

Report to Committee

Planning and Development Division

То:	Planning Committee	Date:	April 27, 2016
From:	Wayne Craig Director, Development	File:	RZ 16-723542 SC 15-713515

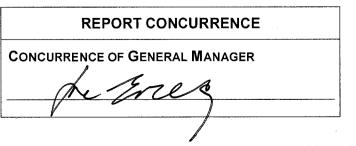
Re: Application by Madan L. & Chalinder K. Aheer and Khial Chand & Harbakhas Aheer for Rezoning at 10726/10728 River Drive from Single Detached (RS1/D) to Two-Unit Dwellings (RD1)

Staff Recommendation

- 1. That Richmond Zoning Bylaw 8500, Amendment Bylaw 9538, for the rezoning of 10726/10728 River Drive from "Single Detached (RS1/D)" to "Two-Unit Dwellings (RD1)", be introduced and given first reading.
- 2. That the application for a Strata Title Conversion by Madan L. & Chalinder K. Aheer and Khial Chand & Harbakhas Aheer for the property located at 10726/10728 River Drive be approved on fulfillment of the following conditions:
 - a) Adoption of Bylaw No. 9538, rezoning subject property from "Single Detached (RS1/D)" to "Two-Unit Dwellings (RD1)".
 - b) Payment of all City utility charges and property taxes up to and including the year 2016.
 - c) 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 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.

Wa√ne Crai Director, Development

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Staff Report

Origin

Madan L. & Chalinder K. Aheer and Khial Chand & Harbakhas Aheer have applied to the City of Richmond for permission to rezone the properties at 10726/10728 River Drive from the "Single Detached (RS1/D)" zone to the "Two-Unit Dwellings (RD1)" zone, in order to facilitate a Strata Title Conversion of an existing duplex on-site (Attachment 1). A site survey, showing the existing duplex is included in Attachment 2. A Strata Title Conversion application for the existing two-family dwelling has also been submitted.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 3).

Surrounding Development

Development immediately surrounding the subject site is as follows:

- To the North: Across River Drive, an automotive repair service on a lot zoned "Industrial Storage (IS)"; currently under rezoning application (RZ 15-708599) to rezone to a site-specific zone in order to construct a multi-family residential development.
- To the South: Single-family dwellings on lots zoned "Single Detached (RS1/D)" fronting Gilmore Crescent.
- To the East: Single-family dwellings on lots zoned "Single Detached (RS1/D)" fronting River Drive.
- To the West: Single-family dwellings on lots zoned "Single Detached (RS1/D)" fronting River Drive.

Related Policies & Studies

Official Community Plan/Bridgeport Area Plan

The Official Community Plan (OCP) land use designation for the subject site is "Neighbourhood Residential". This development proposal is consistent with this designation.

The Bridgeport Area Plan land use designation for the subject site is "Residential (Single Family)". This redevelopment proposal is consistent with this designation.

Lot Size Policy 5448

The subject site is located within the area governed by Single-Family Lot Size Policy 5448 (adopted by Council September 16, 1991 and amended in 2012) (Attachment 4). The Policy permits properties to be subdivided in accordance with "Single Detached (RS1/B)" or "Single Detached (RS1/C)". The development proposal is consistent with this Policy, as it does not result in the subdivision of the lot. As discussed further in the Analysis section, the proposed rezoning and Strata Title Conversion does not preclude future subdivision potential.

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

On March 29, 2005, Council adopted Policy #5042 for Rezoning Applications for Two-Family Housing Districts, Involving Existing Non-Conforming Two-Family Dwellings. A copy of the Policy is contained in Attachment 5, which establishes a protocol to guide staff in the review of applications of this nature. A summary of the review is provided in the Analysis section of this report.

Floodplain Management Implementation Strategy

The proposed redevelopment must meet the requirements of the Richmond Flood Plain Designation and Protection Bylaw 8204. Registration of a flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw.

