports the driveway consolidation being deferred to future redevelopment. A Restrictive Covenant requiring driveway consolidation at the time of redevelopment must be registered on title as a condition of approval.

Analysis

The following information is offered as analysis of whether the subject application meets the requirements for Strata-Title Conversion:

- A survey certificate (**Attachment 5**), prepared by a registered BC Land Surveyor, was submitted by the applicants; showing the location, dimensions, and setbacks of all

buildings and structures presently on the property for the purpose of verifying compliance with the Two-Family Housing District (R5). The existing building complies with all zoning provisions of the (R5) zoning district.

- A covenant currently exists on title, which restricts the use of the building to occupancy by not more than two (2) families.
- On May 7, 2009, Community Bylaws staff conducted an inspection of the existing duplex and confirmed that there are no bylaw infractions.
- A written statement provided by the applicants indicates that the home is 34 years old and is in fair condition. The applicants have replaced the roof a couple years ago and conducted cosmetic updating to the interior. The applicants indicate that they have not undertaken any renovations requiring a Building Permit, nor have any plans at this time. The condition, presentation and landscaping of the property is consistent with that of the neighbourhood.
- The existing duplex is owner occupied and the applicants indicated that the two families will continue to live side by side in this duplex.
- No off-site improvements are required to bring the site up the City standards.
- The subject property is governed by Single-Family Lot Size Policy 5463. There is no subdivision potential under the current Policy.

Financial Impact

None.

Conclusion

The proposal is consistent with all applicable land use designations and has been processed in accordance with Council Policy 5042. On this basis, staff support this application for Strata Title Conversion.



Edwin Lee
Planning Technician – Design
(Local 4121)

EL:blg

Attachment 1: Location Map

Attachment 2: Development Application Data Sheet

Attachment 3: Policy 5042- Rezoning applications to Two-Family Housing District (R5)
involving non-conforming duplexes

Attachment 4: Lot Size Policy 5463

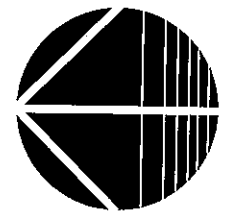
Attachment 5: Survey Certificate

Original Date: 04/23/09

Revision Date:

