

CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: 2006-09-01
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RTS No.: 06102
CC File No.: 08-4000-11
Meeting Date: September 28, 2006

TO: Standing Committee on Planning and Environment

FROM: Subdivision Approving Officer, in consultation with the Director of Planning

SUBJECT: Proposed Amendment to Subdivision By-law No. 5208 - Reclassification of the properties at 3205, 3211, 3219, and 3221 West 41st Avenue

RECOMMENDATION

- A. THAT Council approve the application to reclassify the properties at 3205, 3211, 3219, and 3221 West 41st Avenue (Lots 1, 2, 3, and 4, Block 12, District Lot 2027, Plan 3741) from Category D 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.

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

- B. THAT Council approve the application to reclassify the properties at 3205, 3211, 3219 and 3221 West 41st Avenue (Lots 1, 2, 3, and 4, Block 12, District Lot 2027, Plan 3741) from Category D to Category A of Schedule A, Table 1, of Subdivision By-law No. 5208, but defer enactment of the Subdivision By-law amendment and encourage the owner to pursue rezoning and redevelopment opportunities that would provide alternative housing variety in accordance with Directions 7.1 and 7.4 of the Dunbar Community Vision; and

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 but withhold its presentation to City Council for enactment until the General Manager of Community Services is satisfied that rezoning and redevelopment opportunities have been sufficiently explored.

GENERAL MANAGER'S COMMENTS

Reclassification applications present Council with a policy decision regarding a requested amendment to the Subdivision By-law regulations that apply to a site. In this application the Approving Officer recommends approval but notes that Council policy objectives as expressed in the Dunbar Community Vision may not be realized by reclassification and subsequent subdivision/development. The Approving Officer is therefore presenting an alternative that would allow for exploration of possible site rezoning and redevelopment, consistent with the Community Vision, before enacting an amendment to the Subdivision By-law.

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 properties at 3205, 3211, 3219, and 3221 West 41st Avenue (Lots 1, 2, 3 and 4) from Category D 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. The applicant is Mr. Kenneth Friesen of Friesen & Epp, Barristers & Solicitors, on behalf of the property owner 594608 B.C. Ltd.

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 B, the properties on the north side of West 41st Avenue, between Blenheim Street and Carnarvon Street, are classified as Category D, which prescribes a minimum width of 60 ft. and a minimum area of 5,400 sq. ft. for each new parcel created by subdivision. Under the current subdivision category, there is no subdivision potential for these properties, either individually, or by combining with an adjacent parcel.

The minimum standard for each of the seven subdivision categories is shown in the table below.

Subdivision Category	Minimum Width	Minimum Area
A	30 ft.	3,000 sq. ft.
B	40 ft.	3,600 sq. ft.
C	50 ft.	5,000 sq. ft.
D	60 ft.	5,400 sq. ft.
E	75 ft.	6,750 sq. ft.
F	100 ft.	12,000 sq. ft.
G	150 ft.	18,000 sq. ft.

Originally, as shown on Appendix A, the block north of West 41st Avenue, from Blenheim Street eastward to land now occupied by Kerrisdale School, was subdivided into 66 ft.-wide parcels fronting onto Balaclava Street and Blenheim Street by way of Subdivision Plan 3269, registered in 1911 (see Appendix A). Later in 1911, two of these 66 ft.-wide parcels on the northwest corner of Balaclava Street and West 41st Avenue were re-subdivided into the current six parcels that now front onto West 41st Avenue, having widths ranging from 31 ft. to 33 ft.

In 1912, the two 66 ft.-wide parcels at the northeast corner of Balaclava and West 41st Avenue were re-subdivided into 3 parcels fronting onto West 41st Avenue, and a portion of the current lane was dedicated, by way of Plan 4098.

In 1948, the current subdivision pattern was created through registration of Plan 7918, which created four 48.0 ft.-wide parcels fronting onto West 41st Avenue and dedicated additional land for street and lane widening.

NEIGHBOURHOOD NOTIFICATION

Notification letters explaining the application asking for comments were sent to the owners of seventeen properties in the immediate area, including each of the four subject properties now owned by 594608 B.C. Ltd., with the following results:

Support reclassification:	3
Oppose reclassification:	1
Did not respond:	<u>13</u>
Total:	17

Two of the three letters of support were received from principles of 594608 B.C. Ltd., one of them being Mr. Friesen. It is understood that each of the former owners of the four parcels comprising the subject site are now principles in this company and it is assumed that the other two principle owners of this company are also supportive.

