

# City of Richmond Urban Development Division

## Memorandum

To:

Mayor & Councillors

Date:

March 16, 2006

From:

Terry Crowe

File:

08-4050-11/2006-Vol 01

Manager, Policy Planning

Re:

West Cambie Area Plan - Potential Delegation from Jan Knap at March 20,

2006 Public Hearing

The Planning Committee Chair (Harold Steves) has requested that the two previous staff reports on Mr. Knap's rezoning applications at 10420/10440 Odlin Road be circulated to the Mayor and Councillors.

The first application from Mr. Knap was in 2002, and proposed to rezone his property R5 for the existing duplex and CD/28 with 4 dwelling units facing Shepherd Drive. This application was not supported by staff and was denied by Council because it was too dense a development for the area.

The second application, which was approved in 2004, rezoned the existing duplex on Odlin Road R5 and the rear portion of the property facing Shepherd Drive R1/B for two potential single-family lots (which Mr. Knap has yet to subdivide).

In the past, Mr. Knap has expressed an interest in building a "flex house" on his property (similar to what was done at 3860 Regent Street). It is expected that Mr. Knap may ask at the March 20, 2006 Public Hearing why this proposal has not been incorporated into the West Cambie Area Plan.

It should be stressed that Mr. Knap has never formally applied for or submitted plans for a "flex house". Furthermore, Council has directed that a comprehensive review of the "flex house" model be undertaken to determine where in the City it is best to locate this housing form prior to any specific rezoning.

Staff will review the "flex house" issue as part of the Affordable Housing Strategy Update which is to be completed this year.

## **Summary**

No changes are recommended to the proposed West Cambie Area Plan Bylaw 8029 at this time.

For clarification, please contact me at 604-276-4139.

Terry Crowe

Manager, Policy Planning

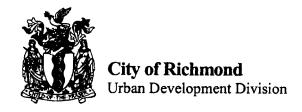
TTC/HB:hb

Att. 2

Cc:

Joe Erceg, General Manager, UDD Holger Burke, Planning Co-ordinator





## **Report to Committee**

To:

Planning Committee

Date:

October 24, 2002

From:

Joe Ercea

File:

RZ 02-206226

Re:

APPLICATION BY JAN KNAP FOR AN AMENDMENT TO THE WEST CAMBIE

AREA PLAN FROM "RESIDENTIAL (SINGLE FAMILY ONLY)" TO

"RESIDENTIAL" AND FOR A REZONING AT 10420 AND 10440 ODLIN ROAD FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA F (R1/F) TO

TWO-FAMILY HOUSING DISTRICT (R5) AND COMPREHENSIVE

**DEVELOPMENT DISTRICT (CD/28)** 

Manager, Development Applications

## **Staff Recommendation**

That the amendment to the West Cambie Area Plan from "Residential (Single Family Only)" to "Residential" and for the rezoning of 10420 and 10440 Odlin Road from "Single-Family Housing District, Subdivision Area F (R1/F)" to "Two-Family Housing District (R5)" and "Comprehensive Development District (CD/28)" be denied.

Manager, Development Applications

JE:jmb Att.

FOR ORIGINATING DIVISION USE ONLY

#### Staff Report

## Origin

Dr. Jan Knap has applied to the City of Richmond for permission to:

- rezone the southerly portion of 10420/10440 Odlin Road from Single-Family Housing District, Subdivision Area F (R1/F) to Comprehensive Development District (CD/28) in order to subdivide this area into two new lots with two dwelling units located on each lot with access off of Shepherd Drive; and
- rezone the northerly portion of the lot to Two-Family Housing District (R5) in order to retain the existing older duplex.

The location of the proposal is shown on Attachment 1. The proposed site plans and sample elevations for the CD/28 lots are shown on Attachment 2 & 3.

## **Findings of Fact**

ltem	Existing	Proposed
Owner	10420 Odlin Road – Jan Knap and Krystyna Dittmer-Knap	To be determined
	10440 Odlin Road - Rafal Knap	
Applicant	Jan Knap	No change
Site Size	One lot - 1949 m <sup>2</sup> (20,980 ft <sup>2</sup> )	One R5 lot – 866 m <sup>2</sup> (9322 ft <sup>2</sup> ) & two CD/28 lots 441m <sup>2</sup> (4747 ft <sup>2</sup> ) and 642 m <sup>2</sup> (6911 ft <sup>2</sup> )
Land Uses	legal, non-conforming duplex	legal duplex and two new single family properties with two units on each property
OCP Generalized Land Use Designation	Neighbourhood Residential	No change
West Cambie Area Plan Designation	Residential (Single Family Only)	Residential
Zoning	R1/F	R5 & CD/28
NEF	Yes	No change

#### West Cambie Area Plan

The West Cambie Area Plan has two residential land use designations: Residential and Residential (Single Family Only). The designation for the subject lot and those around it is currently "Residential (Single Family Only)" as shown on **Attachment 4**. Therefore, the proposed land use would require an amendment to "Residential" in order to permit uses other than just single-family.

