



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Date: November 6, 2006
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Meeting Date: November 30, 2006

TO: Standing Committee on Planning and Environment

FROM: Subdivision Approving Officer

SUBJECT: Proposed Amendment to Subdivision By-law No. 5208 - Reclassification of the properties at 2955, 2967, 2979 West 43rd Avenue and 5896 Carnarvon Street

RECOMMENDATION

- A. THAT Council approve the application to reclassify the properties at 2955, 2967, 2979 West 43rd Avenue and 5896 Carnarvon Street from Category D to Category A of Schedule A, Table 1, of Subdivision By-law No. 5208.
- B. THAT Council amend the classification of the seven properties at 3019-3091 West 43rd Avenue from Category D to Category A of Schedule A, Table 1, of Subdivision By-law No. 5208.
- C. FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law for enactment.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A, B and C.

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 2955, 2967, 2979 West 43rd Avenue and 5896 Carnarvon Street (Lots 37, 38, 39 and 40) 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.

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.

As shown in Appendix A, the subject parcels on West 43rd Avenue, and the parcels to the south, 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. The parcels in the east portion of the blockface, as well as the parcels to the north of the subject parcels, are classified as Category A, which prescribes a minimum width of 30 ft. and a minimum area of 3,000 sq. ft. Under the current subdivision category, there is no subdivision potential for the subject parcels, 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.

The lots in most RS-zoned blocks were created when owners of individual legal "Blocks" first subdivided, in the early 1900s. At that time and entirely at the initiative of the Block owner, a surveyor would prepare a subdivision plan showing parcels of a width as desired by the Block owner. In most cases, an owner chose a consistent parcel width (e.g., 33 ft., 50 ft., 66 ft). However, that was not always the case and various circumstances gave rise to early subdivisions where the lot width changes "mid-block", now referred to as a "mid-block split".

In the application at hand, the four lots are within Block 3 which essentially encompassed property from 41st to 43rd Avenues and from Carnarvon Street only half way over to Mackenzie Street. Block 3 was subdivided along with Blocks 1 and 2 (to the west) by Plan 1987 in 1905, creating lots generally 74 ft. in width. Block 4 to the east (extending over to what is now Mackenzie Street) was subdivided by Plan 2493 in 1909, creating lots generally 33 ft. in width. The result in this circumstance was a classic change in the resultant subdivision pattern of lots, mid-way between Carnarvon and Mackenzie Streets (see Appendix B).

Blocks 7-11 to the south of 43rd Avenue were subdivided via Plan 3501 in 1911, generally creating lots 66 ft. in width.

Had these earlier subdivision plans remained unaltered in the subsequent decades, application of Categories A-G in 1988 would have been straightforward.

Categories A-G were introduced to reflect the predominant parcel size in RS-zoned blocks throughout the city. The intent was to maintain predominant patterns and the diversity of choice they offered, while offering modest opportunities for subdivision that would reinforce the prevailing pattern.

By 1988 when Categories A-G were assigned, there had been numerous re-subdivisions since the 1905 subdivision described above. The once consistent pattern of 74-75 ft. wide parcels had largely been altered to where 33-37 ft. wide parcels were now predominant.

When the Category A-G standards were first assigned to all RS-zoned lands there were numerous instances where inconsistent parcel patterns required staff to exercise judgement on the appropriate Category to assign. The proposed assignment of the different Category standards was the subject of a public process before proceeding to Council for enactment. However, it was recognized that this process could not possibly engage all affected property owners. It was in part due to these staff decisions on what Category standards to assign in advancing the matter to Council, that the reclassification process was established in order to provide an opportunity for owners to question the merits of the staff determinations, after by-law enactment.

The 2900-3100 blocks of West 42nd and 43rd Avenues were one of only three areas where Category assignment generated some public discussion. The initial Category B assignment was contested by some owners who wished the lesser Category A standards to apply. In the absence of more formalized written public submissions by the time the new Categories were considered by Council at a special evening meeting akin to a public hearing, the Approving Officer recommended (and Council approved) the assignment of Category A to properties along the north side of West 42nd Avenue, and Category D to properties south of these.

