



ADMINISTRATIVE REPORT

Report Date: August 5, 2009
Contact: David Murphy
Contact No.: 604. 873.7556
RTS No.: 08275
VanRIMS No.: 08-2000-20
Meeting Date: September 10, 2009

TO: Standing Committee on City Services and Budgets
FROM: Subdivision Approving Officer
SUBJECT: Proposed Amendment to Subdivision By-Law No. 5208 - Reclassification of
1519 West 33rd Avenue

RECOMMENDATION

- A. THAT Council approve the application to reclassify the property at 1519 West 33rd Avenue from Category F to Category C of Schedule A, Table 1, of Subdivision By-law No. 5208.
- B. THAT if Council approves Recommendation A, the Director of Legal Services be instructed to prepare the necessary by-law to amend the Subdivision By-law implementing the required change.

GENERAL MANAGER'S COMMENTS

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

CITY MANAGER'S COMMENTS

The City Manager 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 the property at 1519 West 33rd Avenue from Category F to Category C for the purpose of subdivision in accordance with the minimum parcel size requirements of Schedule A, Table 1, of the Subdivision By-law.

BACKGROUND

In 2007, City Council approved a Heritage Revitalization Agreement to secure the conservation and protection of the heritage dwelling at 1519 West 33rd Avenue, known as the Crosby House. The agreement required that the house be designated as protected heritage property, and also allowed for development of a new infill dwelling to the east of the existing house. The proceeds from the sale of the infill dwelling were intended to assist with the restoration of the heritage dwelling. A site plan of the proposed development is attached as Appendix A.

As is common for heritage projects, it was intended that the ownership of the two buildings be separated by registration of a strata plan. For a conventional strata plan, strata lots are defined by building measurements, which means the new infill dwelling would have to be constructed before a strata plan could be prepared by a land surveyor. For various financial reasons, the infill dwelling has not yet been developed and the heritage restoration work is still outstanding. To allow for the sale of the infill portion of the site prior to development of the infill dwelling, the owner has proposed registration of a bare land strata plan. Unlike conventional strata lots, bare land strata lots are demarcated on the ground with survey pins, rather than building measurements, and can be sold as a vacant site. However, the alterations to the heritage dwelling and the design of the infill dwelling, which have been approved in accordance with Development Permit No. DE410501, will not be affected by the different form of strata ownership and the resultant development will be the same as was approved at Public Hearing in 2007.

Unlike conventional strata plans, which are not affected by City subdivision standards, bare land strata lots are regulated under the Provincial *Bare Land Strata Regulations*. Provisions in the *Regulations* stipulate that bare land strata lots, *on average*, must meet applicable City subdivision standards for width and area.

The Subdivision By-law contains seven classifications of minimum lot width and area which are assigned to the single-family zones throughout the city, designed to reflect the typical subdivision pattern, on a block-by-block basis. In this block, which is zoned RS-5, all properties are classified as Category F, which prescribes a minimum width of 100 ft. and a minimum area of 12,000 sq. ft. for each new lot created by subdivision. Under this requirement, approval of a bare land strata plan could not be considered.

The owner has requested that City Council amend the Subdivision By-law to change the classification of this property from Category F to Category C. The minimum standards for Category C and F are shown below.

Subdivision Category	Minimum Width	Minimum Area
C	50 ft. (15.24 m)	5,000 sq. ft. (464.515 m ²)
F	100 ft. (30.48 m)	12,000 sq. ft. (1114.836 m ²)

Under Category C standards, approval of a bare land strata plan could be considered, as each of the two bare land strata lots would *average* 50 ft. in width and approximately 7,225 sq. ft. in area. Appendix B shows the subject property and the category boundaries.

NEIGHBOURHOOD NOTIFICATION

Seventeen property owners in the immediate area were notified in writing of this application and asked to respond. Three responses were received, two in support and one in opposition. The owner in opposition felt that all property owners in the subject block should have the opportunity to subdivide their lots as well.

DISCUSSION

The block containing the subject parcel was originally created in 1921 by the registration of Plan 6011, which created the Second Shaughnessy area bounded by King Edward Avenue, Granville Street, West 33rd Avenue and East Boulevard. In this block, the parcels range from 90 feet to 145 feet in width and the subdivision pattern has remained essentially intact.

It should be noted that if the reclassification is approved, the site will not be subdivided by a conventional subdivision plan (i.e. fee simple lots), but by a bare land strata plan, which would allow the infill portion of the site to be sold, thereby providing funds for the restoration of the heritage dwelling. The buyer of the infill strata lot will be limited to the development contemplated in the Heritage Revitalization Agreement approved by Council in 2007. As there are no other heritage dwellings in this block, the reclassification will be site specific and will not establish a precedent for consideration of smaller subdivision standards for the surrounding area.