The one owner in opposition to the reclassification did not provide a reason for objection.

In addition to the foregoing comments from those within the notification area, two responses were received from outside the area, both in support.

ANALYSIS

Reclassification

The reclassification process was established to allow property owners the opportunity to pursue a change in the classification of their properties, especially in situations where there is neighbourhood support for such a change. In this application there was not much response to the notification, although there was more support than opposition.

If the reclassification is approved, demolition of the existing homes would be a condition of subsequent subdivision approval. The owner is contemplating a future subdivision of all subject parcels collectively in a single application, resulting in six equal parcels subdivided from the existing four. However, approval of the reclassification request would permit consideration of immediate subdivision but would not require it.

The four subject lots are somewhat isolated in terms of residential use not only within the balance of this block but in the immediate vicinity, being flanked by Kerrisdale School to the east, Knox United Church across the lane to the north and Crofton House School directly across West 41st Avenue to the south.

The subject site is located at the southeasterly corner of Block 12 which encompasses lands between West 39th and 41st Avenues, from Blenheim Street east to the westerly boundary of Kerrisdale School. Except for the six parcels directly west of the site, across Balaclava Street, residential development within Block 12 generally exists on parcels that comply with the current Category D standards. However, the subject site's frontage, orientation and rear lane configuration give it more in common with the six parcels across Balaclava Street than with other parcels in the balance of Block 12.

If this reclassification is approved, and the existing parcels are subsequently subdivided, the resulting parcels would be more consistent both in parcel width and size with the six residential parcels across Balaclava Street to the west; four of these are 33 ft. in width and two are 31 ft. in width.

Parcels fronting on West 41st Avenue in the immediate vicinity do not present a uniform subdivision pattern, and the properties to the east and west of the subject properties have varying widths and areas, many below Category D standards.

With regard to previous reclassification applications which involved several properties or an entire block of properties, Council has consistently approved those applications which had a strong measure of neighbourhood support, and refused those which showed strong opposition or were evenly divided. With this application there was nominal community response, from those in closest proximity and notified, suggesting general indifference, with only one respondent objecting to the reclassification, and one offering support (in addition to the subject site owner). Two others, more removed from the site, also wrote in support.

Community Visioning

The Dunbar Community Vision, approved by City Council in 1998, calls for the provision of housing variety in the form of rowhouses, duplexes, four-plexes and six-plexes, to be located along arterials - Dunbar Street, West 41st Avenue, and/or West 16th Avenue, and in the context of further planning and neighborhood consultation. (see Vision Directions 7.1 and 7.4.) Arterial locations for new housing types were preferred over non-arterial locations, and support other Vision Directions including improved access to transit and local shopping. Vision Directions to provide new housing types along arterials also support the city-wide policy objectives for affordable housing options and opportunities to 'age in place'. The Vision process did not address subdivision or reclassification of subdivision categories and therefore the Vision does not include policy on subdivision.

New housing types supported by the Community Vision are being pursued at other arterial locations in Dunbar. This past June a rezoning application was submitted for a Housing Demonstration Project at West 39th Avenue and Dunbar Street. Proposed are 16 dwelling units including ten rowhouses, a four-unit multiple dwelling and a two-unit infill dwelling, with underground parking.

The current reclassification applicant and his client (owner) are aware of the Dunbar Community Vision Directions on New Housing Types for this area. There has been some interest exhibited in exploring possible rezoning of the subject site for a project which would be consistent with Dunbar Community Vision.

Policy Reconciliation

In terms of established assessment of Subdivision By-law reclassification applications, this application warrants support. Future subdivision following reclassification could yield a maximum of six parcels from the present four.

