



## REPORT

Report Date: January 10, 2022  
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Meeting Date: February 8, 2022  
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TO: Standing Committee on City Finance and Services

FROM: General Manager of Development, Buildings and Licensing

SUBJECT: Proposed Amendment to Subdivision By-law No. 5208 – Reclassification of 1140 West 54<sup>th</sup> Avenue

### **RECOMMENDATION**

- A. THAT Council refuse the application to reclassify the property at 1140 West 54<sup>th</sup> Avenue, from Subdivision Category E to Subdivision Category D of Schedule A, Table 1, of Subdivision By-law No. 5208.
- B. THAT, if Council does not accept Recommendation A above, and approves the reclassification, 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 1140 West 54<sup>th</sup> Avenue, from Subdivision Category E to Subdivision Category D of Schedule A, for the purpose of gaining further 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 Development Services, Building and Licensing, the General Manager of Planning, Urban Design and Sustainability, and the City Manager recommend refusal 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, 1140 West 54<sup>th</sup> Avenue, from Subdivision Category E to Subdivision Category D.

As shown on Appendix A, almost all of the RS-1 zoned properties in the 1000 – 1200 block of West 54<sup>th</sup> Avenue, as well the parcels on the 7100 block of Selkirk Street and 1000 – 1100 block of West 55<sup>th</sup> Avenue, are classified as Subdivision Category E parcels (less three parcels, 1015 West 54<sup>th</sup> Avenue and 1020 and 1038 West 55<sup>th</sup> Avenue, all Subdivision Category D, but adjacent to arterial Oak Street, and with two of the parcels having access to a lane). Subdivision Category E prescribes a minimum width of 75 ft. and a minimum area of 6,750 sq. ft. for each new parcel created by subdivision, whereas Subdivision Category D prescribes a minimum width of 60 ft. and a minimum area of 5,400 sq. ft.

While all parcels in the block face of which the reclassification is proposed exist as Subdivision Category E, there is a mixture of parcel widths and areas. The majority of the parcels on the block in question exist with a width greater than the 75 ft. minimum and an area greater than the 6,750 sq. ft. minimum, with the exceptions being four parcels which meet the area requirement but not the width requirement: 1010 West 54<sup>th</sup> Avenue and 1001 West 55<sup>th</sup> Avenue, each of which have only 70 ft. in width; and 1133 and 1103 West 55<sup>th</sup> Avenue, each of which have only 68 ft. in width. Currently, only the four above-noted lots of twenty-two lots on the block in question do not meet the minimum 75 ft. in width prescribed under Subdivision Category E requirements.

On adjacent blocks (specifically the north half of the 1000 – 1100 block of West 54<sup>th</sup> Avenue, the 7100 block of Selkirk Street, and the south half of the 1000 – 1100 block of West 54<sup>th</sup> Avenue) the majority of parcels classified as Subdivision Category E exist with a width greater than the 75 ft. minimum and an area greater than the 6,750 sq. ft. minimum, with the exceptions being seven parcels which meet the area requirement but not the width requirement: 1065 and 1073 West 54<sup>th</sup> Avenue, each of which have only 69 ft. in width; 1088 and 1090 West 54<sup>th</sup> Avenue, each of which only have 69 ft. in width; and 7191, 7193 and 7195 Selkirk Street, each of which are situated along the corner which sees Selkirk Street turn into West 55<sup>th</sup> Avenue, and which are irregular lots with varying widths of 43 ft., 54 ft. and 47 ft., respectively (though each has a larger width at the rear of the site due to the irregular shape). Even though there are currently seven lots on the adjacent blocks which do not meet the minimum 75 ft. in width prescribed under Subdivision Category E requirements (I have excluded 1015 West 54<sup>th</sup> Avenue and 1020 and 1038 West 55<sup>th</sup> Avenue, as they are classified as Subdivision Category D, have access to a lane and/or front on arterial Oak Street), only three of the seven currently fall beneath 69 ft. in width, with those three being the irregular shaped lots fronting on the corner of where Selkirk Street meets West 55<sup>th</sup> Avenue. Currently, only the seven above-noted lots of twenty-seven Subdivision Category E lots adjacent to the block in question (specifically the north half of the 1000 – 1100 block of West 54<sup>th</sup> Avenue, the 7100 block of Selkirk Street, and the south half of the 1000 – 1100 block of West 54<sup>th</sup> Avenue) do not meet the minimum 75 ft. in width prescribed under Subdivision Category E requirements.

It should be noted that the parcels on the adjacent block directly to the east, being the east half of the 7100 block of Oak Street, are both zoned CD-1, with both parcels, 972 West 54<sup>th</sup> Avenue and 7160 Oak Street, having 130 ft. in width each.