This Category A/D boundary did not persist for long after the Categories were first introduced in 1988. Later that year, at the initiative of the (then) owner on the northeast corner of West 43rd Avenue and Carnarvon Street, Council considered a reclassification application involving the lands along the south side of West 42nd Avenue and north side of West 43rd Avenue, seeking to change from Category D to Category A. Ultimately, lands on the south side of West 42nd Avenue were reclassified to Category A, but lands on the north side of West 43rd Avenue were retained in Category D. This was consistent with the recommendations to Council from the Director of Planning. In recommending retention of Category D on the north side of West 43rd Avenue, the Director of Planning provided the following commentary to Council:

“Council should be aware that, if reclassification is approved in the 2900 to 3100-blocks West 42nd Avenue and refused in the 2900 to 3100-blocks West 43rd Avenue, this will result in only eight properties, four in the southwest corner of each legal block, which will be forced to remain in their present large size, whereas the remaining three-quarters of the legal blocks are already subdivided or could be permitted to subdivide into smaller-sized parcels. While this situation would still conflict with the criteria of classification which guided the establishment of categories on a block-by-block basis and may appear unfair to these owners of the eight restricted large parcels, it would work to preserve the existing character of this neighbourhood and would respect the opinions of owners of other large properties on the south side of West 43rd Avenue.”

NEIGHBOURHOOD NOTIFICATION

Forty-six property owners in the immediate area were notified in writing of this application and asked to comment. Eighteen responses were received, with the following results:

Support reclassification:	7
Oppose reclassification:	11
Did not respond:	<u>28</u>
Total:	46

It should be noted that while there are four properties included in this reclassification application, only three of the four property owners offered support; the other owner (2979 West 43rd Avenue) is one of the eleven in opposition to the reclassification application.

Owners in support stated that smaller properties would allow for more affordable housing for families, and smaller lots would make for a more consistent subdivision pattern, as the majority of the parcels on the north portion of the 2900-block of West 43rd Avenue are already smaller lots.

Owners opposed to the reclassification expressed concern regarding increased traffic, the loss of street parking and the change in street character.

In addition to the responses received, and prior to any notification and explanation from the Approving Officer, the owner of 2979 West 43rd Avenue submitted about sixty unsolicited form letters expressing opposition, most of which came from owners residing beyond the notification area.

ANALYSIS

The owner of the property at 5896 Carnarvon Street has submitted this application for reclassification of his property and the three adjacent properties at 2955, 2967 and 2979 West 43rd Avenue (Lots 37-40) from Category D to Category A.

The four subject lots (Lots 37-40) are the only 74-75 ft. wide lots that remain east of Carnarvon Street from when subdivision Plan 1987 was registered in 1905. As illustrated in Appendix B, former Lots 9-12, 13-16 and 33-36 in Block 3 have all been further subdivided. To the west, between Carnarvon and Balaclava Streets, Lots 41-44 created by Plan 1987 had also been re-subdivided by 1988 but Lots 45-48 remained intact.

This diverse parcel pattern on the north side of W. 43rd Avenue on both sides of Carnarvon Street, combined with the subdivision history, caused the Approving Officer in 1988 to ultimately recommend (and Council to approve) Category D to the four subject lots and all of the lots in the blockface to the west, to Balaclava Street. Category D was also assigned to lands to the south, where a pattern of larger parcels remained largely intact. Category A was assigned to the parcels to the east of the subject parcels, and later to the parcels to the north, northeast and northwest, reflecting the pattern of smaller, mostly 33 ft. wide parcels.

As was stated in 1988, the application of Category D to lots on the north side of West 43rd Avenue was in "conflict with the criteria of classification which guided the establishment of categories on a block-by-block basis". Earlier this year, Council approved the reclassification of Lots 45-48 (adjacent Balaclava Street) from Category D to Category A. Former Lot 48 has subsequently been subdivided. Lots 45-47 may likewise seek to subdivide in the future. The original rationale for applying Category D to the seven lots in the balance of this blockface between Balaclava and Carnarvon Streets was questionable in 1988 as these seven already had parcel widths well below the Category D minimum and were more consistent with the lots to the north, across the lane, which are in Category A. With the reclassification approval earlier this year, there is no rationale for retaining Category D on these seven lots.