Aircraft Noise Sensitive Development Policy

The subject site is located within the Aircraft Noise Sensitive Development (ANSD) Policy Area 2. Registration of an aircraft noise sensitive use covenant on Title is required prior to final adoption of the rezoning bylaw.

Public Consultation

A rezoning sign has been installed on the subject property. Staff have not received any comments from the public about the rezoning application in response to the placement of the rezoning sign on the property.

Should the Planning Committee endorse this application and Council grant first reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing; where any area resident or interested party will have an opportunity to comment.

Analysis

Proposed Rezoning

The applicants are requesting to rezone the subject property from "Single Detached (RS1/D)" to "Two-Unit Dwellings (RD1)" in order to facilitate a Strata Title Conversion of the existing nonconforming duplex: no new building or structure is proposed. Staff have no concerns related to tree preservation, vehicle access, or site servicing.

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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" (Attachment 5). Based on this review, the following information is offered as analysis:

- The applicants submitted a legal survey plan (Attachment 2) indicating that the existing duplex complies with all regulations of the proposed zone.
- On February 11, 2016, staff from the Building Approvals Division conducted an inspection of the existing duplex and found no alterations or plumbing issues. The interior and exterior of the duplex appeared to be in original condition.
- Registration of 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, in accordance with Policy #5042.
- A written statement provided by the applicants indicates that the duplex is 28 years old and is in good, clean and livable condition.
- The existing duplex on the subject site is owner occupied and not rental housing at this time. The owners applying for the Strata Title Conversion live in the dwelling and plan to continue to do so should the conversion be approved. The proposed conversion does not impact the availability of rental units.
- The purpose of the Strata Title application is to give the owners separate ownership for the subject property and allow each owner to have their own mortgage.
- The external building condition of the duplex is generally consistent with the neighbouring dwellings.
- No off-site engineering or servicing improvements have been identified.
- Lot Size Policy 5448 permits subdivision in accordance with "Single Detached (RS1/B)" or "Single Detached (RS1/C)". However, the subject site could be subdivided into two (2) single-family residential lots (minimum 13 m wide) in accordance with Section 2.3.7 of the Richmond Zoning Bylaw, which allows existing duplex sites to be subdivided into no more than two (2) single-family residential lots. The proposed rezoning and Strata Title Conversion of the existing duplex would not preclude future subdivision potential.
- The applicants have submitted a preliminary strata plan (Attachment 6). The proposed plan would meet City requirements, and is in a form acceptable to the City's Approving Officer.
- The applicants are aware that Council's endorsement of the Strata Title Conversion will lapse in 180 days, and have committed to meet all requirements within this time period.

Financial Impact or Economic Impact

None.

Conclusion

The purpose of this rezoning application is to rezone the property at 10726/10728 River Drive from the "Single Detached (RS1/D)" zone to the "Two-Unit Dwellings (RD1)" zone, to facilitate Strata Title Conversion of an existing duplex.

This rezoning application complies with the land use designations and applicable policies contained within the Official Community Plan (OCP) and Bridgeport Area Plan for the subject site.