In addition the plan contains policies stating "Maintain single-family housing opportunities" and "Regulate the height and scale of new buildings to be appropriate to their surroundings and that a balanced relationship is established between the old and the new".

### Surrounding Development

In 1996 the neighbourhood to the south of the subject lot (Odlinwood) was rezoned and developed by the City of Richmond for a mixture of single family, townhouses, non-market housing and park use. At that time the City invited the owners of the subject lot (the applicant of the subject rezoning) to include their land in the rezoning process for the smaller single family lots. The applicant indicated interest in rezoning for townhouse use instead, which was not a use that was envisioned for the subject lot. Therefore, the applicant did not proceed with an application for smaller lots.

The lot to the east of the subject lot, which has the same original dimensions as the subject lot and also had a duplex on it, took advantage of this opportunity to rezone to R1/B in consideration for dedication of a portion of land for the creation of the Shepherd Drive cul de sac. This lot is now in the process of subdividing to four R1/B size lots.

The property directly adjacent to the west of the subject lot is zoned for Assembly use. The properties to the south are single family lots zoned R1/B. These lots recently were the subject of a variance application which permits them to:

- have posts supporting porches and verandas project up to 2 metres into the front yard;
- permit fireplaces and chimneys to project 0.5 metres into the side yard on one side; and
- permit fireplaces and chimneys to project 0.2 metres into the side yard on one side.

#### CD/61

The single family lots in the neighbourhood that were developed as part of the Odlinwood plan are zoned CD/61. These CD/61 single family lots differ from the R1 single family lots in that they permit:

- a density of .6 FAR rather than .55 FAR;
- a maximum lot coverage of 50% rather then 45%;
- a front yard setback of 4.3m rather than 6m;
- projections for porches, bay windows and gables into the front yard setback and into the residential vertical envelope; and
- habitable space above the garage.

While this zone does permit more variation for a single family lot than the R1 zone, all of the CD/61 lots are serviced by a back lane which would be difficult to introduce for the subject lot. Accordingly, CD/61 is inappropriate.

#### Reference: Minimum Lot Widths and Areas

Туре	Lot V	Vidth	Lot Area
Α	9m	(29.527 ft.)	270 m <sup>2</sup> (2,906 ft <sup>2</sup> )
В	12m	(39.370 ft.)	360 m <sup>2</sup> (3,875 ft <sup>2</sup> )
E	18m	(59.055 ft.)	550 m <sup>2</sup> (5,920 ft <sup>2</sup> )
F	18m	(59.055 ft.)	828 m <sup>2</sup> (8,913 ft <sup>2</sup> )

#### **Staff Comments**

## Zoning

The applicant is proposing to use CD/28 for the two lots fronting Shepherd Drive. Under this zone, the applicant is proposing to build two units on each of the two new lots. CD/28 is a zone that is primarily used in the City Centre to permit multi-family densities on small lots with reduced front yard setbacks and rear garages. It is not a zone that has been used in, or would normally be considered in a neighbourhood outside the City Centre.

#### Engineering

With the future subdivision of the site the developer will be required to enter into a servicing agreement for the design and construction of the entire Odlin road frontage, which would include but not be limited to, pavement widening, curb and gutter, grassed and treed boulevard, a 1.5m concrete sidewalk and street lighting all to current City standards.

#### Noise

The subject lot is located in the area where a restrictive covenant for noise insulation is required as stated in the OCP and as agreed to with YVR in the Richmond YVR Accord. The covenant covers two areas:

- 1. Retention of a registered professional qualified in acoustics to determine the aircraft noise exposure affecting the property and to determine what measures, if any, are required to satisfy CMHC noise insulation standards; and
- 2. Release of the City to any future lawsuits relating to aircraft noise.

The applicant is unwilling to sign a covenant dealing with part 2 above as the clause releases the City from any claims related to aircraft noise "or some such similar clause". This covenant is the standard one used in all cases to deal with aircraft noise and as the applicant is unwilling to sign it, staff is not supportive of the application for rezoning.

#### **Analysis**

The primary issue with this proposal is that the applicant wishes to achieve densities that are inconsistent with the Residential (Single Family Only) designation in the West Cambie Area Plan and with the densities on the neighbouring sites.