If this reclassification from Subdivision Category E to Subdivision Category D is approved, the property owner would gain the potential to subdivide their property into two smaller lots. The parcel at 1140 West 54<sup>th</sup> Avenue currently exists with 136.8 ft. in width (along both West 54<sup>th</sup> and West 55<sup>th</sup> Avenue as it is a double-fronting parcel, and would qualify for subdivision into four lots, with two fronting along West 54<sup>th</sup> Avenue and two fronting along West 55<sup>th</sup> Avenue (as long as each parcel has a minimum of 60 ft. in width). If successfully reclassified, and a subdivision application into four parcels is approved, each parcel could potentially be developed with a one-family dwelling with secondary suite, 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). As there is no lane access, no laneway house(s) could be permitted.

### ***Neighbourhood Notification***

The owners of 50 properties in the immediate area were notified in writing of this application and asked to comment. A total of 11 responses from individual properties owners within the notification area were received (22% response rate), with the following result:

Support reclassification: 2 (4%)  
Oppose reclassification: 9 (18%)  
Total Responses: 11  
Did not respond: 39

Based on a total of 11 responses, 82% of responses received opposed the application.

Two property owners within the notification area responded in support of the reclassification. One of the property owners owns a parcel benefitting from a width below the required 75 ft. minimum required under Subdivision Category E. The other property owner owns a parcel width a width exceeding the 75 ft. minimum. Both property owners own parcels situated on a street which the parcel in question, 1140 West 54<sup>th</sup> Avenue (double-fronting on West 55<sup>th</sup> Avenue), fronts upon.

Those property owners who responded in support provided no reasoning for their support.

Nine property owners within the notification area responded in opposition to the reclassification. Four of those property owners own properties situated on the same block of the parcel in question, 1140 West 54<sup>th</sup> Avenue. The other five parcels are situated on adjacent blocks (with three situated to the north of the property in question and two to the south). Of all property owners who responded in opposition, only two own parcels benefitting from a width below the required 75 ft. minimum required under Subdivision Category E, with the rest owner parcels with more than 75 ft. in width.

Those property owners who responded in opposition provided the following reasons for their opposition: there is already an ability to subdivide into two parcels; would prefer to keep the neighbourhood consisting of larger lots; reclassification resulting in smaller parcels would change the uniqueness of the street; concerns of too much crowding (density); concerns of lowered property values due to potential prevalence of smaller lots; loss of greenspace; traffic and noise; desire to keep block consistent with Subdivision Category E; and proximity to Granville Street and Oak Street which already have high density.

It should be noted that all notification responses were verified to ensure comment came from a property owner on title and within the notification area. Considering these requirements, there are three additional responses of interest to note, two of which were in opposition and one in support, but not included in the totals above for various reasons. One response, in opposition, was returned, addressed from a property within the notification area, but with a name that did not match the property owner on file; when verification was requested via email, no response was received from the respondent, and as such, the vote was not counted in the totals above. Another response, in opposition, was received from outside the notification area (on a block along West 54<sup>th</sup> Avenue, just adjacent to the notification area); the property owner was verified, but as the parcel did not fall within the designated notification area, the vote was not counted in the totals above. Another response, in support, was received from outside the notification area (also on a block along West 54<sup>th</sup> Avenue, just adjacent to the notification area); the property owner was verified, but as the parcel did not fall within the designated notification area, the vote was not counted in the totals above.

### ***Analysis***

When Subdivision Categories were introduced in 1988, the rationale behind the assignment of the categories was to reflect the predominant parcel size in RS-zoned blocks throughout the city. The intent was to maintain predominant patterns and the diversity of choice they offered, while offering modest opportunities for subdivision that would reinforce the prevailing pattern.

All of the parcels on the block in question exist as Subdivision Category E parcels. Of all of these Subdivision Category E parcels, the majority currently maintain a width above the 75 ft. width requirement;

- Currently, only four lots of twenty-two Subdivision Category E parcels on the block in question do not meet the minimum 75 ft. in width prescribed under Subdivision Category E requirements.

Adjacent to the block in question, almost all of the surrounding RS-1 zoned properties (specifically along the 1000 – 1200 block of West 54<sup>th</sup> Avenue, 7100 block of Selkirk Street and 1000 – 1100 block of West 55<sup>th</sup> Avenue) are classified as Subdivision Category E parcels – less only three Subdivision Category D parcels, further highlighted below);

- Of the Subdivision Category E parcels on the aforementioned adjacent blocks, only seven of twenty-seven Subdivision Category E lots do not meet the minimum 75 ft. in width prescribed under Subdivision Category E requirements.