Note: Dimensions are in METRES

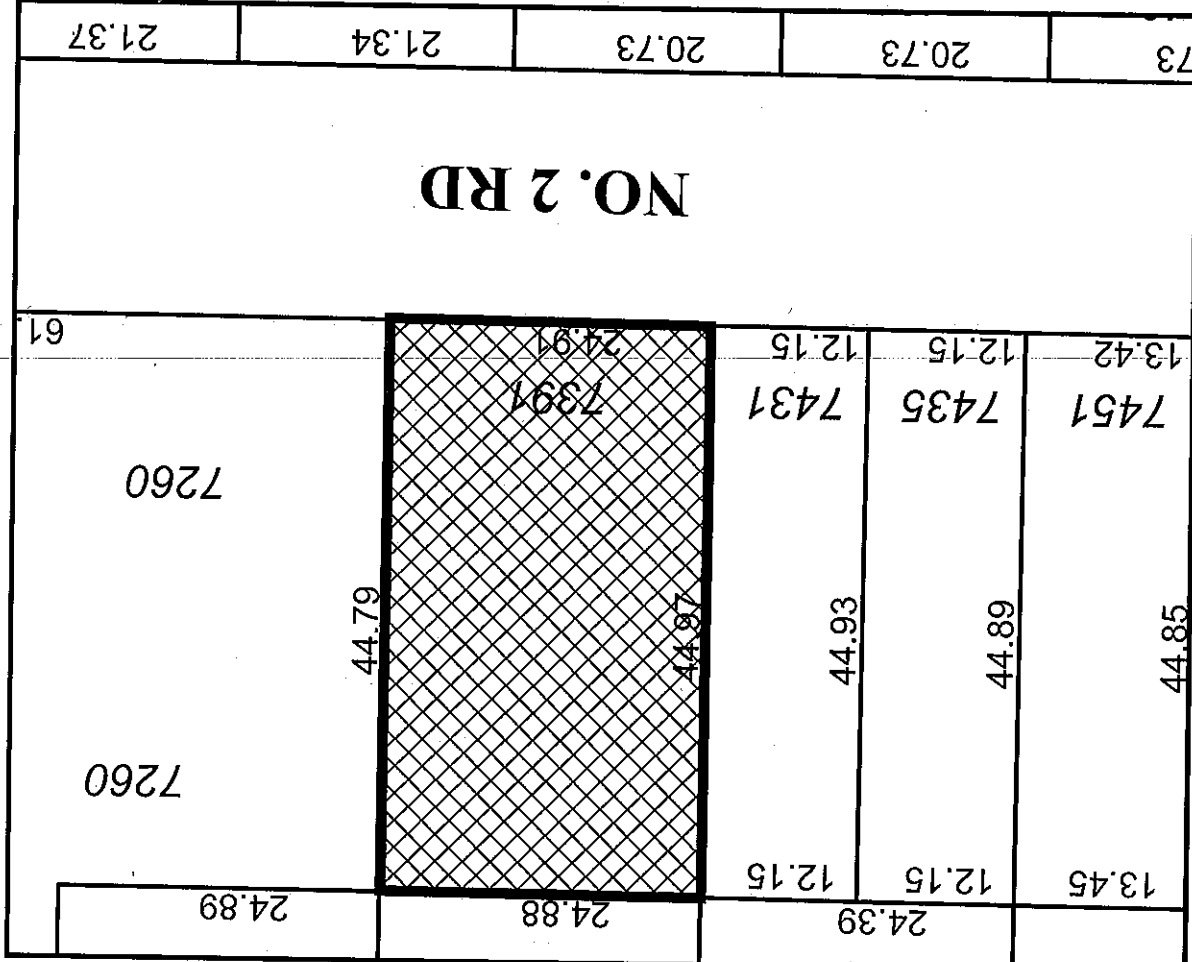
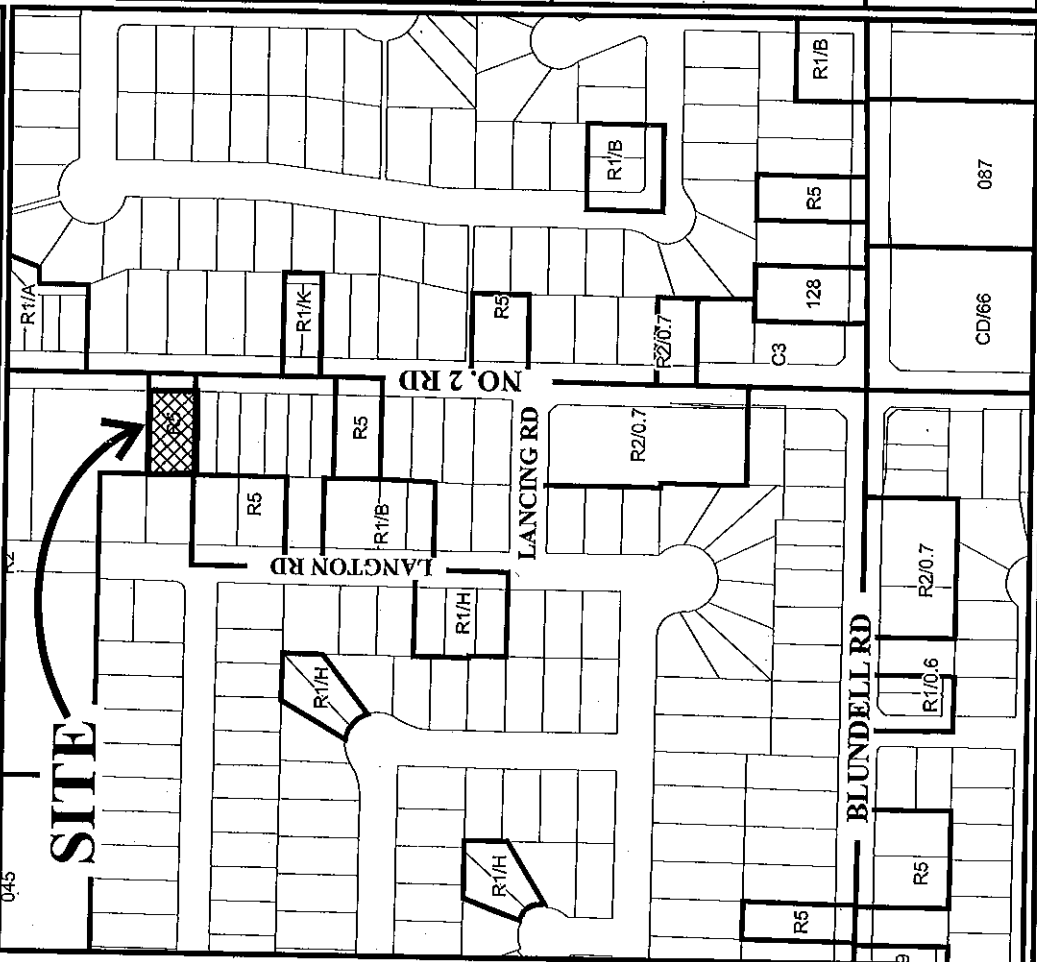
SC 09-466216