With the exception of the four large subject parcels, all the parcels contained in the block bounded by Carnarvon and Mackenzie Streets and West 42nd and West 43rd Avenues, maintain consistent widths and areas of 33 ft. and 4,422 sq. ft., respectively.

If the reclassification is approved, the owners of the large parcels would have the opportunity to apply to subdivide their parcels into parcels approximately 37 ft. in width, and 5,000 sq. ft. in area, which would exceed Category A standards. The resultant 37 ft.-wide parcels would be more consistent with the smaller parcels in the east portion of the blockface and with parcels to the north and west. They would be less consistent with the parcels directly opposite them to the south and with three similar parcels that currently remain further to the

west but these three could now apply to subdivide under the recently approved reclassification to Category A. Approval of this reclassification request would permit consideration of future subdivision, but would not necessitate it.

Similar Reclassification Proposals

The reclassification process established in 1988 indicated that the level of neighbourhood support would be a criterion in application evaluation. The consequences of this may be seen in the outcome of two similar reclassification proposals in the recent past. As with the current application, both of these generated high levels of neighbourhood interest.

Appendix C illustrates the above-described reclassification in January, 2006 involving Lots 45-48 in the 3000-block of West 43rd Avenue. Notification respondents yielded 13 in support and 7 opposed. The four parcels in the current application essentially have the same widths as the four parcels reclassified in January. In addition, the blockface containing the reclassified parcels was all subject to Category D standards, even though it did not maintain a consistent pattern. In fact, the seven lots to the east vary in width from 36 ft. to 49.5 ft., some being well below the minimum 60 ft. parcel width standard in Category D. In the current application, the lots to the east are already classified as Category A, reflecting the historical, smaller lot characteristics established via the 1909 subdivision of Block 4. This suggests the current application is more justifiable than the recently approved application to the west. However, the notification respondents to the current application yielded 7 in support and 11 opposed (plus numerous form letters in opposition from beyond the notification area).

The absence of support was also an important consideration in the application to reclassify 22 properties on East 51st and 52nd Avenue, illustrated in Appendix C1. In that circumstance, the neighbourhood was quite evenly divided, with 21 owners in support and 22 owners opposed. In fact, a good deal of the opposition was from owners within the proposed reclassification area. In November 2004, Council refused this application.

Community Visioning

In the recently completed Community Visioning process for Arbutus Ridge/Kerrisdale /Shaughnessy (ARKS), CityPlan staff surveyed residents on, among other things, their preference for various forms of and locations for housing. The results of the survey indicated that residents of ARKS wished to maintain much of their single-family area, while exploring alternative forms of ground-oriented housing at certain locations, including along or near arterial streets, or on large lots. They also supported converting character housing on large lots to multiple conversion dwellings. CityPlan did not address nor did the public process in the ARKS Vision identify subdivision and reclassification of subdivision categories as an issue.

