



ADMINISTRATIVE REPORT

Report Date: September 30, 2015
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Meeting Date: November 4, 2015

TO: Standing Committee on Planning, Transportation and Environment
FROM: Subdivision Approving Officer
SUBJECT: Proposed Amendment to Subdivision By-law 5208 - Reclassification of 4000 West 11th Avenue

RECOMMENDATION

- A. THAT Council approve the application to reclassify three properties at 4000 West 11th Avenue from Category C to Category B 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.

REPORT SUMMARY

This report addresses an application to reclassify three RS-1 zoned properties at 4000 West 11th Avenue from Category C to Category B of Schedule A, for the purpose of gaining additional subdivision potential, in accordance with the minimum parcel size requirements of Schedule A, Table 1, of the Subdivision By-law.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

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.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Planning and Development Services and the Acting City Manager RECOMMEND approval of the foregoing.

REPORT

Background/Context

In 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 parcels zoned RS-1. Subsequently, parcels 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 minimum standard for each of the seven subdivision categories is shown in the table below.

<u>Subdivision Category</u>	<u>Minimum Width</u>	<u>Minimum Area</u>
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 current property owner has made an application, requesting that City Council amend the Subdivision By-law to change the classification of the three subject properties, from Category C to Category B. There is currently one building on the site that straddles the three existing lots.

As shown on Appendix A, the south side of the 4000 block of West 11th Avenue and north side of West 12th Avenue are zoned RS-1 and are classified as Category C. This category prescribes a minimum width of 50 ft. and a minimum area of 5,000 sq. ft. for each new parcel created by subdivision. Properties on the north side of this block are in Category A and are primarily 33 feet or 41 feet wide. The site at 4000 West 11th Avenue is comprised of three legal lots having a combined width of 160.5 feet. Currently, under Category C standards, there is no potential to further subdivide the three existing lots, although each lot could be developed separately at present.

If this reclassification is approved, the property owner would gain the potential to subdivide the three existing lots into four 40 ft. wide lots.

Neighbourhood Notification

The owners of 49 properties in the immediate area were notified in writing of this application and asked to comment. A total of 13 responses were received with the following result:

Support reclassification:	4/13 (31%)
Oppose reclassification:	9/13 (69%)
Total Responses:	13/49 (27%)
Did not respond:	36/49 (73%)

Several residents who opposed the reclassification were concerned this proposal would increase traffic and parking within the block. One owner was concerned that views would be impacted. Another owner who opposed the application was not concerned with the proposed lot sizes but objected because of the possibility of laneway houses being constructed (this is not a subdivision issue as development is dealt with following subdivision, and the three existing lots would also potentially qualify for laneway houses). One owner objected to the proposal as they did not feel it was ambitious enough, and would prefer to see rowhouses on the site (which would require rezoning). Most of the opposition to the proposal was located in the west half of the notification area, including several owners of similar or smaller sized lots than those proposed.

The owners who have shown support did not express concerns with the proposed lot sizes or did not provide additional comments. The majority of the property owners in the notification area did not respond to the notification, which may indicate some indifference to the proposal.

RECLASSIFICATION ASSESSMENT CRITERIA

Since 1987, staff have based recommendations for reclassification applications on criteria identified in the original Council policy. The following provides an analysis of the current proposal in relation to that which was outlined in the original council policy.

- The subject parcels are considerably larger than other parcels on the block; have limited or no opportunity for subdivision even if consolidated with adjacent parcels; and the resulting parcels would be more, rather than less, consistent with parcels on the rest of the block.

Most lots in the block are 50 feet in width. The three lots under consideration are 55 ft., 50 ft. and 55.5 ft. respectively, with a combined width of 160.5 ft. While these are not substantially larger, the adjacent property to the west is 45 ft. in width, currently the smallest lot in the block, and sites to the east side of Crown Street maintain widths less than 50 ft. The north side of this block is comprised of 33 ft. and 41 ft. wide lots.

- The lots are in close proximity to transit.

The site is about 100 m away from West 10th Avenue which is well served by transit.

- A precedent had been established by the approval of other reclassifications since 1988.

No applicable precedent has been established within the general area. An application to reclassify a property at 4416 West 11th Avenue from Category B to A was refused in 2010. The property was 66 ft. wide but was surrounded by 4 other 66 ft. wide parcels that were not included as part of the application, in a block where most lots were over 40 ft. wide. Approval of that proposal would have established a precedent for the other 66 ft. lots in the block and perhaps the 40 ft. lots as well.

It is unlikely that approval of this proposal would establish a precedent for this area as these 3 lots are the only ones in the vicinity that could achieve an additional lot under Category B standards, which requires a minimum width of 40 ft. per lot. For other 50 ft. lots in the area, it would require assembly of 4 lots to achieve one additional lot under Category B standards, which is unlikely to occur. If the owner had sought to reclassify the three lots to Category A, a broader precedent for the area would have been established and would not have been supported by the Approving Officer.

- The parcel is in close proximity to higher density developments.

There are no high density developments nearby, but the subject property is located within 100 m of an arterial (West 10th Avenue) so could potentially be considered for rezoning under the Interim Rental Policy (IRP). The IRP permits consideration of ground oriented housing forms up to 3.5 storeys, subject to meeting the affordability requirements of the policy. The Point Grey Vision notionally supports the idea of more duplex and infill development, but this would require much more detailed neighbourhood planning in future before any changes of this nature were considered.

Strategic Analysis

In addition to the criteria identified in the original Council policy, the reclassification assessment criteria have expanded to take into consideration alignment with Council policies relating to sustainability, densification and heritage/character retention while continuing to consider the values and opinions of neighbours.

The existing 2-storey building was constructed in 1961 and does not have any character merit. The building was originally operated by the nearby school, Our Lady of Perpetual Hope, who used the facility to accommodate nuns working at the school. The building was purchased in 1986 by the Pacific Centre for Discipleship (“PCDA”), a Mennonite Society that operates the building as a student residence for primarily undergraduates while they attend University. The residence can house up to 22 students.

The building is still serviceable but is in need of significant upgrades. The Society has an opportunity to move onto the UBC campus and to build a new student residence to house approximately fifty students, more than doubling the number of students in residence with the Society.

Although the rationale for the reclassification is well-intentioned, financial considerations are not within the purview of the Approving Officer when making decisions or recommendations on land use matters. In addition, minimum parcel width and area standards are not the sole criteria by which a subdivision is assessed. The existing pattern of subdivision in the vicinity, the characteristic orientation of parcels, the proposed development and use of the parcels, and the effect of the anticipated development of the proposed parcels on adjacent lands are also considerations.

In this particular case, the subdivision of Lots 11, 12 and 13 into four 40 ft. wide parcels does not significantly alter the subdivision pattern in the area, as it only

creates one additional lot, which is somewhat in keeping with the lot immediately to the west, which is 45 ft. wide, and the lots to the east of Crown, which are primarily 47 ft. wide, as well as lots on the north side of the block that are 33 ft. or 41 ft. wide. It is also unlikely that other requests will come forward to reclassify from Category C to Category B in the vicinity, as it would require assembly of four 50 ft. wide lots to achieve one additional lot. Therefore, approval of this reclassification will not establish a neighborhood precedent.

CONCLUSION

The properties in this block were classified as Category C in 1988 when the subdivision categories were introduced. This classification reflected the existing pattern of predominately larger parcels on the south side of West 11th Avenue and north side of West 12th Avenue.

Based on the minimal impact on the subdivision pattern in this block, proximity to transit along West 10th Avenue and a relatively low response rate from the neighbourhood, the Subdivision Approving Officer recommends approval of this application.

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