Council has previously approved reclassifications where there was little or no opposition from the notified neighbours.

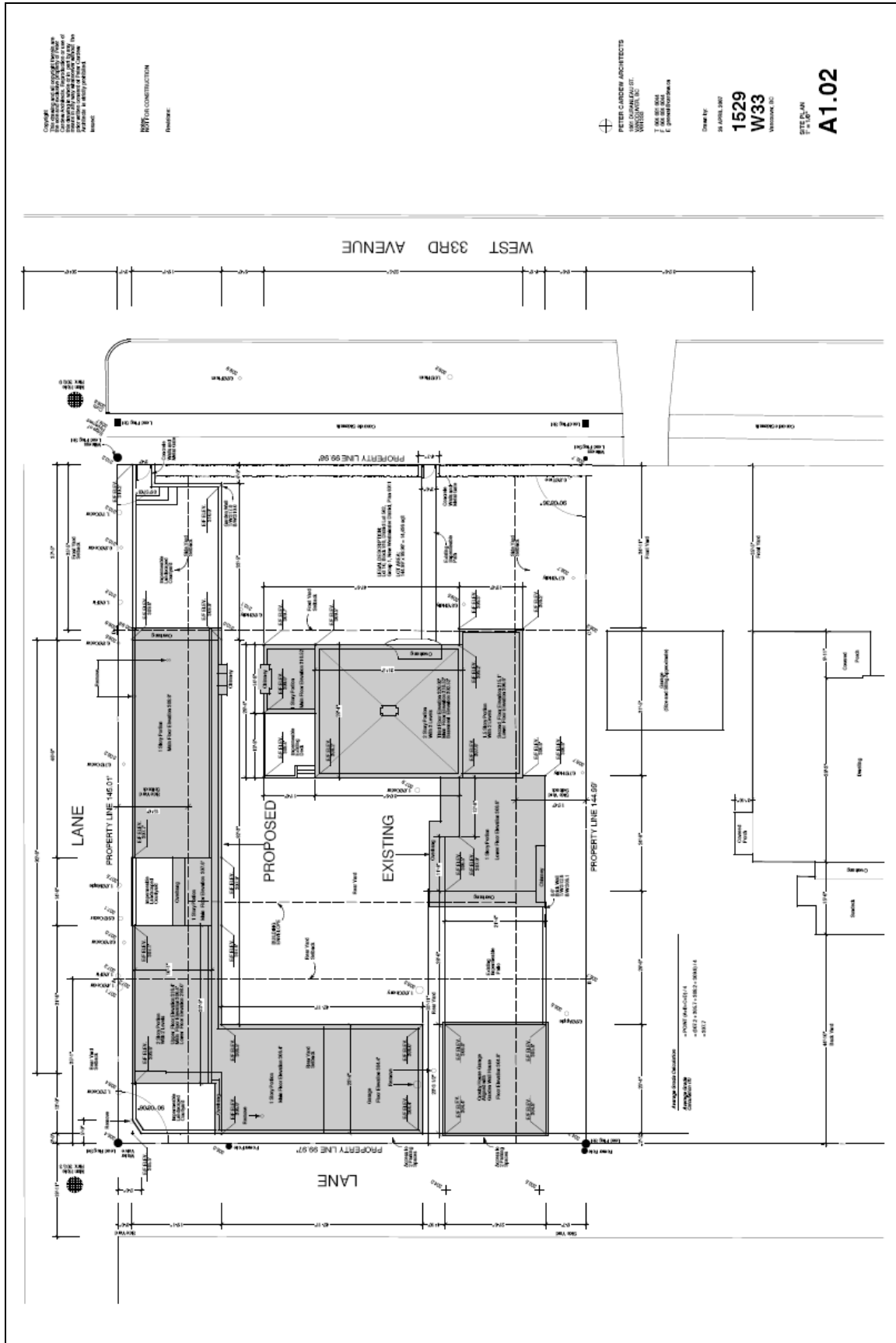
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The reclassification process was established to allow property owners the opportunity to pursue a change in the classification of their properties to either facilitate or prevent subdivision. Approval of a bare land strata plan will not establish a precedent for the surrounding area and will support City heritage objectives for this site. Therefore, the Subdivision Approving Officer recommends approval of this reclassification application.