One of the applicant's arguments in favour of increased density on this site is the large size of his lot (1949 m<sup>2</sup>). However, there are over 550 lots in Richmond that are over 1900 m<sup>2</sup> in size. The applicant is actually in a advantageous situation in that the lot has frontage in the front and back of the lot which enables a front to back, not just side by side subdivision. Therefore, he is able to achieve four new single family lots if he used the R1/B zone. However, the applicant wishes to have more density than this on the site.

The applicant has looked at a number of options that would enable more than one unit on each of the two new lots being created on Shepherd Drive. These include a two-family dwelling, a convertible house or a coach house. The problem is that while the lot may be large enough, it is not in the right location for this kind of density. Current city plans and policies generally support increased density in the City Centre and along major arterial roads.

The following options have been considered for the site:

## **Options**

# Retain Existing Duplex under the R5 Zone and Rezone for two new Duplex Lots

New duplexes are currently being considered along arterial roads in Richmond, however, while duplexes or single family homes with suites may be considered in the future within single-family neighbourhoods, currently there are no policies to govern where or how these types of dwellings would occur. Therefore, an application for new duplexes is considered pre-mature.

# Retain Existing Duplex and Rezone for two Single Family Lots

Under this option the duplex could be retained along Odlin Road and two single family properties (442 m² and 643.5 m²) under R1/B zoning would be created off Shepherd Drive. While the duplex is not in the best condition, the applicant wishes to retain it. The two new lots that are created would be consistent with those directly adjacent to the subject site. While staff is supportive, the applicant is not satisfied with this option.

## Rezone for four Single Family Lots

The entire site could be rezoned and subdivided for four single family R1/B lots (approx 487 m<sup>2</sup> each), as will be done on the property to the east (formerly 10460 Odlin). The resulting homes would be approximately 260 m<sup>2</sup>. This is the option most supported by staff, and recently completed on the site to the east, but the applicant does not wish to pursue this option.

## Rezone with a Rear Lane

When the property to the east approached the City regarding redevelopment, staff brought the applicant and Dr. Knap together for a meeting to discuss the redevelopment potential of both lots. Together, the lots may have had additional redevelopment options. One of these would have been to provide a lane connecting to the CD/61 lots to the east of both lots. The advantage to the applicant of this option was that CD/61 permits additional floor area to be located above the garage. As the neighbouring lot owner decided not to proceed with the lane option but rather the R1/B option, this limits the ability to introduce a lane for applicant's lot.

#### Flex House

As Dr. Knap's interest is to generate additional densities for his properties, beyond single family, one other option that was proposed by the applicant was the use of a flex house as is currently being demonstrated in Steveston. The use of housing such as the flex house will be something that Policy Planning staff will be exploring and will be bringing forward a comprehensive assessment to Council on in the future.

However, when the flex house was approved by Council, there was a specific resolution that limited the use of the zone to the Steveson site until an assessment of the house and implications for Richmond was brought forward to Council. Until there is a better understanding of where and how this housing form will be used, it is premature to consider it for the subject lot. The estimated timeframe for a policy for the use of flex housing is 1 to 2 years.

#### CD/28

The applicant's proposal is to rezone a portion of the site for CD/28. While the applicant is not choosing to use the additional floor area permitted in this zone, the fact that a second dwelling unit is being added to each lot is inconsistent with the rest of the neighbourhood and with the Area Plan designation. Detailed issues with using CD/28 in this location include that:

- the zone would permit three units on each of the new lots;
- a 4.5m front yard setback would be permitted. This is not consistent with the 6m setback required on the R1/B lots adjacent to this site;
- the zone requires a 15m (49 ft) setback for garages. This creates an awkward site layout whereby a shared driveway is proposed to access the parking at the rear of the site; and
- the buildings are permitted to be 12m (39.37) high in this zone while the R1 zone permits a building height of 9m (29.5 ft).

Overall, staff is not supportive of this option.

### **Financial Impact**

None.

#### Conclusion

The applicant is proposing to retain the existing duplex on the site and rezone the back of the site for two units on two new lots, under CD/28. While staff has no major issue with the retention of the duplex, there are many issues with the introduction of CD/28 into this neighbourhood. While increasing densities within single family neighbourhoods may be something that is considered for all of Richmond single-family neighbourhoods in the future in the form of duplexes, suites or flex houses, currently no policy framework exists to consider in what form and where this may be considered on a city wide basis. The other issue with introducing CD/28 or other multi-unit proposals is that the area plan specifically limits this area to single family residential only.

There are also specific issues with the use of CD/28 including the reduced front yard setback, the location of the garages, the potential height of the buildings and the possibility of more than just two dwellings on each new lot.

An additional issue is that the applicant is unwilling to sign the standard noise covenant that is required with any new development in this area.

