



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: August 18, 2006
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Meeting Date: September 28, 2006

TO: Standing Committee on Planning and Environment

FROM: Subdivision Approving Officer

SUBJECT: Proposed Amendment to Subdivision By-law No. 5208 - Reclassification of 2084 West 42nd Avenue

RECOMMENDATION

- A. THAT Council refuse the application to reclassify the two-parcel, 66 ft.-wide property at 2084 West 42nd Avenue from Category C to Category A of Schedule A, Table 1, of Subdivision By-law No. 5208.

As an alternative to A, the following is submitted for CONSIDERATION:

- B. THAT Council approve the application to reclassify the property at 2084 West 42nd Avenue from Category C to Category A of Schedule A, Table 1, of Subdivision By-law No. 5208.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend the Subdivision By-law implementing the required changes.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A but submits B as an alternative for CONSIDERATION.

COUNCIL POLICY

Council Policy regarding amendments to the subdivision categories in the RS-1, RS-3, RS-3A, RS-5 and RS-6 Zoning Districts is reflected in the Manager's Report as approved by Council on October 28, 1987. As well as establishing seven parcel size categories for subdivision in the RS Districts, the report provided for possible future changes in the categories in cases where property owners seek to classify their parcel category either up or down, to either facilitate or prevent subdivision.

PURPOSE

This report addresses a proposal to reclassify the property at 2084 West 42nd Avenue from Category C to Category A for the purpose of subdivision in accordance with the minimum parcel size requirements of Schedule A, Table 1, of the Subdivision By-law.

BACKGROUND AND SUBDIVISION HISTORY

On January 19, 1988, Council enacted an amendment to the Subdivision By-law by introducing seven categories of minimum parcel width and area to govern the subdivision of lands zoned RS-1. Subsequently, lands zoned RS-3, RS-3A, RS-5 and RS-6 have been included as well. All lands in these zoning districts are classified on a block-by-block basis, as shown on 279 sectional maps, which are on file with the City Clerk and which form part of Schedule A of the Subdivision By-law. The categories were introduced and applied to maintain the predominant parcel width in blocks in "RS" zoned areas, by generally limiting subdivision opportunities to those that would reinforce the pattern within the block.

As shown in Appendix A, the properties on the south side of the 2000 block of West 42nd Avenue are classified as Category C, which prescribes a minimum width of 50 ft. and a minimum area of 5,000 sq. ft. for each new parcel created by subdivision. Under the current subdivision category, none of the parcels within the subject block can be subdivided, either individually or by combining with an adjacent parcel, to create additional parcels.

The subject block originally had a consistent pattern of 49.5 ft.-wide parcels along the south side of West 42nd and north side of West 43rd Avenues, from the lane east of East Boulevard to Maple Street, as shown on Plan 3734, registered in 1911.

In 1919, Lot 24 was subdivided into a 33 ft.-wide parcel and a 16.5 ft.-wide parcel, with the 16.5 ft.-wide parcel being acquired by the owners of the westerly adjacent Lot 25. Since then, the property at 2084 West 42nd has consisted of Lot 25 and the West 16.5 ft. of Lot 24, while the adjacent property at 2076 West 42nd Avenue consists of the East 33 ft. of Lot 24.

The historical subdivision that created the existing 16.5 ft.-wide parcel in this circumstance was quite common, particularly in blocks with 33 ft.-wide parcels, giving rise to similar "narrow lots" in numerous "RS" zoned blocks throughout the city.

NEIGHBOURHOOD NOTIFICATION

Twenty-three property owners in the immediate area were notified in writing of this application and asked to comment. Three responses were received, including one from the owner of the subject property, with the following results:

Support reclassification:	2
Oppose reclassification:	1
Did not respond:	20
Total:	23

The one owner opposed to the application objected because of privacy concerns. Overall, the neighbourhood showed indifference to the application, as gauged by the low response rate to the notification.

ANALYSIS

The owner of Lot 25 and the West 16.5 ft. of Lot 24 submitted this application for reclassification to Category A, which prescribes a minimum parcel width of 30 ft. and a minimum parcel area of 3,000 sq. ft. If the reclassification is approved, the owner would have the potential to subdivide into two 33 ft.-wide parcels which would meet Category A standards. As the 16.5 ft parcel cannot be developed on its own, the reclassification and subsequent subdivision would create one additional developable parcel in the block.