City of Richmond



SITE





SC 09- 467216

Original Date: 05/11/09

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**

SC 07-363226

Attachment 2

Address: 7391/7411 No. 2 Road

Applicant: Mashukur Kamil, Sakhina Rhaman, Alejandro Custodio and Edna Custodio

	Existing	Proposed
Owner:	Mashukur Kamil Sakhina Rhaman Alejandro Custodio Edna Custodio	No Change
Site Size (m²):	1,115 m ² (12,002 ft ²)	No Change
Land Uses:	One (1) Two-Family Dwelling	No Change
OCP Designation:	<ul style="list-style-type: none"> Generalized Land Use Map – Neighbourhood Residential Specific Land Use Map – Low-Density Residential 	No Change
702 Policy Designation:	Policy 5463 – permits Single-Family Housing District, Subdivision Area E (R1/E) for properties fronting No. 2 Road that do not have lane or internal road access.	No Change
Zoning:	Two-Family Housing District (R5)	No Change
Number of Units:	2	2



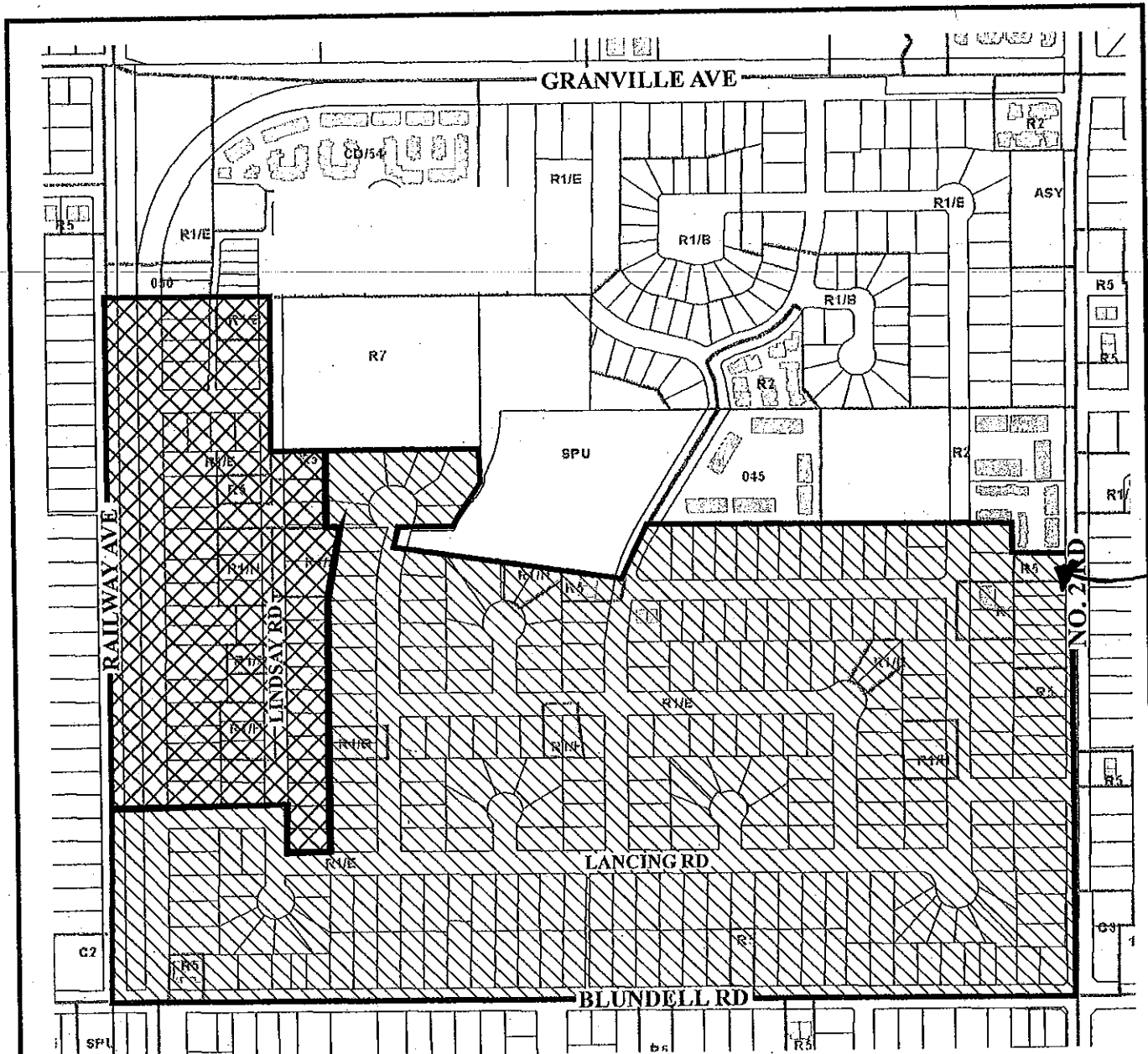
Page 1 of 1	Adopted by Council: March 29 th , 2005	Policy 5042
File Ref:	Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-conforming Two-family Dwellings	