* * * * *



CONTRACTOR: PETER GARDNER ARCHITECTS
 1529 W 33RD AVENUE
 WASHINGTON, DC 20007
 PHONE: (202) 331-1529
 FAX: (202) 331-1529
 WWW.PETERGARDNERARCHITECTS.COM

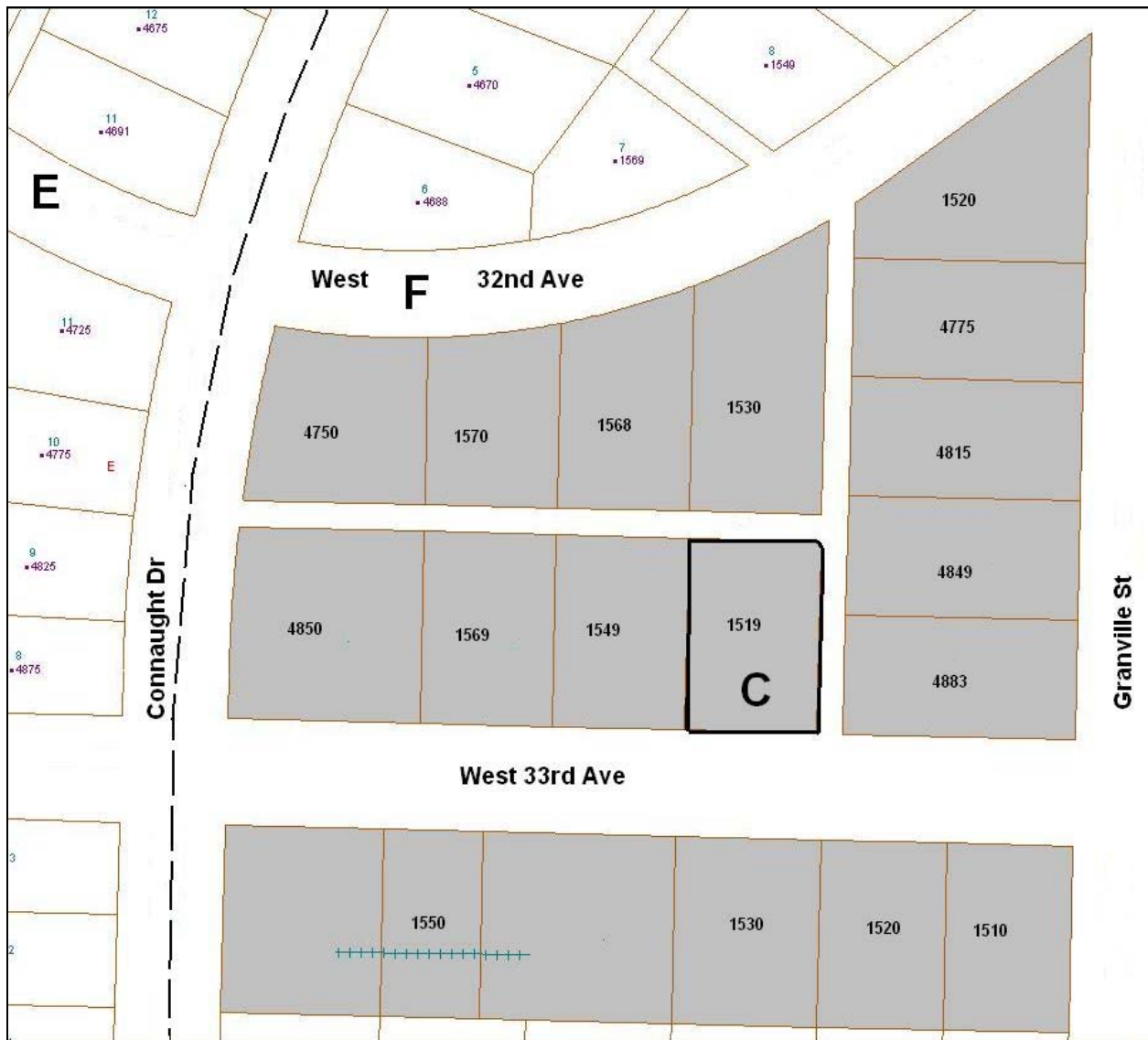
DATE: 28 APRIL 2007
 DRAWING NO.: 1529 W33
 SCALE: 1/8" = 1'-0"

PETER GARDNER ARCHITECTS
 1529 W 33RD AVENUE
 WASHINGTON, DC 20007
 PHONE: (202) 331-1529
 FAX: (202) 331-1529
 WWW.PETERGARDNERARCHITECTS.COM

DATE: 28 APRIL 2007
 DRAWING NO.: 1529 W33
 SCALE: 1/8" = 1'-0"

DATE: 28 APRIL 2007
 DRAWING NO.: 1529 W33
 SCALE: 1/8" = 1'-0"

A1.02



Proposed Reclassification: 1519 West 33rd Avenue (shown in heavy outline)

From Category F to Category C

- — — Subdivision Category Boundary
- Notification Area
- C** min. width 50 ft; min. area 5000 sq ft
- E** min. width 75 ft; min. area 6750 sq ft
- F** min. width 100 ft; min. area 12000 sq ft