The surrounding "RS" zoned blocks to the east are primarily in Category C, while those to the south are primarily in Category D, which requires a minimum width of 60 ft. and minimum area of 5,400 sq. ft. The block to the immediate north is zoned C-2 (Commercial) and the properties to the west are zoned RM-3A (Multiple Dwelling).

This application is somewhat unique in that reasons can be cited to either refuse or support the application. Reasons that would support refusal include:

- there is no pattern of 33 ft.-wide parcels in the immediate residential area, with the adjacent 33 ft.-wide parcel being the only exception in this block;
- the prevailing subdivision pattern in this block consists of parcels having widths of 49.5 ft.;
- the existing 16.5 ft.-wide parcel and the adjoining 33 ft.-wide parcel (2076 W. 42nd Avenue) could be consolidated back into a 49.5 ft. parcel, recreating the original subdivision pattern which would be most consistent with the block;
- support of this proposal would likely set a precedent within this block and encourage further reclassification applications to Category A (e.g., two adjacent 49.5 ft.-wide parcel owners seeking reclassification to permit subdivision creating three 33 ft.-wide parcels), further altering the character of the block.

Reasons that would support approval of the application include:

- the two-parcel property at 2084 West 42nd is somewhat isolated from the prevalent 49.5 ft.-wide parcels in this block because of the adjacent 33 ft.-wide parcel, so reclassification and subsequent subdivision would create two parcels consistent with that parcel;
- since the 16.5 ft. parcel cannot be separately developed under existing RS-5 zoning, as long as it is owned by the owner of the adjoining 49.5 ft.-wide parcel the property at 2084 West 42nd Avenue can only be developed as a 66 ft.-wide site, which is larger than the prevailing block pattern;
- the current owner of 2076 West 42nd Avenue is not interested in acquiring the 16.5 ft. parcel to enlarge their property to 49.5 ft.;
- the adjacent lands to the north and west support higher densities, with the lands to the north having been redeveloped in recent years with a larger, mixed-use commercial/residential development;
- the majority of the property owners in the notification area did not respond to the notification, so there is no strong support or opposition to the proposal.

Community Vision

The Arbutus Ridge/Kerrisdale/Shaugnessy (ARKS) Community Vision, approved by City Council in 2005, did not address subdivision or reclassification of subdivision categories and therefore the Vision does not include policy on subdivision. Locations for new housing types on large lots, on or near arterial roads, and near shopping areas (see directions 16.1, 16.5 and 16.6), were approved in the Vision. More detailed planning in consultation with the neighbourhood will be needed to determine specific types of and locations for new housing in ARKS.

EcoDensity Initiative

As a regulatory instrument, the Subdivision By-law has traditionally not been considered to be a terribly effective or appropriate means of managing density or intensity of land use, both of which are more suitably addressed via the City's Zoning and Development By-law. Indeed, larger parcels intrinsically have a greater capacity to accommodate a range of land uses and density than do smaller parcels, so subdivisions creating smaller parcels and fragmenting ownership may reduce the practical capacity for some more intensive land use.

However, as part of Council's EcoDensity Initiative commencing next year, Council may wish to revisit the principles that led to the establishment of current Subdivision By-law provisions, notably the different Categories (A-G) created in 1988. These Categories sought to maintain a diversity of parcels in "RS" zoned areas, reinforcing predominant parcel patterns which form the basis of subsequent development and neighbourhood character. Pending a comprehensive By-law review it would be premature to support a reclassification application simply on the basis of an increased number of parcels that may be created through subsequent subdivision.

CONCLUSION

The purpose of the different subdivision categories, when created in 1988, was to preserve prevalent subdivision patterns within an area, with subdivision opportunities being limited to creation of parcels that would be consistent with the block pattern. The Approving Officer has generally recommended refusal of reclassification applications that would establish lesser width and area standards and result in smaller parcels when there is not an established pattern of similar sized properties in the immediate vicinity. In addition, although the current owners are not interested in pursuing this, an opportunity remains in future to reassemble the 16.5 ft and 33 ft. portions of former Lot 24 to re-establish a 49.5 ft. parcel, which would recreate the original subdivision pattern and be consistent with the rest of the block.

Approval of this proposal may establish a precedent that could encourage reclassification applications elsewhere in this or other blocks where there is no policy rationale for doing so. Therefore, the Approving Officer recommends refusal of this application.

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APPENDIX A