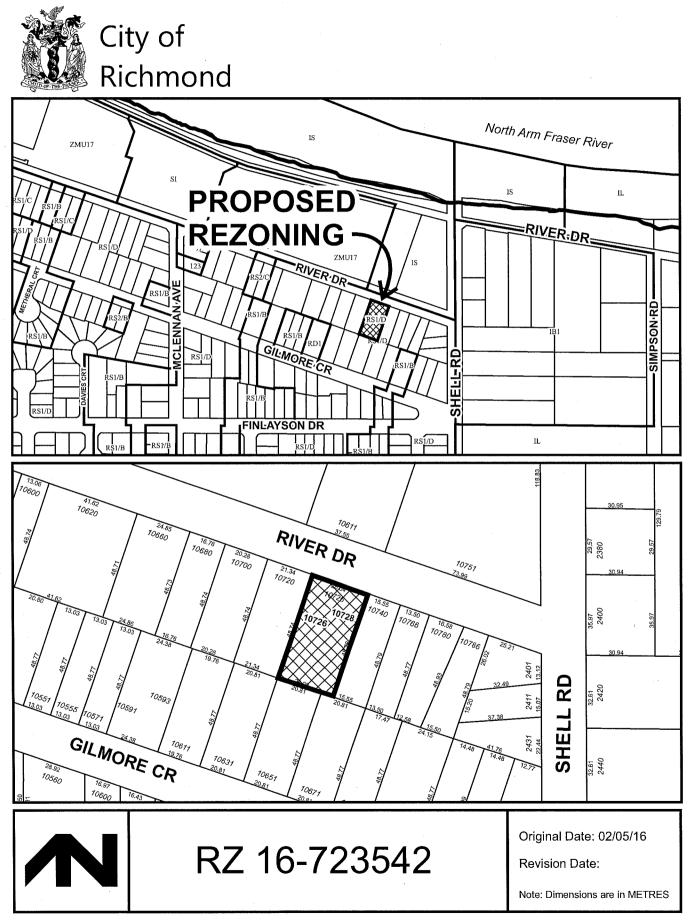
The list of rezoning considerations is included in Attachment 7, which has been agreed to by the applicant (signed concurrence on file).

On this basis, it is recommended that Richmond Zoning Bylaw 8500, Amendment Bylaw 9538 be introduced and given first reading.

Steven De Sousa Planning Technician (604-276-8529)

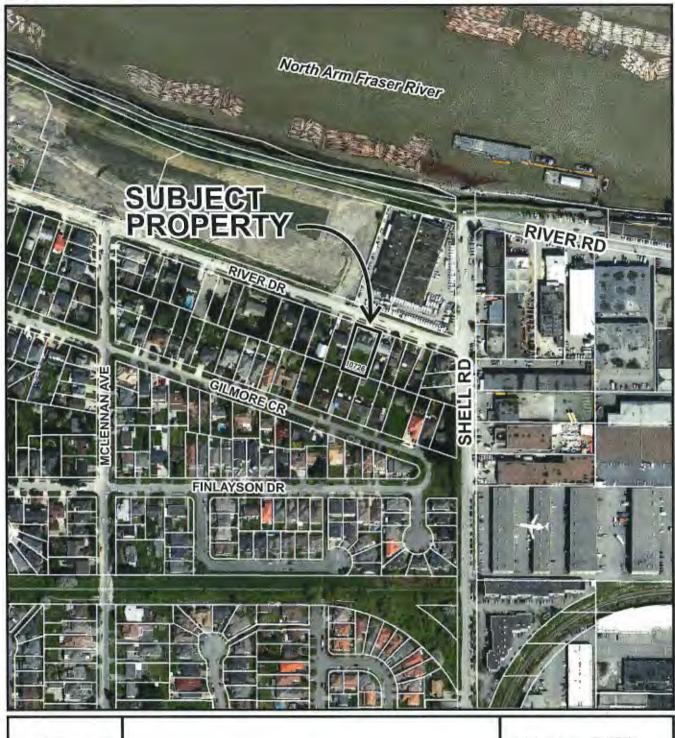
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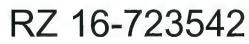
Attachment 1: Location Map Attachment 2: Site Survey Plans Attachment 3: Development Application Data Sheet Attachment 4: Lot Size Policy 5448 Attachment 5: Council Policy 5042 Attachment 6: Preliminary Strata Plan Attachment 7: Rezoning Considerations