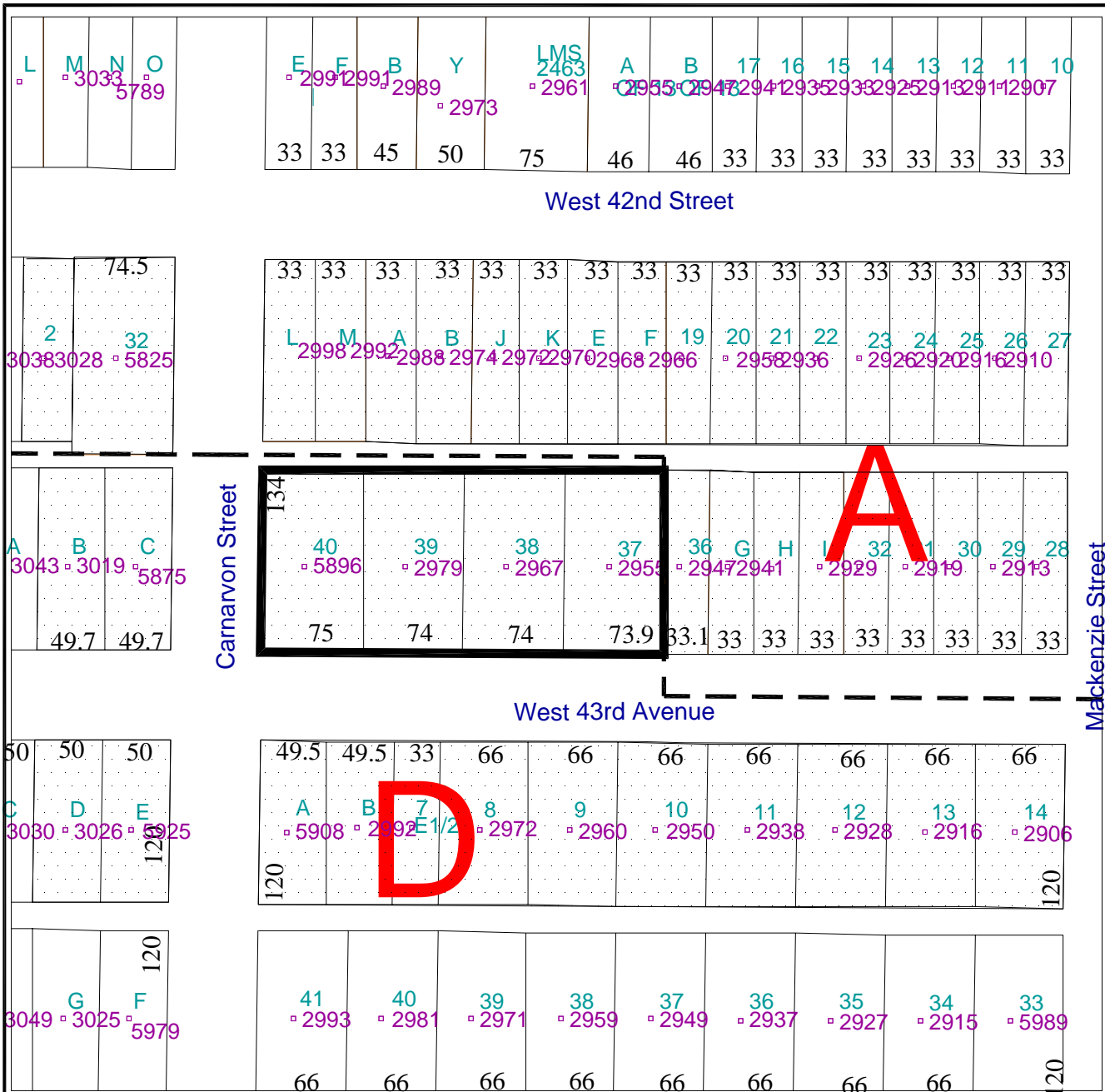
Conclusion




The reclassification process was established to allow property owners the opportunity to pursue a change in the classification of their properties, and these should be supported where there is neighbourhood support. In this circumstance, there are more owners in opposition than in support of the reclassification.

With regard to previous reclassifications which involved several properties, Council has tended to approve those applications which had a strong measure of neighbourhood support and has generally refused those which showed either a divided response from the neighbourhood, or a majority in opposition.

