



CITY OF VANCOUVER

Supports Item No. 3
P&E Committee Agenda
March 1, 2007

ADMINISTRATIVE REPORT

Report Date: February 9, 2007
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Meeting Date: March 1, 2007

TO: Standing Committee on Planning and Environment

FROM: Subdivision Approving Officer

SUBJECT: Proposed Amendment to Subdivision By-law No. 5208 - Reclassification of Properties at 5421 and 5445 Fleming Street from Category B to Category A of Schedule A, Table 1 of Subdivision By-law No. 5208.

RECOMMENDATION

THAT Council refuse the application to reclassify the properties at 5421 and 5445 Fleming Street from Category B to Category A of Schedule A, Table 1, of Subdivision By-law No. 5208.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

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 two properties on the west side of the 5400-block of Fleming Street (Lot 5 Amended and Lot 7 Amended, Block 4, D.L. 709, N.W.D.) from

Category B 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

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 subdivision category boundary separates the predominately larger parcels fronting on the 5300 and 5400 blocks of Fleming and Dumfries Streets, from the smaller 33 ft.-wide parcels fronting onto Argyle Streets and the east side of the 5400 block of Fleming Street.

The subject parcels are classified as Category B, which prescribes a minimum parcel width of 40 ft. and a minimum area of 3,600 sq. ft. for each new parcel created by subdivision. The subject parcels are 49.5 ft. in width. The smaller parcels are classified as Category A which prescribes a minimum parcel width of 30 ft. and a minimum area of 3,000 sq. ft. Under Category B, there is no subdivision potential for the subject properties, either individually, or together.

NEIGHBOURHOOD NOTIFICATION

Forty property owners in the immediate area were notified in writing of this reclassification request. Thirteen property owners responded with the following results:

Support reclassification:	4
Oppose reclassification:	9
No Response:	27

Owners in support stated that smaller properties would allow for more affordable housing for families. Two of the four owners who are in support of the proposal are the owners of the subject sites.

Owners in opposition to the reclassification expressed concern regarding increased noise and traffic and concern that the creation of smaller lots would change the character of the block.

HISTORY OF SUBDIVISION IN THE BLOCK

Historically, much of District Lot 709, bounded by Dumfries Street, East 41st Avenue, Argyle Street and the lane south of East 37th Avenue was City-owned land. In 1907, these lands were subdivided to dedicate streets and create 33 ft.-wide lots within four blocks (Blocks 1-4), but were not sold and the land remained vacant.

By 1948, the City had sold the three parcels (Lots 1, 2 and 3) on Fleming Street south of the site, and these three were re-subdivided to create 49.5 ft.-wide parcels (Lot 1 Amd. and Lot 3

Amd.) and subsequently developed. The subject sites at 5421 and 5445 Fleming were similarly reconfigured in 1954 (Lots 5, 6 and 7 becoming Lot 5 Amd. and Lot 7 Amd.) and subsequently developed. These re-subdivisions were achieved without City approval, as the former Land Registry Office would accept conveyance and consolidation of half parcels to create these amended parcels at that time.

In 1956, City-owned lands on the northwest portion of Block 3, on the east side of Fleming Street, were re-subdivided into larger parcels (Lots A-G) with widths of approximately 45.5 ft, with the balance of Block 3 remaining as 33 ft.-wide parcels. This same plan also re-subdivided the middle, western portion of Block 4, creating 41.2 ft.-wide parcels (Lots A-H), across the lane from the subject site.

In 1961, City-owned lands in Block 4 along the west side of Fleming Street, north of the subject site, were re-subdivided into larger parcels ranging in width from approximately 45.5 ft. to 49.5 ft.

The larger parcels created by the amendments in 1948 and 1954, and the subsequent 1956 and 1961 subdivisions of former City-owned land, remain intact today.

When the subdivision categories were assigned to this block in 1988, the split between the smaller parcels and the larger parcels in Blocks 3 and 4 was reflected by the assignment of Category A to the 33 ft. parcels and Category B to the larger parcels.

DISCUSSION

Should this reclassification be approved, it is the owners' intent to subdivide the two 49.5 ft. parcels into three 33 ft. parcels. While this would re-create the former Lots 5, 6 and 7 and be consistent with the earlier pattern of subdivision which saw 33 ft.-wide parcels throughout this area, it would be inconsistent with the vastly predominant pattern of larger parcels on the west side of Fleming Street.

Category A and B standards for subdivision in Blocks 3 and 4 reflect the predominant parcel patterns. Although this block was initially subdivided into 33 ft. parcels, the majority of the area was not developed until after it was further subdivided into larger parcels. The areas that were assigned to Category B reflect the historic pattern of subdivision and initial residential development beginning in the late 1950s, that existed in 1989 when Category standards were first applied.