The applicant has two options that staff support on the subject site, namely:

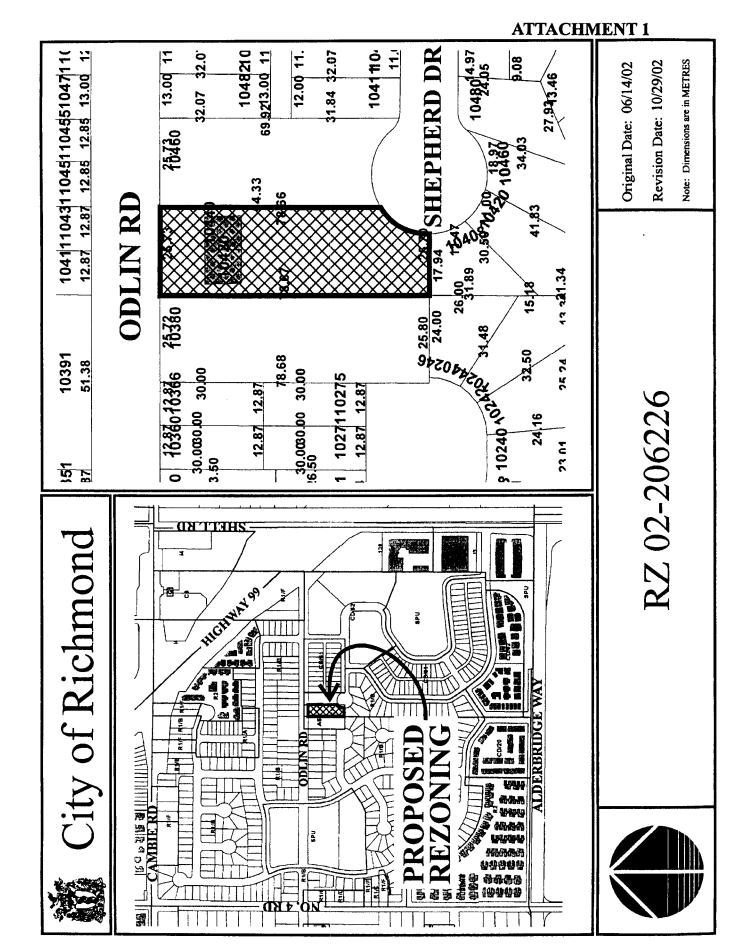
- rezone and subdivide the lot into to four single family lots under R1/B zoning; or
- retain the duplex under R5 zoning and subdivide the rear portion of the lot for two additional single family lots under R1/B zoning.

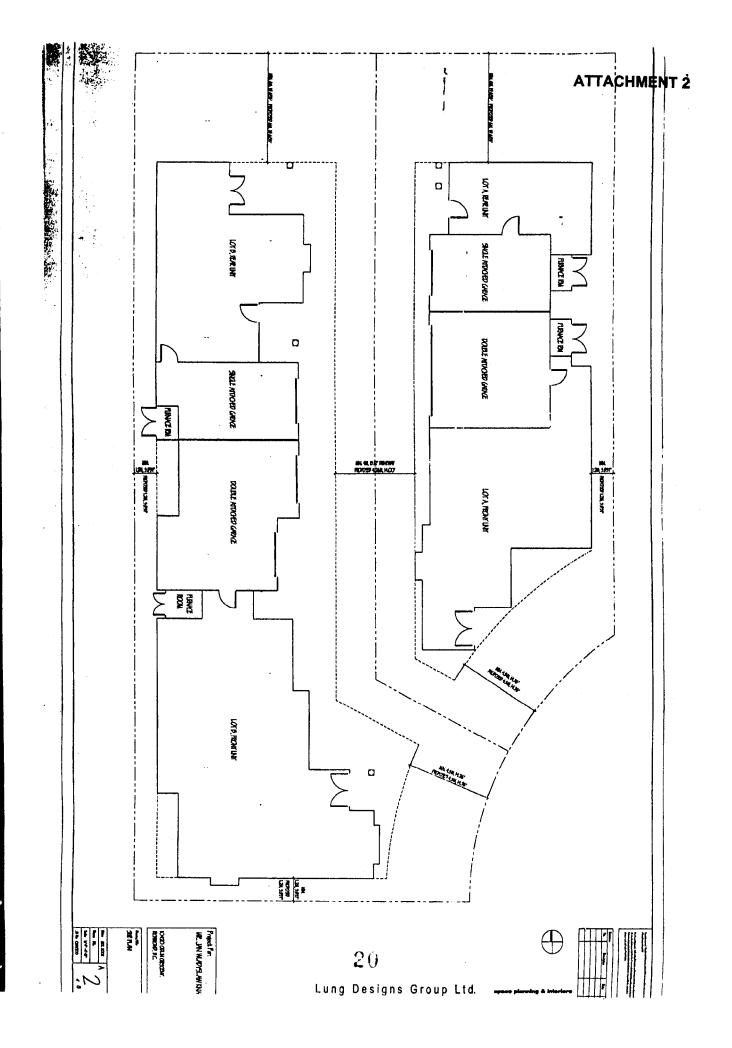
However, the applicant is not interested in pursuing either of these options.