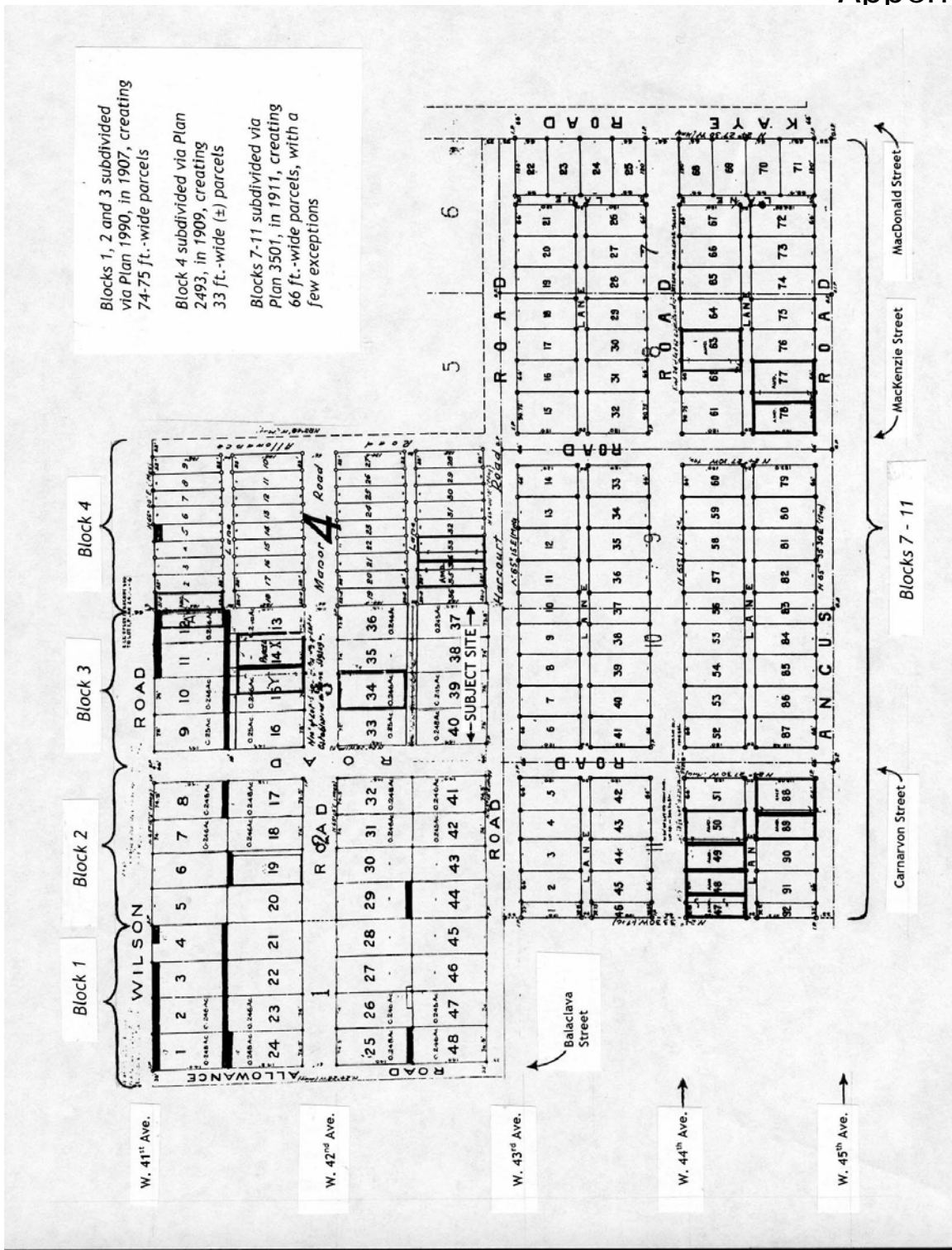
On the basis of the established pattern of subdivision and the recent reclassification of four lots to the west, the merits of retaining the Category D standards on lots along the north side of West 43rd Avenue are now more questionable than they were originally in 1988 when some of the affected owners expressed mixed opinion as to what Category ought to be assigned. Now, there is less convincing rationale for retaining the Category D standards. Despite the absence of a majority of support for this application, retention of the Category D standards for these four lots would unfairly disadvantage these properties in view of the evolving character of the parcel pattern along the north side of West 43rd Avenue. A more defensible boundary between Category A and Category D in these blocks is West 43rd Avenue. For this reason, the Subdivision Approving Officer recommends approval of the reclassification. If this is approved, it is recommended that the seven smaller lots to the west, across Carnarvon Street also be reclassified to Category A as they are all below the Category D standards.