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 strong neighbourhood support for the proposal. In this circumstance, opposition to the proposal is stronger, with nine neighbouring property owners opposed compared to two neighbouring owners in support.

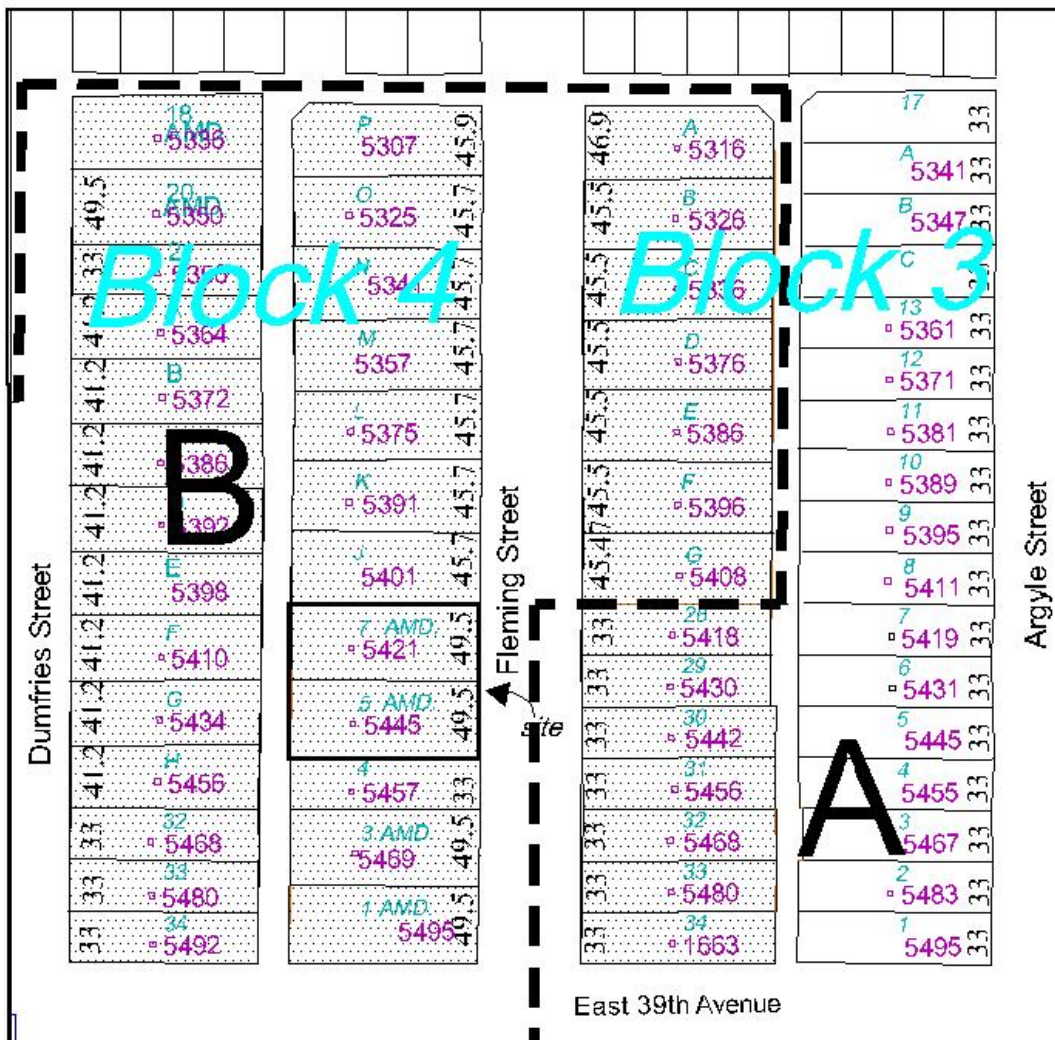
CONCLUSION




On the basis of the established pattern of subdivision, and the lack of neighbourhood support for the proposal, there is not a convincing rationale for changing the category of the subject

parcels to a smaller standard. Therefore, the Subdivision Approving Officer does not support the reclassification of Lot 5 Amended and Lot 7 Amended from Category B to Category A.

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APPENDIX A



-  Subject of Reclassification Application
5421 and 5445 Fleming Street
-  Subdivision Category Boundary
-  Notification Area
- B** Category B - minimum width 40 ft.; minimum area 3,600 sq. ft.
- A** Category A - minimum width 30 ft.; minimum area 3,000 sq. ft.

**PROPOSED SUBDIVISION RECLASSIFICATION:
5421 and 5445 Fleming Street**

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