



ADMINISTRATIVE REPORT

Report Date: May 21, 2010
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VanRIMS No.: 08-2000-20
Meeting Date: June 10, 2010

TO: Standing Committee on Planning and Environment
FROM: Subdivision Approving Officer
SUBJECT: Proposed Amendment to Subdivision By-law Number 5208 - Reclassification of 4416 West 11th Avenue

RECOMMENDATION

THAT Council refuse the application to reclassify the property at 4416 West 11th Avenue from Category B to Category A of Schedule A, Table 1, of Subdivision By-law Number 5208.

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 an application to reclassify the property at 4416 West 11th Avenue from Category B to Category A of Schedule A for the purpose of subdivision, in accordance with the minimum parcel size requirements of Schedule A, Table 1, of the Subdivision By-law.

BACKGROUND AND SUBDIVISION HISTORY

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.

Subdivision Category	Minimum Width	Minimum Area
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.

As shown in Appendix A, the parcel which is the subject of this reclassification request is classified as Category B, which prescribes a minimum width of 40 ft. and a minimum area of 3,600 sq. ft. for each parcel created by subdivision.

The east half of this block was subdivided into ten 66 ft. wide lots through the registration of Plan 3574 in 1911 (five fronting on West 11th and five fronting on West 12th). The five fronting onto West 11th are still intact, while the five on West 12th have been subdivided over time into a variety of sizes, with most 40 ft. or larger in width. The westerly portion of the block was subdivided into primarily 41 ft. wide parcels through the registration of Plan 5114 in 1921. All 16 parcels created on this plan (8 fronting on West 11th and 8 fronting on West 12th) are still intact, so no subdivision has occurred in the subject blockface in almost 90 years.

Parcels on the north side of West 11th in this block are in Subdivision Category A. The majority of parcels on the north side of the block are currently 33 ft. in width and the few remaining large parcels on the north side could potentially be subdivided, either on their own or by combining with other parcels.

DISCUSSION

The property at 4416 West 11th Avenue was owned by former UBC Professor Abraham Rogatnick. The executor of Mr. Rogatnick’s estate is requesting that City Council amend the Subdivision By-law to change the classification of the subject parcel from Category B to Category A. Currently, under Category B standards, there is no individual subdivision potential for this parcel. There is, however, the opportunity for an adjoining parcel to combine with the subject parcel to create three parcels which would meet or exceed Category B standards. If the classification is changed, it would be possible to apply to subdivide the 66 ft. parcel individually into two 33 ft. parcels.

The executor has stated that the bulk of the proceeds from the sale of the property will be distributed to three beneficiaries: Emily Carr University of Art & Design, the Jack and Doris

Shadbolt Foundation, and the Contemporary Art Gallery. The rationale presented for the request for this reclassification is to increase the value of the bequest to the three beneficiaries from the anticipated increased property value of the site, should the reclassification be approved.

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 Lot 9 into two 33 ft. wide parcels would isolate adjacent Lot 10 to the east, thereby leaving it as an orphan lot. In such circumstances, the Approving Officer could not reasonably refuse a subdivision application to further subdivide Lot 10 into two 33 ft. parcels as well. In addition, if two of the remaining 66 ft. wide parcels to the west of Lot 9 were subdivided into parcels exceeding 40 ft. in width in future, another orphan lot would be created, which would subsequently qualify for relaxations to create two 33 ft. wide parcels. Therefore, if this reclassification is approved, it could subsequently lead to creation of six 33 ft. wide parcels in this blockface. The subdivision potential for the five 66 ft. parcels in this block would not be equitable and would produce a form of subdivision that is inconsistent with the predominant block pattern.

NEIGHBOURHOOD NOTIFICATION

Forty-seven property owners in the immediate area were notified in writing of this application and asked to comment. Eight responses were received, with the following results:

Support reclassification:	5
Oppose reclassification:	3
Undecided:	0
Did not respond:	39

One owner who supported the reclassification did so in respect the former owner and to support his chosen bequeathments, while another supported the additional density. One owner who opposed did not feel that financial considerations provided a sufficient basis for supporting this subdivision amendment. Most owners who responded did not provide any comments or reasons for supporting or opposing the proposal.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

On the basis of the precedent that would be established by giving consideration to the financial land lift as the primary rationale for supporting this amendment to the Subdivision By-law, as well as a review of the established pattern of subdivision in the subject block, the Subdivision Approving Officer recommends refusal of this application.

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*Proposed Reclassification 4416 West 11th Avenue
(shown in heavy outline) from Category B to Category A*

 Notification Area

 Subdivision Category Boundary

A Category A: minimum width 30 ft. minimum area 3,000 sq. ft.

B Category B: minimum width 40 ft. minimum area 3,600 sq. ft.