



ADMINISTRATIVE REPORT

Report Date: April 17, 2014
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Meeting Date: May 13, 2014

TO: Vancouver City Council
FROM: Subdivision Approving Officer
SUBJECT: Proposed Amendments to Subdivision By-law No. 5208

RECOMMENDATION

- A. THAT the Subdivision By-law be amended to revise the definition of "social housing" to be consistent with definitions in other by-laws; update subdivision plan submission requirements in Section 6.2; exempt air space parcels and lands designated under By-law No. 6757 from minimum street frontage requirements in Section 9.6; and include minimum parcel size standards for the MC-1 and MC-2 Zoning Districts in Table 1 and Table 2 of Schedule A.
- B. FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with Appendix A, for enactment to implement these changes.

REPORT SUMMARY

This report recommends amending the Subdivision By-law to address minor omissions and improve consistency with other by-laws. The definition of "social housing" is proposed to be revised so that it may be consistent with recent City by-law amendments. Updates to submission requirements for subdivision plans are required to reflect new electronic filing methods required by the Land Title and Survey Authority of BC. It is also proposed that air space parcels be exempted from minimum street frontage requirements, as well as lands referenced in By-law No. 6747 (International Village), to accommodate a cantilevered portion of the proposed International Village Elementary School over Andy Livingstone Park. Minimum parcel size standards will also be added for the MC-1 and MC-2 Zoning Districts.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

There has been a recent Council decision to revise the definition of "social housing" in the Zoning and Development, the DODP, the DEODP and the DCL by-laws in response to the Downtown Eastside Local Area Plan report.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

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

REPORT

Background/Context

Amendment to Section 2:

Section 2 of the Subdivision By-law contains definitions for various uses considered to serve a public benefit, used as criteria for applying reduced air space subdivision fees. It is recommended that the definition of "social housing" be updated to be consistent with recent amendments to Development Cost Levy By-laws.

Amendment to Section 6.2:

Beginning in 2011, the Land Title and Survey Authority of BC began implementing electronic filing of subdivision plans. Electronic subdivision plans consist of a digital plan prepared by a BC Land Surveyor, and a separate Application to Deposit Form, which can be prepared by a land surveyor, notary public or lawyer, containing signature blocks for owners, charge holders and Approving Officer. All plans must now be filed electronically, making the former plan documents described in Section 6.2 obsolete. It is recommended that Section 6.2 be revised to reflect current practices.

Amendment to Section 9.6

The Subdivision By-law contains a minimum parcel street frontage requirement of 7.315 m (24.00 ft.), intended to ensure adequate servicing and access for proposed parcels. This minimum standard is mainly intended for traditional two-dimensional subdivisions, and some exception clauses are in place for other subdivision types such as leasehold subdivisions and bare land strata plans, where access can be provided by way of easements, at the discretion of the Approving Officer.

Currently, there is no exception clause for air space subdivisions consisting of volumetric parcels. In most cases, physical access to air space parcels is secured by easement agreements, making it unnecessary to project air space boundaries out to street, especially at higher elevations. Therefore, staff recommend exempting air space parcels from requiring street frontage, at the discretion of the Approving Officer, as it often serves no practical purpose provided that appropriate easements are in place to provide access.

In 2007, an air space parcel was approved to allow for future development of a school, which would be located at International Village. Since then, the anticipated

development has grown in scale as a larger elementary school is needed than first anticipated. To address this issue, School District No. 39 proposed to cantilever a portion of the school over the adjacent Andy Livingstone Park. This cantilevered portion is to project a total of 5.0 metre (16.5 ft.) over the adjacent park space. As a result, Engineering staff have recommended that a 5.0 m strip be subdivided off Andy Livingstone Park to accommodate this cantilevered projection. At present, the Subdivision By-law does not allow the creation of 5.0 m parcels as it does not meet minimum street frontage standards.

A separate air space subdivision application will also be used to create an air space parcel, which would contain the cantilevered portion of the school, and be joined with the air space parcel created in 2007. This will allow the development of the school to be treated as one entity while leaving a remainder parcel for the ground and below grade areas of the park, which will continue to be owned by the Crown.

An additional exception clause to the minimum street frontage requirement is also recommended to deal with the anticipated development of International Village Elementary School. This exception clause will only apply to this site, allowing the Approving Officer to accommodate the development as approved by City Council and defined in By-law No. 6747 [CD-1 (265) - International Village].

Amendment to Schedule A:

Schedule A of the Subdivision By-law contains minimum parcel size standards for each zoning district in the city. Schedule A is generally amended each time a new zoning district is introduced, but it appears that standards for the MC-1 and MC-2 zoning districts, which were introduced in the late 70's, were never added, likely through an oversight. Staff recommend that parcel standards be added to both Table 1 and Table 2 to be consistent with similar zoning districts. Introducing MC-1 and MC-2 standards in both Tables 1 and 2 will not impede subdivision potential in these areas. As is the current practice the Approving Officer can consider relaxations to these provisions to support parcels that are smaller than Table 1 or 2 requirements.