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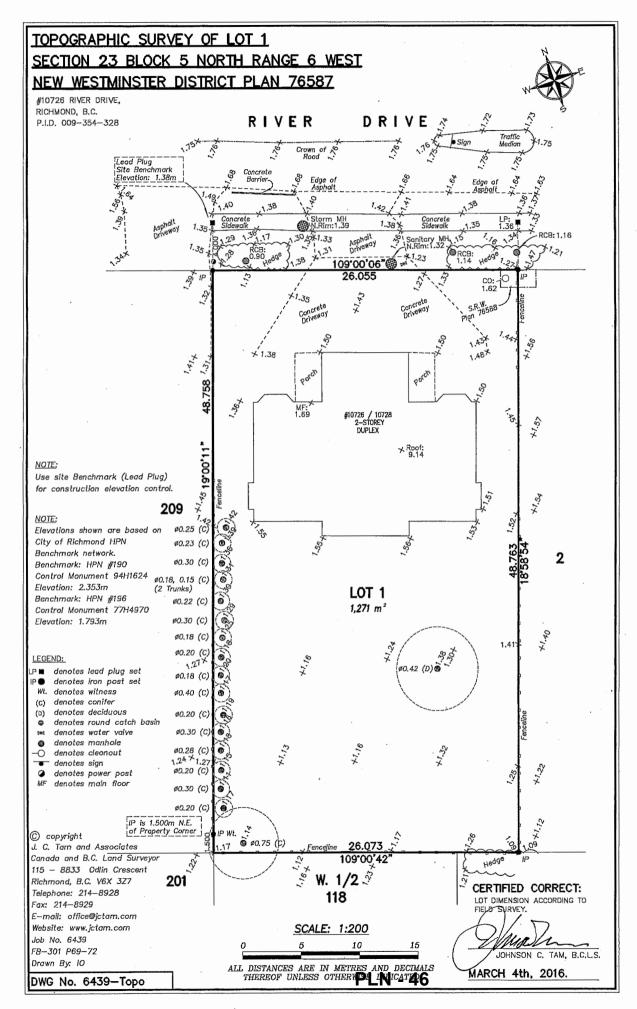




Original Date: 02/05/16

Revision Date:

Note: Dimensions are in METRES





Development Application Data Sheet

Development Applications Department

RZ 16-723542

Attachment 3

Address: 10726/10728 River Drive

Applicant: Madan L & Chalinder K Aheer and Khial Chand & Harbakhas Aheer

Planning Area(s): Bridgeport

	Existing	Proposed	
Owner:	Madan Aheer, Chalinder Aheer, Khial Aheer & Harbakhas Aheer	No change	
Site Size (m²):	1,271 m ² (13,681 ft ²)	No change	
Land Uses:	One (1) legal non-conforming two- family dwelling	One (1) two-family dwelling	
OCP Designation:	Neighbourhood Residential	No change	
702 Policy Designation:	Lot Size Policy 5448 permits RS1/B	No change	
Zoning:	Single Detached (RS1/D)	Two-Unit Dwelling (RD1)	
Number of Units:	Two (2)	No change	

On Future Subdivided Lots	Bylaw Requirement	Proposed	Variance
Floor Area Ratio:	Max. 0.55	0.32	none permitted
Lot Coverage – Building:	Max. 45%	18%	none
Lot Size (min. dimensions):	864 m²	1,271 m²	none
Setback – Front Yard (m):	Min. 6 m	7 m	none
Setback – Side & Rear Yards (m):	Min. 1.2 m	3 m	none
Height (m):	2.5 storeys	2 storeys	none

Other: N/A

Policy Manual

City of Richmond

Page 1 of 2 Adopted by Council: September 16, 1991 POLICY 5448 Amended By Council: February 20, 2012 File Ref: 4045-00 SINGLE-FAMILY LOT SIZE POLICY IN QUARTER-SECTION 23-5-6