The Council-approved Dunbar Community Vision expresses the potential for a different development opportunity for the subject site, one that may more fully satisfy CityPlan objectives for additional housing capacity within Vancouver's neighbourhoods. Reclassification, subdivision and subsequent development of the subject site would increase capacity relative to what might be achieved through redevelopment under the current zoning on the four existing parcels. However, it may be less than could be achieved under rezoning and redevelopment consistent with the Community Vision. Approval of the reclassification may therefore be inconsistent with the policy interests expressed in the Community Vision. Consequently, Council may wish to encourage the applicant to more fully pursue the site's potential for redevelopment consistent with the Community Vision, before Council confirms the potential for future subdivision through enactment of the Subdivision By-law amendment effecting the reclassification.

CONCLUSION

West 41st Avenue does not have a uniform pattern of subdivision in the immediate area, with several large parcels occupied by institutional uses. The resulting parcels following reclassification and subdivision would create a more consistent pattern with other parcels in residential use and fronting West 41st Avenue in the adjacent block. For these reasons, the Subdivision Approving Officer recommends approval of the reclassification.

However, reclassification approval, subsequent subdivision and development would effectively preclude alternate use and development as contemplated by the Dunbar Vision. Council may favour further pursuit of this potential instead of reclassification at this time to allow future subdivision. The Subdivision Approving Officer presents an alternative (CONSIDERATION B) if this is Council's preference.

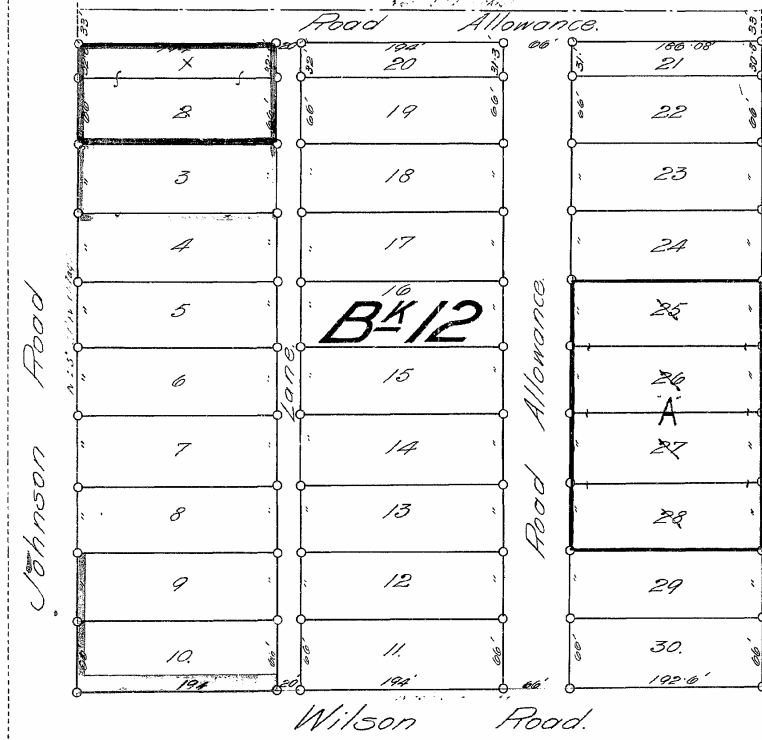
* * * * *

THE S.W. 1/4 OF LOT 10 ESTABLISHED AS ROAD
 UNDER PLAN 4855-1-1
 A S.W. 1/4 OF LOT 12 ESTABLISHED AS ROAD
 UNDER PLAN 4855-1-1
 INTERIOR LINE BETWEEN LOTS 1 & 2
 CANCELLED UNDER P.C. ACT. - FILING
 23751.
 LOTS 25 TO 28 CANCELLED - P.C. ACT. - NOW LOT 'A'
 (REF. PLAN 10953)-588065-1.

Plan of
 Subdivision of
 Block 12 DL2027.