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-  Subject of Reclassification Application (Lots 37, 38, 39 and 40)
-  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:
2955, 2967, 2979 West 43rd Avenue and 5896 Carnarvon Street**



Blocks 1, 2 and 3 subdivided via Plan 1990, in 1907, creating 74-75 ft.-wide parcels

Block 4 subdivided via Plan 2493, in 1909, creating 33 ft.-wide (±) parcels

Blocks 7-11 subdivided via Plan 3501, in 1911, creating 66 ft.-wide parcels, with a few exceptions

Block 4

Block 3

Block 2

Block 1

Blocks 7 - 11

W. 41st Ave.

W. 42nd Ave.

W. 43rd Ave.

W. 44th Ave.

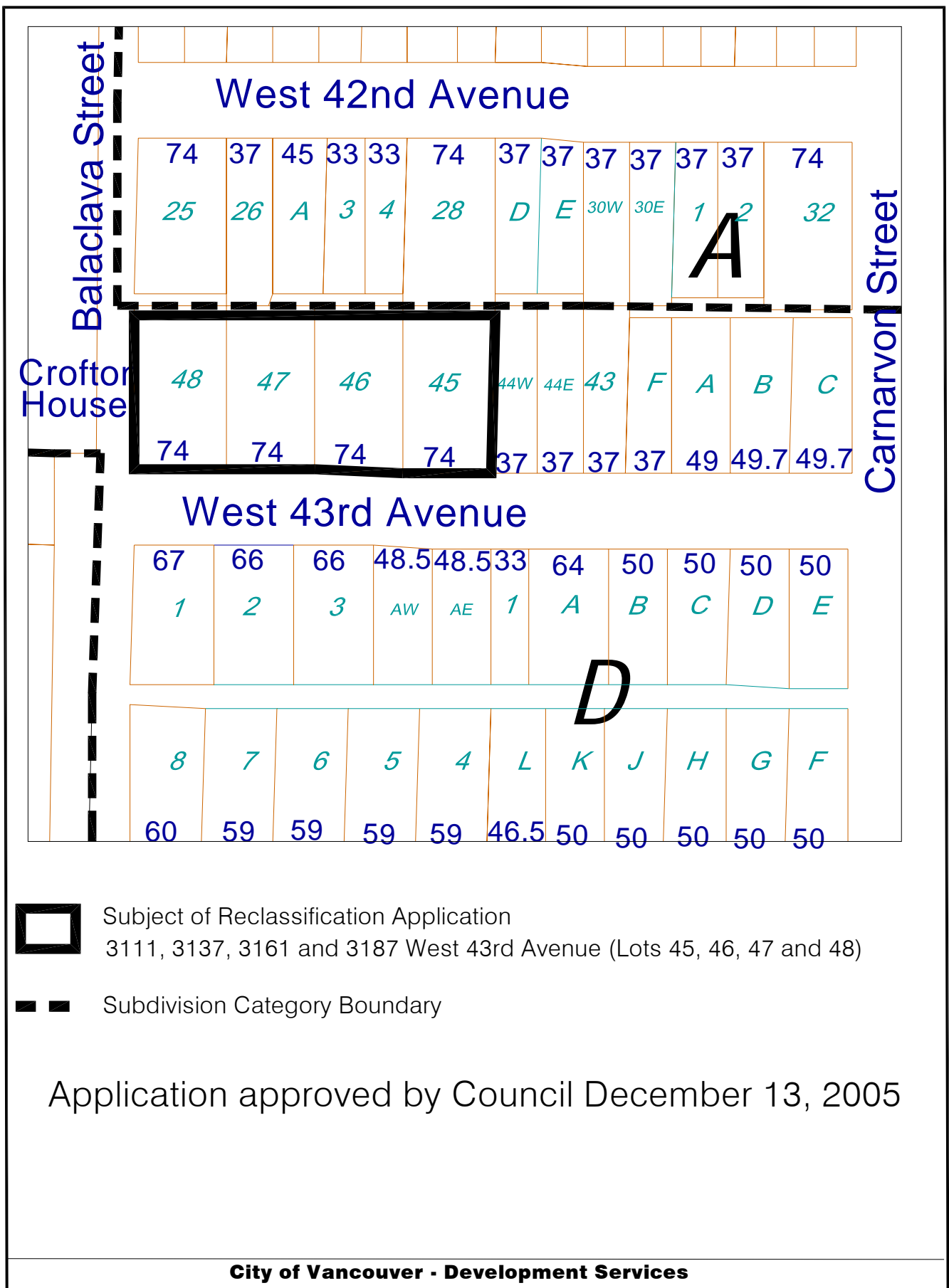
W. 45th Ave.