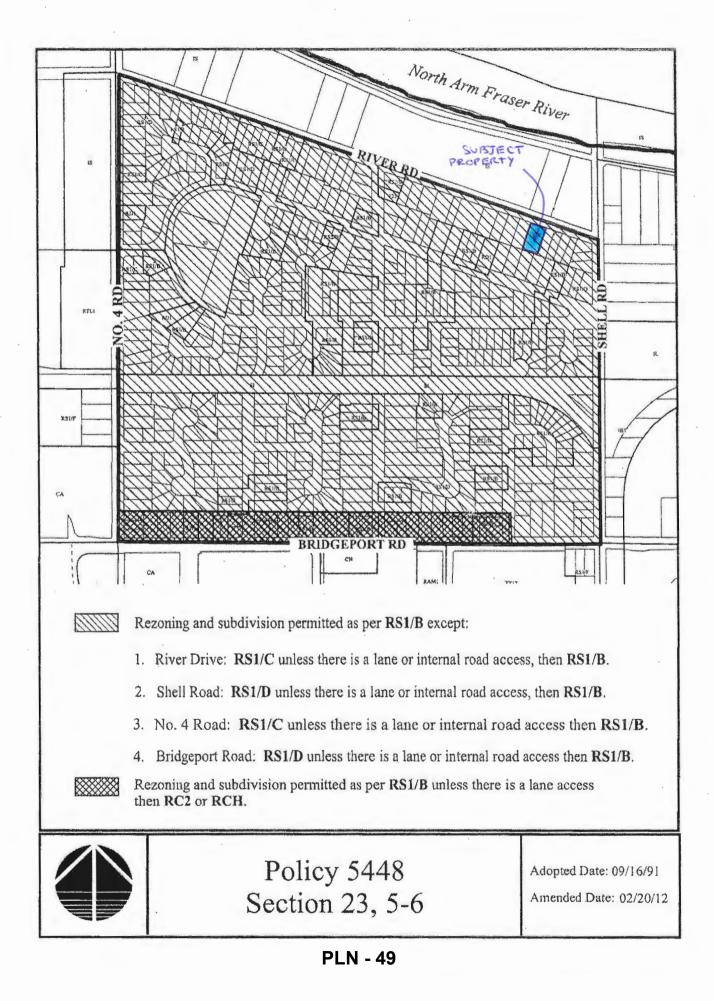
POLICY 5448:

The following policy establishes lot sizes in a portion of Section 23-5-6, bounded by the Bridgeport Road, Shell Road, No. 4 Road and River Drive:

That properties within the area bounded by Bridgeport Road on the south, River Drive on the north, Shell Road on the east and No. 4 Road on the west, in a portion of Section 23-5-6, be permitted to rezone and subdivide in accordance with the provisions of Single Detached (RS1/B) in Zoning and Development Bylaw 8500, with the following provisions:

- (a) Properties along Bridgeport Road (between McKessock Avenue and Shell Road) and along Shell Road will be restricted to Single Detached (RS1/D) unless there is lane or internal road access in which case Single Detached (RS1/B) will be permitted;
- (b) Properties along Bridgeport Road between No. 4 Road and McKessock Avenue will be restricted to Single Detached (RS1/D) unless there is lane access in which case Compact Single Detached (RC2) and Coach Houses (RCH) will be permitted;
- (c) Properties along No. 4 Road and River Drive will be restricted to Single Detached (RS1/C) unless there is lane or internal road access in which case Single Detached (RS1/B) will be permitted;

and that this policy, as shown on the accompanying plan, be used to determine the disposition of future single-family rezoning applications in this area, for a period of not less than five years, unless changed by the amending procedures contained in the Zoning and Development Bylaw.