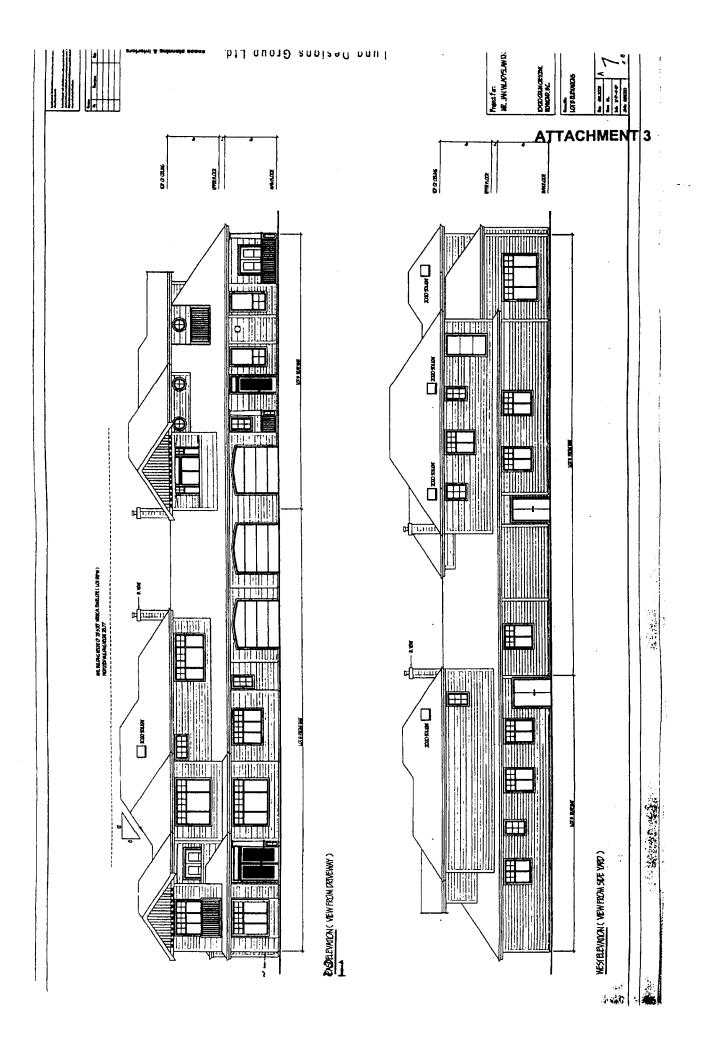
Jenny Beran, MCIP

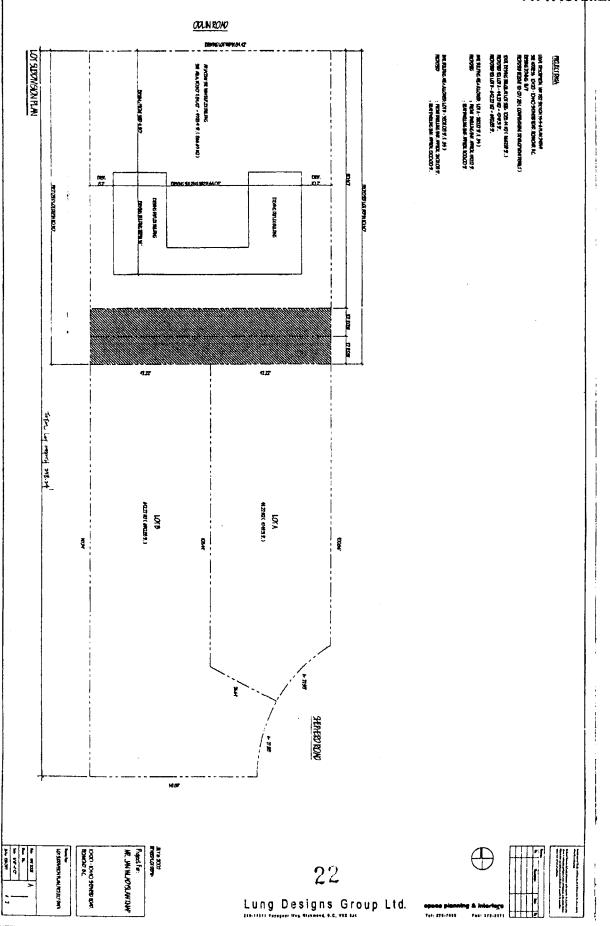
Planner, Urban Development

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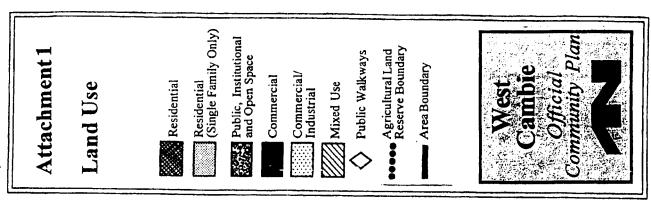


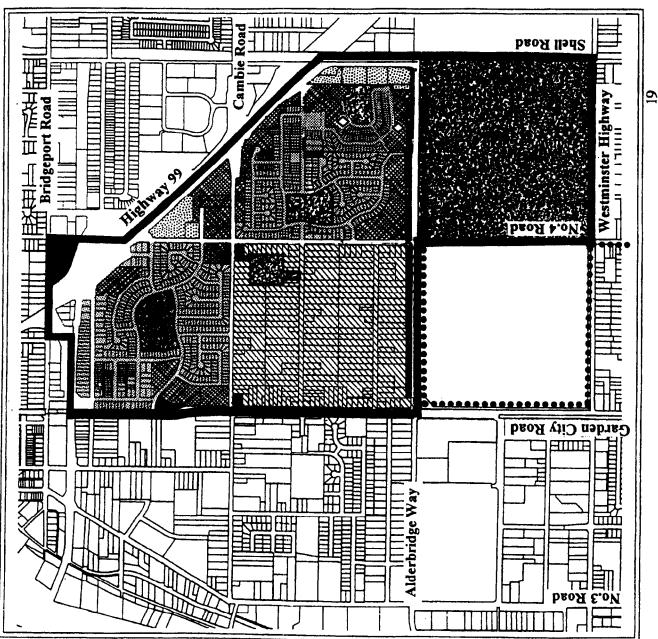


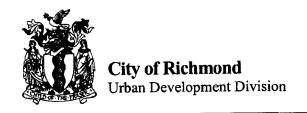




Original Adoption: March 15, 1999







# **Report to Committee**

To:

Planning Committee

Date:

March 19, 2004

From:

Raul Allueva

File:

RZ 04-010768

1 /0

Director of Development

Re:

APPLICATION BY JAN W. KNAP FOR FOR A REZONING AT 10420 AND 10440 ODLIN ROAD FROM SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA F (R1/F) TO TWO-FAMILY HOUSING DISTRICT (R5) AND SINGLE-

FAMILY HOUSING DISTRICT, SUBDIVISION AREA B (R1/B)

#### Staff Recommendation

1. That Bylaw No. 7700, to amend the minimum lot size in Section 604.1 for areas zoned R5 from 1,100 m<sup>2</sup> (11,840.69 ft<sup>2</sup>) to 864 m<sup>2</sup> (9,300.02 ft<sup>2</sup>) in area, be introduced and given first reading.

2. That Bylaw No. 7702, for the rezoning of 10420/10440 Odlin Road from "Single-Family Housing District, Subdivision Area F (R1/F)" to "Two-Family Housing District (R5)" on Odlin Road in order to legalize the existing duplex on the site and to "Single-Family Housing District, Subdivision Area B (R1/B)" on Shepherd Drive, be introduced and given first reading.

Raul Allueva

Director of Development

RV:ef Att. 2

FOR ORIGINATING DIVISION USE ONLY

**CONCURRENCE OF GENERAL MANAGER** 

#### Staff Report

## Origin

Jan W. Knap has applied to rezone 10420 and 10440 Odlin Road (Attachment 1) from Single-Family Housing District, Subdivision Area F (R1/F) to Two-Family Housing District (R5) on Odlin Road in order to legalize the existing duplex on the site and to Single-Family Housing District, Subdivision Area B (R1/B) on Shepherd Drive in order to create two single-family residential lots, for a total of three lots (Attachment 2).

On November 5, 2002, at Planning Committee, a previous application by the owner for an amendment to the West Cambie Area Plan from Residential (Single Family Only) to Residential and for the rezoning of 10420 and 10440 Odlin Road from Single-Family Housing District, Subdivision Area F (R1/F) to Two-Family Housing District (R5) and Comprehensive Development District (CD/28) was denied. The proposal involved the retention of the existing duplex on Odlin Road, and the creation of two new lots on Shepherd Drive, each with two (2) dwelling units (6 units total). The total density was considered excessive for this location.

