



REPORT

Report Date: June 22, 2021
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Meeting Date: July 21, 2021
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TO: Standing Committee on City Finance and Services

FROM: Assistant Director, Development, Buildings & Licensing, Subdivision Approving Officer

SUBJECT: Proposed Amendment to Subdivision By-law 5208 – Reclassification of 585 East 52nd Avenue

RECOMMENDATION

THAT Council approve the application to reclassify the property at 585 East 52nd Avenue, from Category D to Category A of Schedule A, Table 1, of Subdivision By-law No. 5208;

FURTHER THAT 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 one RS-1 zoned property at 585 East 52nd Avenue, from Category D to Category A of Schedule A, for the purpose of gaining 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 City Manager RECOMMENDS 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. |

An application has been received requesting that City Council amend the Subdivision By-law to change the classification of the subject property, 585 East 52nd Avenue, from Category D to Category A.

As shown on Appendix A, five of the RS-1 zoned properties on the west portion the 500 - 600 block of East 52nd Avenue are classified as Category A (specifically 511 through 559 East 52nd Avenue), and have therefore been prescribed a minimum width of 30 ft. and a minimum area of 3,000 sq. ft. for each new parcel created by subdivision. Four parcels on the east portion of the 500 – 600 block of East 52nd Avenue are classified as Category D (specifically 585 through 659 East 52nd Avenue) which prescribes a minimum width of 60 ft. and a minimum area of 5,400 sq. ft. The subject property, 585 East 52nd Avenue, has a Category A parcel immediately to the west, and a Category D parcel immediately to the east. Currently, under Category D requirements, there is no potential for the parcel at 585 East 52nd Avenue to subdivide.

If this reclassification is approved, the property owner would gain the potential to subdivide their property into two smaller lots. The parcel at 585 East 52nd Avenue currently exists with 72.55 ft. of width and 8,845.35 sq. ft. of area in this block, and would qualify for subdivision into two parcels, providing that each proposed parcel exceeds the 30 ft. minimum width and 3,000 sq. ft. minimum area required under Category A. Each proposed parcel could potentially be developed with a one-family dwelling with secondary suite and a small laneway house, or a two-family dwelling with potential for up to two secondary suites and/or lock-off units (which can be strata-titled into a maximum of two strata lots).

In 2004, a reclassification of the properties in the 400 to 600 block of East 52nd Avenue and the South half of the 400 block of East 51st Avenue, from Category D to Category A, was proposed (twenty-two subject properties). While twenty-two properties existed in the subject blocks included in the proposed reclassification, the application was put forth by only nine of the property owners within those subject blocks.

Neighbourhood notification was conducted, with sixty-nine properties notified in total. The property owners in the notification area are almost equally divided; within in the subject blocks, the owners are also quite evenly divided. Among the sixty-nine property owners notified in writing of the application, results were as follows:

Support reclassification: 21
Oppose reclassification: 22
Did not respond: 26

Responses within the subject blocks showed the following results:

Support reclassification: 9
Oppose reclassification: 10
Did not respond: 3

The Approving Officer recommended refusal on the basis of the established pattern of subdivision in the neighbourhood (which at the time of the application, primarily consisted of Category D parcels), and the lack of a clear majority of support for this application - noting that there was insufficient convincing rationale for changing the category of the subject parcels to a category with lesser parcel width and area. Council ultimately adhered to the Approving Officer's recommendation, and refused the reclassification application.

In 2014, a reclassification of 486 East 51st Avenue, 6707 St. George Street, and the 400 to 600 block of East 52nd Avenue (exclusive of 585, 617, 639 and 659 East 52nd Avenue), from Category D to Category A, was proposed (twenty-two subject properties). A majority of property owners of the subject parcels included in the reclassification collectively made the application (as opposed to the refused reclassification in 2004, in which less than half of the subject properties were formally involved in the application).

The owners of seventy-two properties in the immediate area were notified in writing, of this application and asked to comment. The first notification took place in June 2014. A total of twenty-nine responses were received (40% response rate) with the following result:

Support reclassification: 14 (48%)
Oppose reclassification: 15 (52%)
Total Responses: 29
Did not respond: 43

The following results were received from residents of properties being reclassified:

Support reclassification: 10 (83%)
Oppose reclassification: 2 (17%)
Total responses: 12
Did not respond: 6

Due to the number of properties involved, the complexity of the proposal and introduction of new policies regarding character homes, the review of this application required additional processing time. As a result, the Subdivision Approving Officer instructed a second notification, to allow all owners the opportunity to provide their feedback and ensure the response collected is current. The second notification took place in March 2015, with a total of forty-two responses received (58% response rate), and of the forty-two respondents, twenty-nine (or 69%) supported the proposed reclassification:

Support reclassification: 29 (69%)
Oppose reclassification: 13 (31%)
Total responses: 42
Did not respond: 30

The following results were received from residents of properties being reclassified:

Support reclassification: 12 (80%)
Oppose reclassification: 3 (20%)
Total responses: 15
Did not respond: 3

The owners who have shown support welcomed the idea of gaining subdivision potential as they believe the area is underdeveloped. It was indicated that smaller lots would be beneficial for this neighbourhood as it would promote affordability, lower maintenance costs and reduce property taxes. A few residents were troubled by those who oppose this proposal as the surrounding neighbourhood consists of smaller sized properties, which would be comparable to what this reclassification proposal is trying to achieve (it should be noted that the majority of those who opposed the reclassification owned properties consisting of 36 ft. wide lots or smaller).

Residents who opposed the reclassification were concerned this proposal would increase traffic and parking within the block and cause potential safety concerns due to close proximity to John Henderson Elementary. A few owners raised concerns for 52nd the increase in lack of parking for the existing church located at 659 East Avenue as it has limited number of off-street parking spaces available. It was also felt the peaceful character of the neighbourhood would be jeopardized if properties were subdivided in future.

The Approving Officer recommended approval of the reclassification on the basis of the ability to create a more consistent subdivision pattern in this neighbourhood via reclassification, proximity to higher density development along Fraser Street, and the majority of respondents having expressed support. Council ultimately adhered to the Approving Officer's recommendation, and approved the reclassification application.

Neighbourhood Notification

The owners of forty-three properties in the immediate area were notified in writing of this application and asked to comment. A total of six responses from individual properties were received (10.2% response rate) with the following result:

Support reclassification: 1 (2.3%)
Oppose reclassification: 5 (11.6%)
Total Responses: 6
Did not respond: 37

Based on a total of 6 responses, 16.7% of responses received supported the application.

The owner of the property who supported the reclassification is located across East 52nd Avenue, to the south of the subject property, and is a Category A parcel (as is the entire south side of the 500 – 600 block of East 52nd Avenue). They currently own a lot that has potential for subdivision into two parcels. No reasons were provided to justify the support.

Of the five property owners who opposed the reclassification, two were located along Fraser Street, and three along East 52nd Avenue. The two respondents along Fraser Street both currently own RT-2 zoned properties (per Table 2 of Schedule A of the Subdivision By-law, RT-2 zoning allows a minimum of 30 ft. and 3,000 sq. ft. in area). Both respondents along Fraser Street currently own 33 ft. parcels. The three respondents along East 52nd Avenue own RS-1 properties all of which are classified as Category A parcels, meaning they are able to create parcels with a minimum of 30 ft. in width and 3,000 sq. ft. in area, where feasible. Each of the three property owners along East 52nd Avenue who responded in opposition currently benefit from the potential to further subdivide into two parcels.

Property owners who responded with opposition were generally concerned with the demolition process of the existing home adding to the City's carbon footprint, the loss of larger multigenerational homes in general (to be replaced with smaller homes and/or laneway homes), decreased privacy, less parking availability, and potential removal of trees (and thus wildlife).

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 parcel at 585 East 52nd Avenue is one of only four RS-1 zoned parcels in the entire notification area (thirty-five RS-1 properties exist in the notification area, including the subject property) classified as Category D; 86% of the surrounding RS-1 properties contained within the notification area are Category A, compared to only 14% which are Category D.

Reclassification of this parcel from Category D to Category A would make it more consistent with the surrounding RS-1 properties (to the north of the lane, in the subject block, and to the south of East 52nd Avenue).

- The subject parcel is considerably larger in width and area than the majority of parcels surrounding it. Of all forty-four parcels in the notification area, only thirteen currently exist with over 60 ft. in width. Of those thirteen, the subject parcel is one of only four parcels that does not currently have the opportunity to subdivide into smaller parcels.

Reclassification of this parcel would allow for the owners to have the opportunity to subdivide into two parcels (permitting they both exceeded 30 ft. in width and 3,000 sq. ft. in area), which is an opportunity that the majority of surrounding parcels have already benefitted from or will benefit from in the future.

- Notification response was rather low, with only six responses out of a potential forty-three. Although more respondents opposed the application than supported it, all of the opposition came from parcels that benefit from lesser width and area requirements as a result of being Category A classified RS-1 properties, or RT-2 properties.

Reclassification of this property would not grant the subject owners any subdivision potential or opportunities beyond those already achieved or readily available to those who responded in opposition; it would instead grant the subject property opportunities consistent with those who responded in opposition.