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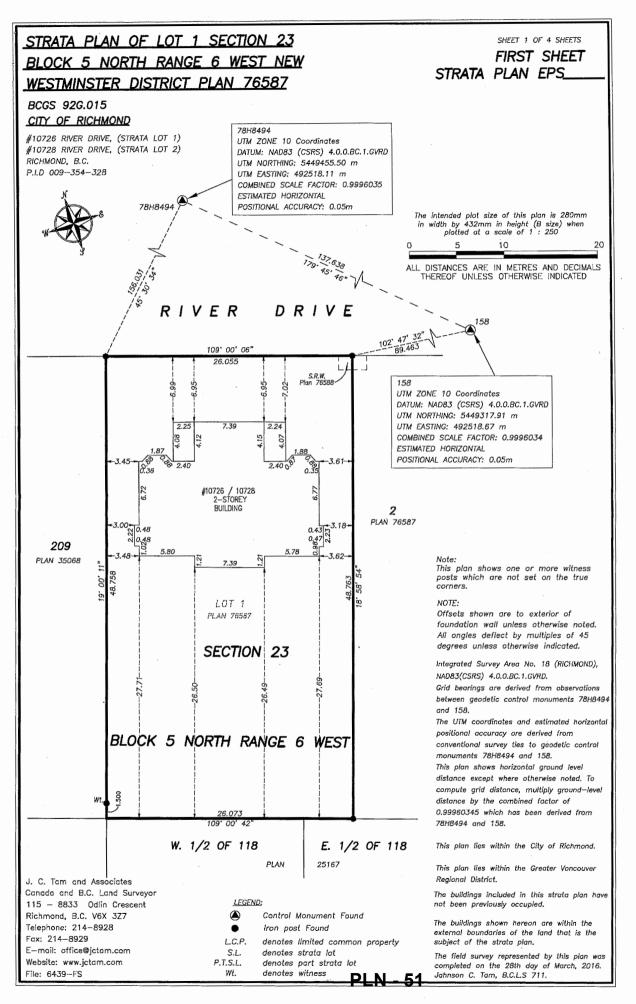
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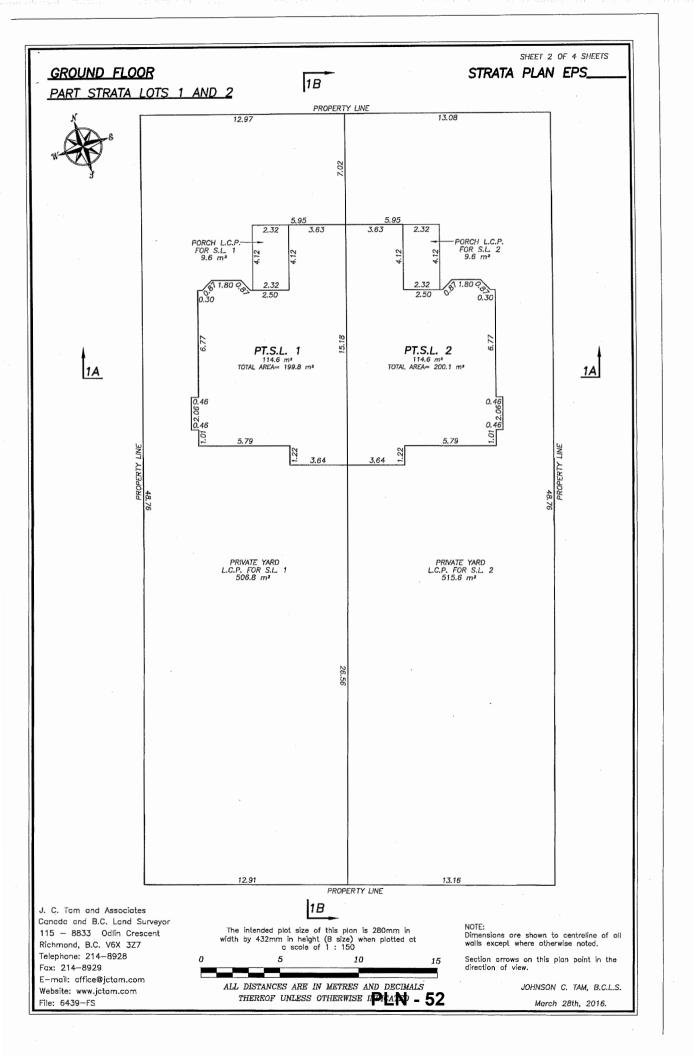
City of Richmond