Group 1. N.W.D.
 Point Grey

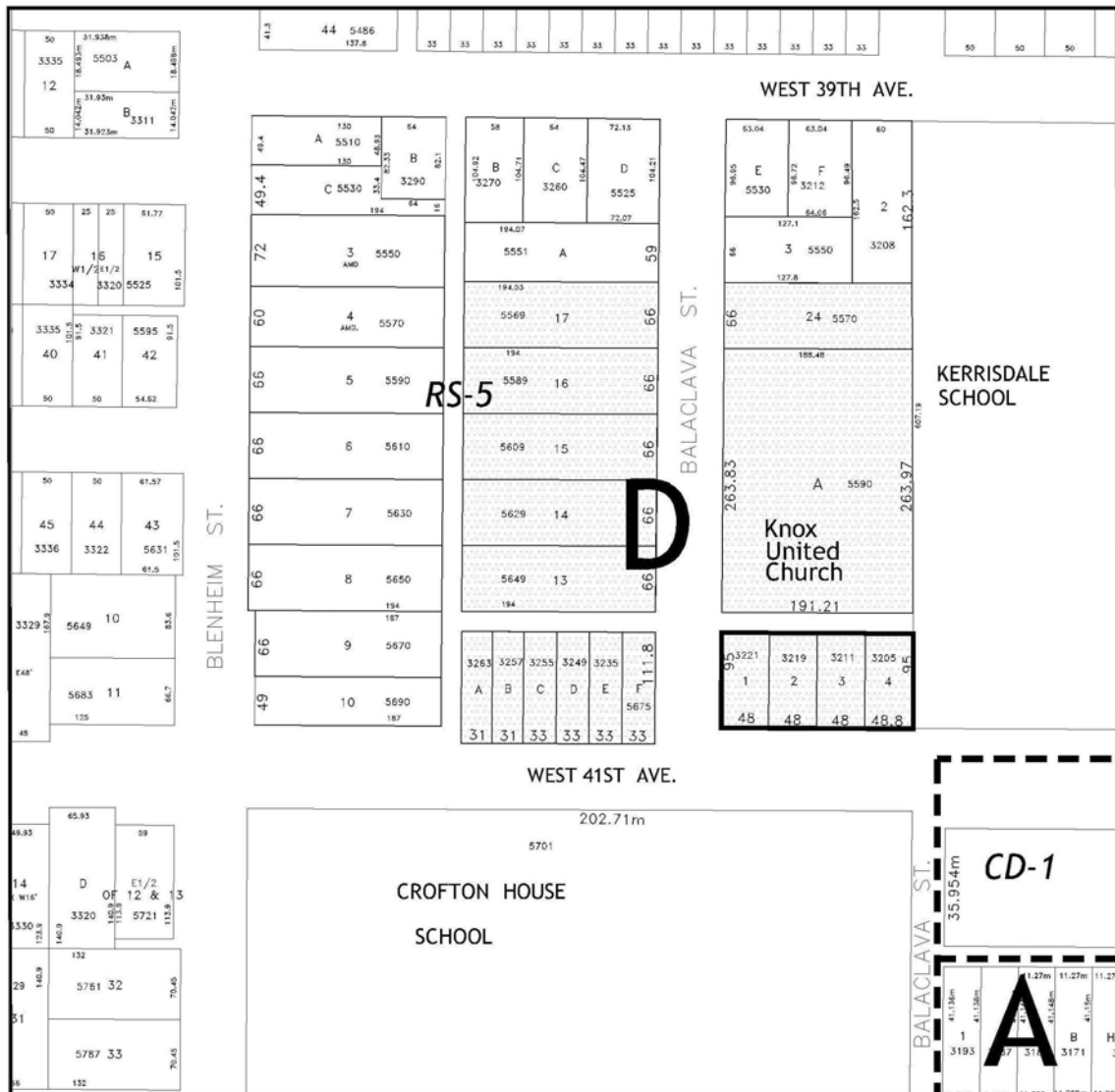
Scale 100ft = 1inch.






Attest
 J. H. Baker

1911
 J. H. Baker

I, Noel Humphrys a British Columbia Land
 Surveyor certify that this plan is a correct representation
 of the survey which has been made by me upon the ground
 and is prepared under the provisions of the Land Registry
 Act
 Dated at Vancouver this 17th day of Jan, 1911
 Noel Humphrys
 B.C.L.S.



-  Subject of Reclassification Application
3205 to 3221 West 41st Avenue
-  Subdivision Category Boundary
-  Notification Area
- D** Category D - minimum width 60 ft.; minimum area 5,400 sq. ft.
- A** Category A - minimum width 30 ft.; minimum area 3,000 sq. ft.

**PROPOSED SUBDIVISION RECLASSIFICATION:
3205 to 3221 West 41st Avenue**

City of Vancouver - Development Services