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.



Subdivision permitted as per **R1/H** with the exception that **R1/B** applies to existing duplexes and **R1/E** applies to lots facing No. 2 Road and Blundell Road that do not have a lane or internal road access.



Subdivision permitted as per **R1/B** with the exception that **R1/E** applies to lots facing Railway Avenue that do not have a lane or internal road access.

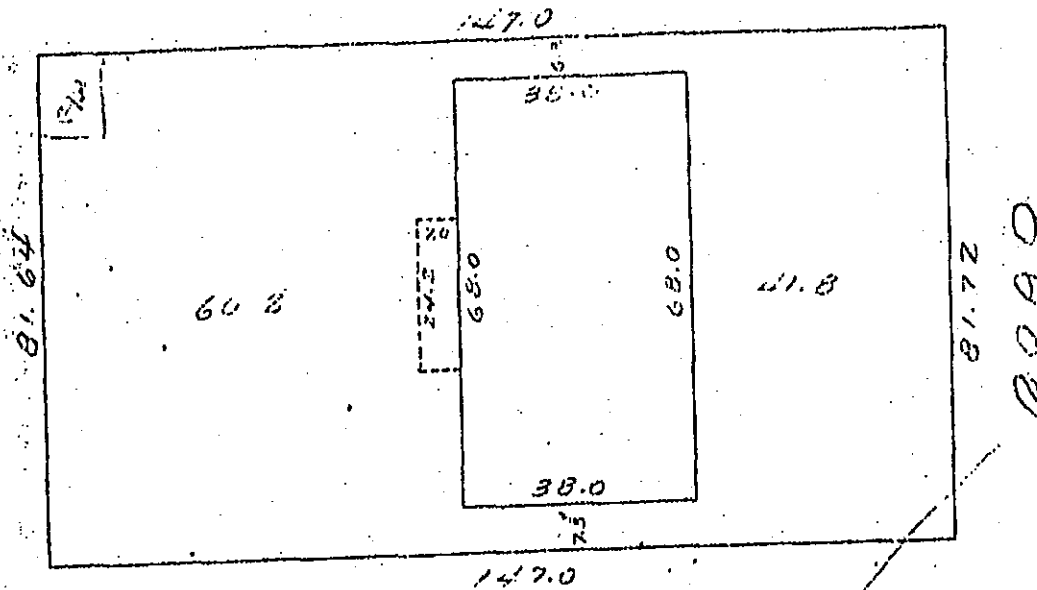
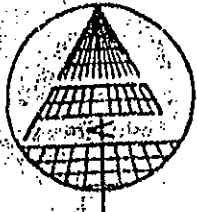
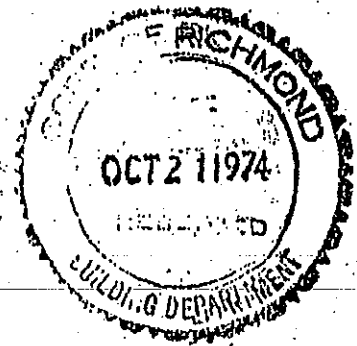


POLICY 5463
SECTION 13, 4-7

Adopted Date: 02/19/96

Amended Date:

PLAN SHOWING
POSITION OF BUILDING ON
Lot 280 of Sec. 13
BLOCK 4 NORTH RANGE 7 WEST
NEW WESTMINSTER DISTRICT
Scale 30 feet to 1 inch
P.L. 46525



Av. Gr. 3.0
J.W. cor. 5.2
3.6

W. J. P. M.

Certified correct this 17th day of
Oct. 1974

K. J. P. M.
B.C. Land Surveyor.

MATSON, PECK & TOPLISS
British Columbia Land Surveyors
Professional Civil Engineers
815 Cook Road, Richmond, B.C.
Phone 278-9674

NOTE—This plan is for the protection of the Mortgagee only and is not to be used for the location of the property lines. We accept no responsibility for the unauthorized use.