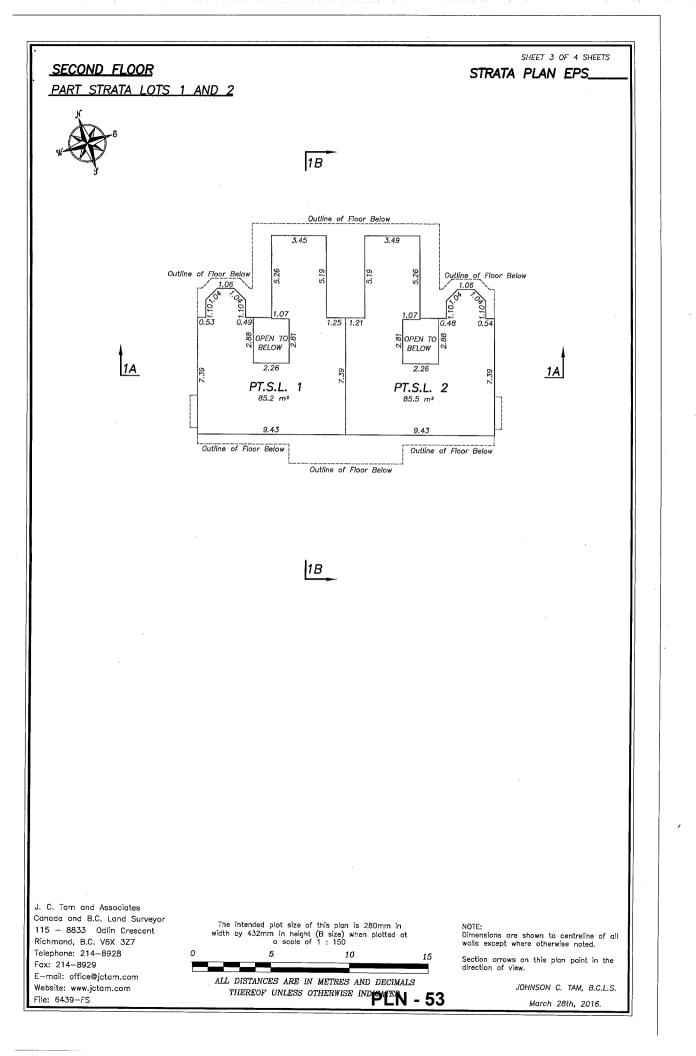
Policy Manual

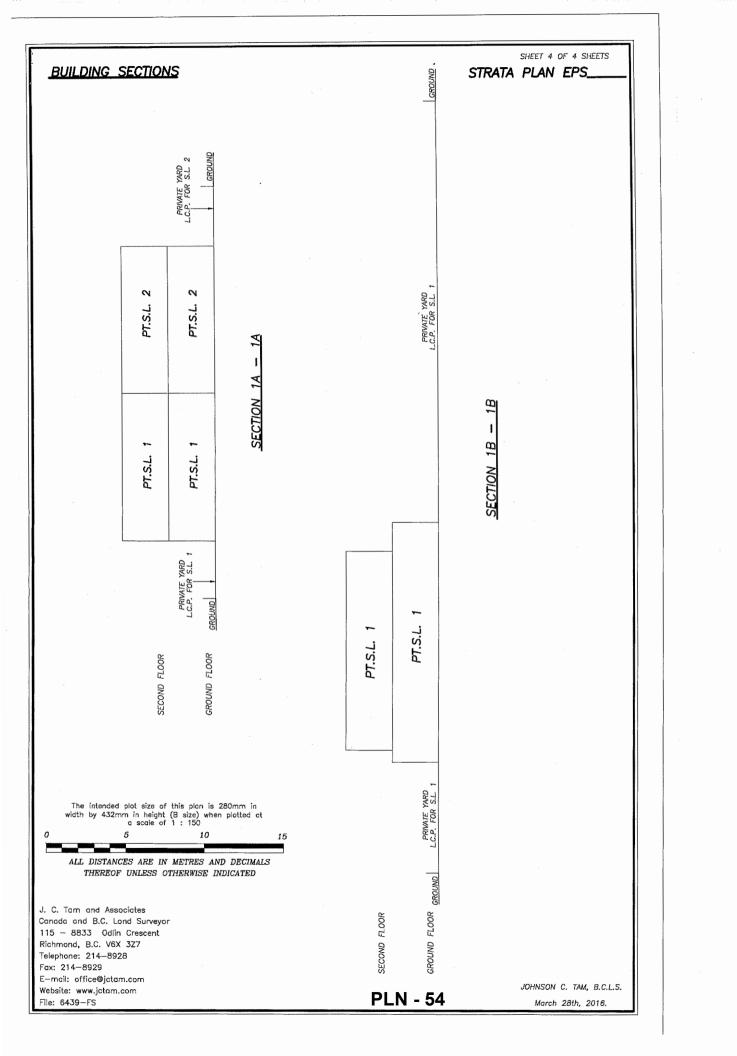
Page 1 of 1	Adopted by Council: March 29 th , 2005	Policy 5042					
File Ref:	Rezoning Applications for Two-Family Housing Districts, conforming Two-family Dwellings	Involving Existing Non-					
Policy 5042							
It is Council	policy that:						
Rezoning applications seeking a rezoning to "Two-Family 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:							
dimens	 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. 						
contair	pection of the existing structure by City Staff is required to confirm the a maximum of two dwelling units. A Restrictive Covenant limiting mum of two dwelling units is required as a condition of final adoption	the property to					
а	 operty owner shall provide a written statement on the following item The building's age, quality, general conditions and any measures upgrade or alter the buildings appearance; and The occupancy of the existing structure and what impact the propriate have on the existing residents of the two-family dwelling. 	proposed to					
design site, sta	as a result of the normal rezoning process, the public has raised co of an existing structure or construction of a new two-family dwelling aff will present to Council a summary of the public concerns along w le to address the concerns.	on the subject					
require	pplication shall be reviewed to determine if there are any off-site im d to bring the site up to City standards. Should any off-site improve d, such improvements are required as a condition of final adoption	ements be					
	a Council approved 702 Single Family Lot Size Policy would perminubli ubdivided, Council will be advised of the site's future subdivision po						