At the time, the owner was asked to consider the alternative development options identified in the staff report, which included one option to rezone for four (4) single-family lots and a second option to retain the existing duplex on Odlin Road and subdivide to create two (2) single-family lots on Shepherd Drive, but he declined. The owner has since re-considered these options and has submitted a new application to rezone in order to retain the existing duplex and to create two (2) single-family lots.

#### **Findings of Fact**

Item	Existing	Proposed
Owner	10420 Odlin Road – Jan Knap and Krystyna Dittmer-Knap 10440 Odlin Road – Rafal Knap	No change
Applicant	Jan Knap	No change
Site Size (by applicant)	One lot - 1944.92 m <sup>2</sup> (20,935.56 ft <sup>2</sup> ) (Gross)	One R5 lot – 874.82 m² (9,416.79 ft²) & Two R1/B lots - 636.52 m² (6,851.67 ft²) and 435.52 m² (4,688.05ft²) (Gross)
Land Uses	Legal, non-conforming duplex	Legal duplex and two new single family properties with one dwelling unit on each property
OCP Generalized Land Use Designation	Neighbourhood Residential	No change
West Cambie Area Plan Designation	Residential (Single Family Only)	No change
Zoning	R1/F	R5 & R1/B
NEF	Yes	No change

#### **Staff Comments**

#### Policy Planning

The site is one of three large lots remaining on Odlin Rd, near the recent Odlinwood development. The Johrei Fellowship occupies the adjacent property to the west at 10380 Odlin Road, zoned Assembly. The large lot across the street at 10391 Odlin Road is zoned R1/B.

The applicant proposes to use R1/B for the two lots fronting Shepherd Drive. Under this zone, the applicant could build one dwelling unit on each of the two new lots. R1/B is consistent with the zoning of the surrounding single-family residential properties. Staff support the creation of two (2) single-family lots with frontage on Shepherd Drive.

The applicant proposes to rezone the north portion of the site fronting Odlin Road to R5 to allow for the retention of the existing duplex. An amendment to the West Cambie area plan is not required, as the proposal will recognize the existing duplex and create two (2) new residential lots that comply with the Residential (Single-Family only) designation in the area plan..

The proposed duplex lot on Odlin Road to be subdivided from the existing parcel and zoned R5 is proposed to be 874.82 m<sup>2</sup> (9,416.79 ft<sup>2</sup>) in area. This area exceeds the minimum permitted lot size in the R5 District Schedule, 864 m<sup>2</sup> (9,300.02 ft<sup>2</sup>), however it is less than the minimum area permitted for subdivision of land, 1,100 m<sup>2</sup> (11,840.69 ft<sup>2</sup>). A Bylaw amendment to reduce the minimum area permitted for subdivision is proposed to achieve compliance.

The proposed Bylaw amendment to Division 600: Subdivision of Land is required to reduce the permitted minimum area for parcels of land which may be created by subdivision for areas zoned R5 from 1,100 m² (11,840.69 ft²) to 864 m² (9,300.02 ft²). This reduction is not expected to affect the application of the R5 zone to existing properties, and is in the nature of a housekeeping amendment. In effect, this text amendment will bring the minimum area permitted for subdivision in the R5 District in line with the existing minimum lot size. There are currently dozens of existing R5 lots in the City, many of which are less than 1,100 m² (11,840.69 ft²) in area. They are, however, consistent with the R5 District Schedule, which requires a minimum lot size of 864 m² (9,300.02 ft²). These lots are larger than the proposed minimum area for parcels of land which may be created by subdivision, though not large enough to create further subdivision.

#### Permits Review

The existing duplex meets the floor area ratio (FAR), lot coverage, setback, height and other zoning requirements of the subdivided lot to be zoned R5.

## Development Applications - Engineering

There is no requirement for any frontage upgrades as this time. Frontage upgrades to Odlin Road would be required in the future with any application for subdivision and rezoning of the proposed R5 duplex lot to single-family residential.

## **Analysis**

The current owners of the subject site expect that the future use of the north portion of the property will continue as a Two-family Dwelling. A Restrictive Covenant will be required to be registered on the duplex lot to limit the lot to one-family per dwelling unit. The proposed rezoning permits the current uses to become conforming uses, and would allow for the construction of two new single-family homes on the new lots on Shepherd Drive.