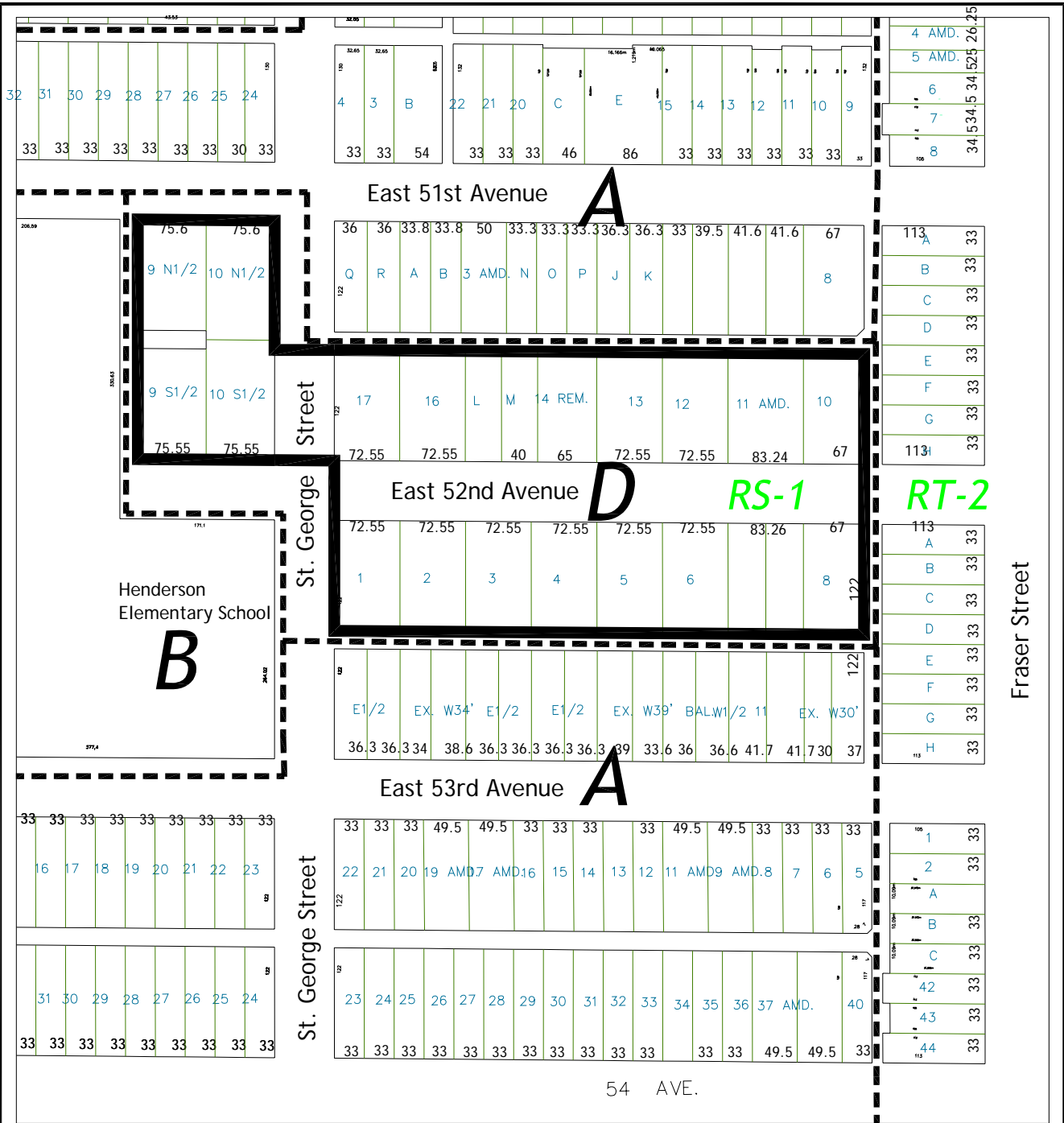
Balaclava Street

Carnarvon Street

MacKenzie Street

MacDonald Street





Subject of Reclassification Request: 400-600 Block of East 52nd Avenue and the south half of the 400 Block of East 51st Avenue

--- Subdivision Category Boundary

Application Refused by Council November, 2004