structu	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.						

ATTACHMENT 6











Rezoning Considerations

Development Applications Department 6911 No. 3 Road, Richmond, BC V6Y 2C1

Address: 10726/10728 River Drive

File No.: RZ 16-723542

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 9538, the developer is required to complete the following:

- 1. Registration of an aircraft noise sensitive use covenant on title.
- 2. Registration of a flood indemnity covenant on title.
- 3. Registration of a restrictive covenant limiting the property to a maximum of two (2) dwelling units.

Prior to approval of Strata Title Conversion, the developer is required to complete the following:

- 1. Adoption of Bylaw No. 9538, rezoning the subject property from "Single Detached (RS1/D)" to "Two-Unit Dwellings (RD1)";
- 2. Payment of all City utility charges and property taxes up to and including the year 2016;
- 3. Submission of appropriate plans and documents for execution by the Approving Officer within 180 days of the date of this resolution.

Note:

• Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

[signed copy on file]

Signed

Date

Bylaw 9538

CITY OF RICHMOND

APPROVED by

APPROVED by Director or Solicitor



Richmond Zoning Bylaw 8500 Amendment Bylaw 9538 (16-723542) 10726/10728 River Drive

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 DWELLINGS (RD1)"**.

P.I.D. 009-354-328 Lot 1 Section 23 Block 5 North Range 6 West New Westminster District Plan 76587

2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 9538".

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

MAYOR

CORPORATE OFFICER