Adjacent to the block in question, three of the RS-1 zoned properties (specifically along the 1000 – 1200 block of West 54<sup>th</sup> Avenue, 7100 block of Selkirk Street and 1000 – 1100 block of West 55<sup>th</sup> Avenue) are classified as Subdivision Category D parcels;

- Of these three Subdivision Category D parcels, being 1015 West 54<sup>th</sup> Avenue and 1020 and 1038 West 55<sup>th</sup> Avenue, all parcels either feature access to a lane, frontage along arterial Oak Street, or both. The parcel in question at 1140 West 54<sup>th</sup> Avenue does not have access to a lane, nor does it have such proximity to Oak Street.

Neighbourhood notification was conducted, and the majority of responses received were in opposition of the proposal. Response to notification is summarized in detail above under the heading ‘Neighbourhood Notification’;

- Fifty (50) properties in the immediate area were notified in writing of the application;
- Eleven (11) responses from individual properties owners within the notification area were received (22% response rate);
- Two (2) property owners in the notification area supported reclassification (4%);
- Nine (9) property owners in the notification area opposed reclassification (18%);
- Three (3) unverified responses (not from property owner on title, or outside of notification area) were submitted: two (2) in opposition and one (1) in support;
- Of the eleven (11) responses from property owners in the notification area, 82% opposed the application;

The subdivision, which creates potential for four parcels rather than the existing one, creates the potential need for three additional driveways along West 54<sup>th</sup> Avenue and West 55<sup>th</sup> Avenue, due to a lack of lane for access, which will increase traffic and driveway entries along both streets;

- The block in question does not have lane access (unlike the blocks north and south of it), and as such, should the reclassification to Subdivision Category D be approved and subdivision potential be maximized to four lots, all access to the parcels would be off of West 54<sup>th</sup> Avenue and West 55<sup>th</sup> Avenue, adding a minimum of three additional sidewalk crossings to these streets. Requiring access from the City streets would be consistent with the rest of the subject block, but should be taken into consideration nonetheless;

As the parcel at 1140 West 54<sup>th</sup> Avenue currently exists, there is potential to subdivide into two parcels (a north and south parcel) under the current Subdivision Category E requirements of Schedule A of the Subdivision By-law;

- While a reclassification from Subdivision Category E to Subdivision Category D would increase subdivision potential from a possible two lots to four lots, there is still potential under the current Subdivision Category to subdivide from one parcel into two. Each parcel could be developed in accordance with the RS-1 zoning District Schedule;

There is potential for the parcel at 1140 West 54<sup>th</sup> Avenue to combine with the neighbouring parcel at 1168 West 54<sup>th</sup> Avenue to consolidate and subsequently subdivide into eight parcels under the current Subdivision Category E requirements of Schedule A of the Subdivision By-law;

- Consolidation of 1140 and 1168 West 54<sup>th</sup> Avenue would create approximately 355 ft. of frontage along both West 54<sup>th</sup> Avenue and West 55<sup>th</sup> Avenue, and would result in adequate width and area to create eight parcels, four parcels fronting each West 54<sup>th</sup> Avenue and West 55<sup>th</sup> Avenue, respectively;

Should a reclassification be approved for 1140 West 54<sup>th</sup> Avenue, this may set a precedent which would encourage 1168 West 54<sup>th</sup> Avenue to similarly apply for reclassification from Subdivision Category E to Subdivision Category D in the future;

- Should a reclassification come forth from 1168 West 54<sup>th</sup> Avenue, the precedent set by a potential reclassification being approved at 1140 West 54<sup>th</sup> Avenue would likely apply to this parcel. If this is the case, and a reclassification of 1168 West 54<sup>th</sup> Avenue from Subdivision Category E to Subdivision Category D were approved, the parcel (which currently has 185 ft. in frontage), would have potential to subdivide into six parcels, rather than the current potential of four;
- As highlighted above, under Subdivision Category E standards, these two parcels could consolidate to create eight lots at the present time, permissible under the current requirements of Schedule A of the Subdivision By-law (and creation of eight lots would ultimately more consistent in size with surrounding parcels). The alternative is, should both parcels undergo a reclassification to Subdivision Category D, a total of ten lots (four via 1140 West 54<sup>th</sup> Avenue and six via 1168 West 54<sup>th</sup> Avenue) could be created, setting a precedent for smaller (as small as 60 ft.) lots throughout this block and neighbourhood configuration, which primarily consists of parcels existing with over 75 ft. in width.

### ***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.

As highlighted above, when Subdivision Categories were introduced, the intent was assign categories to blocks which would allow for the conservation of the existing and predominant size and configuration patterns, which in turn would allow for diversity amongst different RS-1 zoned blocks throughout the City.