All amendments noted above are described further in Appendix A.

Strategic Analysis

The proposed amendments are considered minor but necessary so that existing by-laws may be updated to suit current practices and improve consistency with other relevant by-laws. The amendment will also allow the creation of a small parcel which is intended to support the proposed development of International Village School in accordance with Development Permit No. DE417537.

Implications/Related Issues/Risk (if applicable)

Financial

There are no financial implications.

CONCLUSION

The proposed housekeeping amendments to the Subdivision By-law include revisions to ensure consistency with other by-laws, address minor longstanding omissions and better reflect current practices. A specific amendment is also recommended to address a particular subdivision proposal in connection with the proposed International Village School.

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Proposed Amendments to the Subdivision By-law.

1. In Section 2.1, by striking the definition of “social housing” and substituting it with the following:

“ “social housing”, means rental housing:

- (a) in which at least 30% of the dwelling units are occupied by households with incomes below housing income limits, as set out in the current “Housing Income Limits” table published by the British Columbia Housing Management Commission, or equivalent publication;
- (b) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and
- (c) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situated has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require;

except that in the HA-2 district; in the area of the FC-1 district located north of National Avenue; in the area of the M-1, I-2, RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive; in the Downtown-Eastside Oppenheimer district; and in the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; social housing means rental housing:

- (d) in which at least one third of the dwelling units are occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security pension and Guaranteed Income Supplement and are rented at rates no higher than the shelter component of Income Assistance;
- (e) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and
- (f) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situate has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require.”

2. In Section 6, by striking out Section 6.2 and replacing it with the following:

"6.2 Every application for approval of a subdivision plan shall include an electronic plan image affixed to a digitally signed Survey Plan Certification form, prepared by a BC Land Surveyor, with the accompanying Application to Deposit form in accordance with Land Title Office electronic filing (E-filing) requirements."

3. In Section 9.6, by adding the following (additions in bold italics):

9.6. No parcel shall be created which does not have a minimum of 24 feet (7.315 m) abutting onto a street not being a lane, except for the following:

- (a) If the land being subdivided is owned by the Crown, the Approving Officer may, after consultation with the Director of Legal Services and City Engineer, approve a subdivision which creates a parcel or parcels which do not abut a public street provided the Approving Officer is satisfied that Crown lands sufficient to provide the required public streets will be conveyed or dedicated to the City within a reasonable time following approval of the subdivision;
- (b) If the land is being subdivided by a bare land strata plan and one or more proposed lots do not abut a public street, the Approving Officer may, after consultation with the City Engineer, approve such strata plan, provided that the Approving Officer is of the opinion that necessary and reasonable access can be provided to each strata lot;
- (c) If the land is being subdivided by a leasehold subdivision plan under section 99(1)(k) of the Land Title Act, or successor section, and one or more proposed leasehold parcels do not abut a public street, the Approving Officer may, after consultation with the City Engineer, approve such leasehold subdivision plan, provided that the Approving Officer is of the opinion that necessary and reasonable access can be provided to each leasehold parcel;
- (d) *If the land is being subdivided by an air space subdivision plan under Part 9 of the Land Title Act, or successor section, and one or more proposed air space parcels do not abut a public street, the Approving Officer may, after consultation with the City Engineer, approve such air space subdivision plan, provided that the Approving Officer is of the opinion that necessary and reasonable access can be provided to each air space parcel;*
- (e) that land referred to in By-law No. 4526 *and By-law No. 6747*;
- (f) that land designated as sub-area "A" or sub-area "B" on the maps attached to and forming part of Schedule A of this By-law, and

- (g) land on which the proposed development consists of freehold rowhouses with shared party walls located on proposed common boundaries, except that such parcels must have a minimum width of 16.4 feet (5.0 m) abutting on a street not being a lane.

4. In Table 1 of Schedule A, the following districts and parcel size standards be included and placed between the M-2 and CD-1 (258) districts.

District		Minimum Parcel Width	Minimum Parcel Area
MC-1	Industrial	40' (12.192 m)	4,800 sq.ft. (445.935 m ²)
MC-2	Industrial	40' (12.192 m)	4,800 sq.ft. (445.935 m ²)

5. In Table 2 of Schedule A, the following districts and parcel size standards be included and placed between the M-2 and CD-1 (258) districts.

District		Minimum Parcel Width	Minimum Parcel Area
MC-1	Industrial	25' (7.620 m)	3,000 sq.ft. (278.709 m ²)
MC-2	Industrial	25' (7.620 m)	3,000 sq.ft. (278.709 m ²)

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