#### Financial Impact

None

#### Conclusion

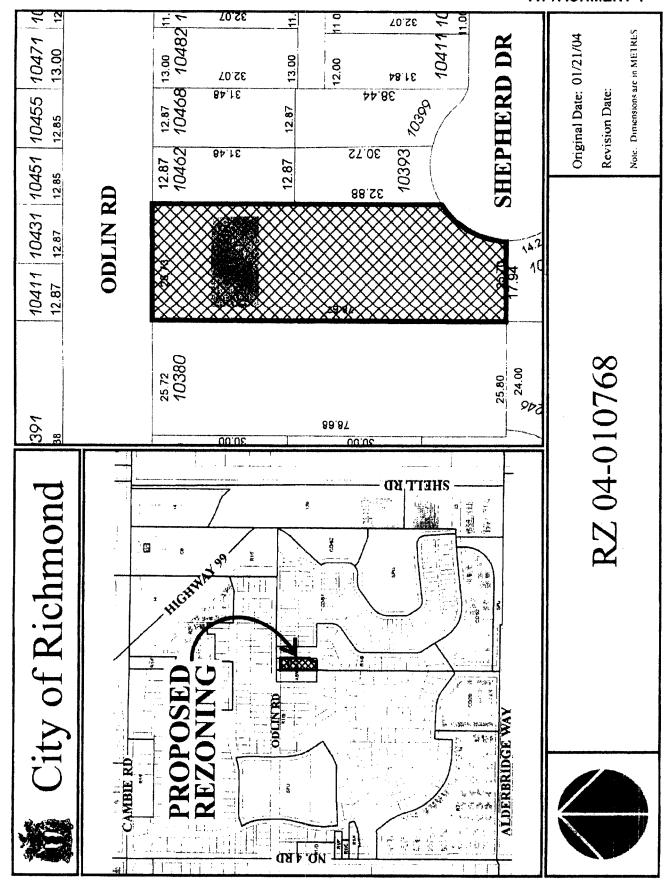
Staff have reviewed the proposed Rezoning intended to accommodate the existing strata titled duplex on the property, and to permit creation of two single-family lots on Shepherd Drive. The proposal is consistent with the West Cambie Area Plan. On this basis, staff recommend that the proposed rezoning merits favourable consideration.



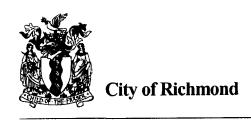
EF:cas

The following requirements must be met prior to final adoption of the rezoning:

- Registration of a Restrictive Covenant limiting the uses on the duplex lot, only, to one family per dwelling unit;
- Registration of a Restrictive Covenant agreeing to have new buildings designed to incorporate adequate sound measures against aircraft noise; and
- Ministry of Transportation approval.



RZ 04-010768 REV. JAN 15/04 ODLIN ROAD 51.426 90' 02' 47' 90 02 45° 25.749 10420/10440 S.A.K. PLAN LMP35393 95 874.82 m² PLAN REM. 7 PLAN 24859 12.87 LANE S. R. W. PLAN LM PLAN 5164 636.52 m<sup>2</sup> 106 105 S.R.W. PLAN LHP35952 S.R.W. PLA 25.744 SHEPAR. 90 02 17 89 56 05 (RADIAL) BEND PT. COMMON S.R.W. PLAN LHP35393 PROPERTY NW782 94 PLAN 87318 5 0 93 91

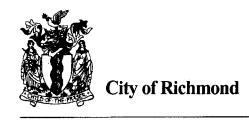


## Richmond Zoning and Development Bylaw 5300 Amendment Bylaw 7702 (RZ 04-010768) 10420 AND 10440 ODLIN ROAD

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 and Development Bylaw 5300, is amended by repealing the existing zoning designation and designating the area shown cross-hatched on "Schedule A attached to and forming part of Bylaw No. 7702." TWO-FAMILY HOUSING DISTRICT (R5) AND SINGLE-FAMILY HOUSING DISTRICT, SUBDIVISION AREA B (R1/B).
- 2. This Bylaw may be cited as "Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7702".

FIRST READING		CITY OF RICHMOND
A PUBLIC HEARING WAS HELD ON		APPROVED for content by originating dept.
SECOND READING		APPROVED
THIRD READING		for legality by Solicitor
MINISTRY OF TRANSPORTATION APPROVAL		<del></del>
LEGAL REQUIREMENTS SATISFIED		
ADOPTED		
MAYOR	CITY CLERK	



## Richmond Zoning and Development Bylaw 5300 Amendment Bylaw 7700 (RZ 04-010768)

1.	Richmond Zoning and Development Bylaw 5300 is amended by repealing the existing
	Section 604.1 and by inserting the following in its place:

#### "604.1 AREAS ZONED R5

The creation by subdivision of a parcel of less than 864 m<sup>2</sup> (9,300.02 ft<sup>2</sup>) in area shall not be permitted."

2. This Bylaw may be cited as "Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7700".

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ADOPTED	
MAYOR	CITY CLERK