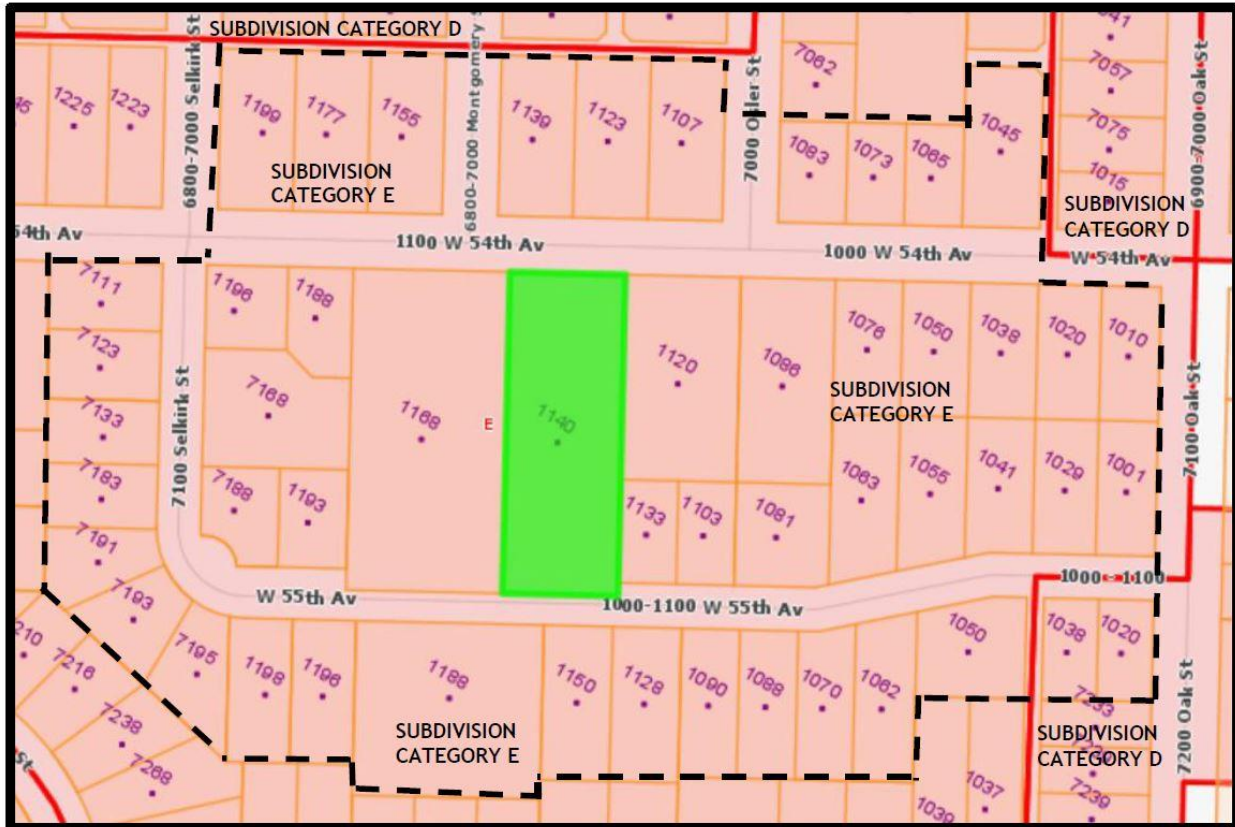
- The neighbourhood context in which the parcel in question is located is characterized by larger parcels, with the majority of parcels on the block in question and adjacent blocks existing with widths beyond the 75 ft. required under Subdivision Category E of Schedule A of the Subdivision By-law. Reclassification of this parcel would allow for a potential subdivision resulting in four parcels with less than the standard of 75 ft. While there are a few parcels in the neighbourhood that do fall just beneath the requirement, setting a precedent of encouraging the creation of smaller parcels may result in the neighbourhood ultimately shifting from predominantly larger lots to smaller parcels.

## **CONCLUSION**

On the basis of the established pattern of subdivision as reinforced by the current Subdivision Category E standard, a large prevalence of surrounding parcels meeting or exceeding the current minimum width requirement, a majority of neighbours responding in opposition, the increase in sidewalk crossing for access (due to no lane on block), an existing potential to subdivide under current classification, and the likelihood of setting a precedent (if reclassification were to be approved) which may result in transformation of this block from its originally informed intent of larger parcels - there is insufficient convincing rationale for changing the category of the subject parcel from Subdivision Category E to Subdivision Category D. For the aforementioned reasons, the Subdivision Approving Officer recommends refusal of the reclassification application.

\* \* \* \* \*

Notification Area Map



 = PROPOSED RECLASSIFICATION AREA     = SUBDIVISION CATEGORY BOUNDARY     = NOTIFICATION AREA