- A precedent has been established by the approval of the 2015 reclassification.

In 2015, a reclassification of twenty-two properties, being 486 East 51st Avenue, 6707 St. George Street, and the 400 to 600 block of East 52nd Avenue (exclusive of 585, 617, 639 and 659 East 52nd Avenue), from Category D to Category A, was approved at Council. While the current subject parcel 585 East 52nd Avenue was excluded from the proposal at the time – this previously approved reclassification does set a strong precedent which should apply to all remaining four Category D parcels in this 400 – 600 block of East 52nd Avenue wishing to be reclassified to Category A.

Strategic Analysis

The reclassification would promote the ability to create new housing forms appropriate in context while contributing to the City's sustainability policies, especially as they pertain to densification. More specifically, the reclassification and subsequent subdivision could potentially double the current capacity of laneway houses and secondary suites. Recent changes to the RS-1 zoning also provide potential for two-family dwellings to be developed with up to two secondary suites and/or lock-off units (which can be strata-titled to a maximum of two strata lots). This could increase the stock of more affordable rental housing options in the area.

If Council approves this reclassification, it only provides the potential for subdivision in the future. A subsequent subdivision application would need to be submitted and the Approving Officer will take into consideration any other related policies in evaluating any future subdivision proposal.

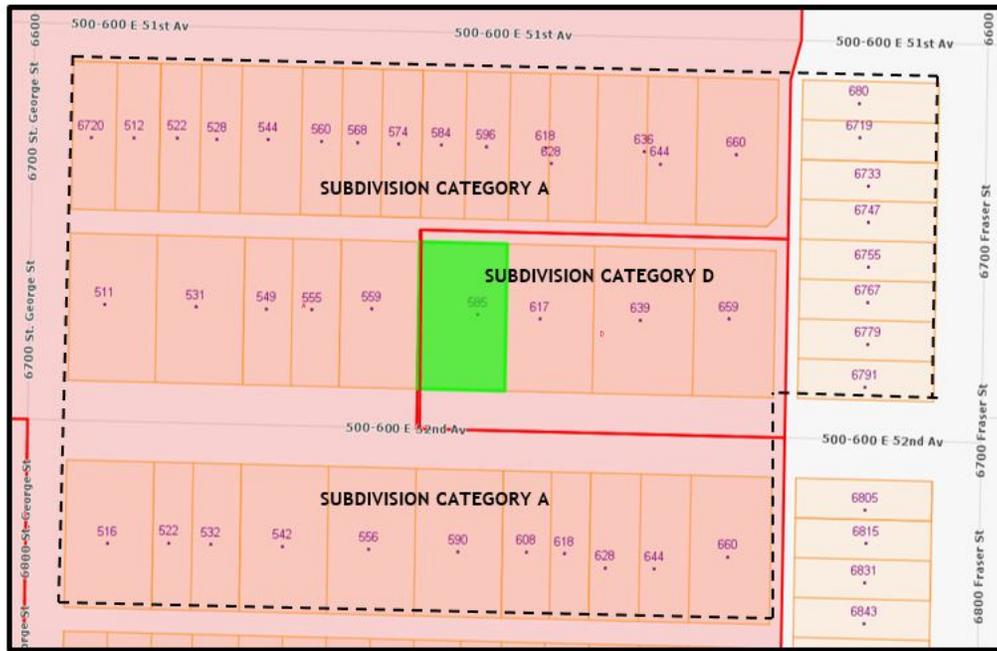
CONCLUSION

There was a successful reclassification application in this 400 to 600 block of East 52nd Avenue (exclusive of 585, 617, 639 and 659 East 52nd Avenue), from Category D to Category A, approved at Council in 2015. This successful reclassification has facilitated the creation of several 30-40 ft. parcels adjacent to the subject property, which are substantially smaller than the subject property (which currently exists 72.55 ft. in width). Reclassification of the subject property from Category D to Category A would make the block face more consistent in both Subdivision Category and ability to subdivide, which provides opportunity for a more consistent block face and neighbourhood context.

Based on the precedent set via the successful reclassification in 2015, the prevalence of smaller (30-40 ft.) parcels both on this block the blocks to the north and south (as well as the adjacent lots to the east on Fraser Street), the relatively low response from neighbourhood notification (with all opposition coming from parcels who benefit from the ability to subdivide into smaller parcels),

and the ability for this reclassification to result in a more consistent block/neighbourhood context, the Subdivision Approving Officer recommends approval of this application.

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= PROPOSED RECLASSIFICATION AREA
 = SUBDIVISION CATEGORY BOUNDARY
 = NOTIFICATION AREA

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