

ITEM	20
MANAGER'S REPORT NO.	47
COUNCIL MEETING	93/08/09

TO: CITY MANAGER

FROM: APPROVING OFFICER

SUBJECT: SUBDIVISION REFERENCE #35/93
175 North Howard Avenue
SUBDIVISION REFERENCE #37/93
5480 Cambridge Street

1993 August 04

PURPOSE: To provide Council with information in connection with the subject small lot subdivision applications.

RECOMMENDATION:

1. THAT copies of this report be sent to Cheryl and James Atwater, 135 North Howard Avenue, Burnaby, B.C. V5B 1J6

R E P O R T

1.0 BACKGROUND:

On 1993 July 26, Council heard a presentation by Mr. & Mrs. James Atwater who voiced their objection to the proposed subdivision of properties at 175 North Howard Avenue and 5480 Cambridge Street under the small lot category.

The following report will address the issues raised at the meeting.

2.0 HISTORIC SUMMARY - PREVIOUS R9 REZONING PROCESS AND CURRENT R4 AND R5 SMALL LOT SUBDIVISION PROCESS:

Prior to the adoption of zoning bylaw amendments providing for small lot subdivision in R4 and R5 zoning districts, subdivision creating small lots was handled through the rezoning application process under the R9 zoning regulations, which were established in 1981. Such rezoning applications were considered on an individual and discretionary basis. Approximately 600 lots were created through the R9 rezoning process.

In 1988 Council requested a report on an alternative approach to the R9 rezoning process that would allow small lot development in existing residential areas.

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The philosophy of the approach that small lot development be allowed in areas with an established small lot character, was advanced in October 1988 under a public review program.

The most important Council-adopted objectives of this approach to small lot subdivision are outlined as follows:

- " (a) To improve the general knowledge and certainty of where small lot development can and cannot occur.
- (b) To ensure a satisfactory level of neighbourhood protection.
- (c) To limit and restrict small lot development to those areas having a like character.
- (d) To ensure a reasonable opportunity for small lot development.
- (e) To reduce the complexity of the small lot development process."

The majority of public comments received during the review process also supported the objective of creating greater certainty.

Following this public review process, Council, in May of 1989, received a report which summarized the results and which recommended the preparation of a bylaw to amend the regulations of the R4 and R5 Residential Districts to permit small lot subdivision in accordance with certain standards which would be specified in the bylaw. The standards that were put forward as a result of the public consultation, and subsequently adopted after a Public Hearing held on 1989 June 20, are keyed to the following criteria:

1. the basic unit of the neighbourhood for analysis and approval purposes is the block front, as defined;
2. the presence or otherwise of at least 30% of the existing R4, R5 and R9 lots in the block front, in the form of small lots; and
3. the determination that for this purpose existing small lots would be considered to be lots with a width of 13.72m (45.0 ft.) or less.

Following adoption of the Zoning Bylaw text amendments on 1989 July 10, all applications for small lot subdivision have been processed through the subdivision approval process in accordance with the new regulations. To date, 112 new small lots have been created in various areas throughout Burnaby under this procedure. Persons interested in knowing whether a particular block or a particular property has the potential for experiencing small lot subdivision have been able to establish whether subdivision is possible or not, by reference to the standards in the Bylaw and the existing lot sizes in the block front (which is the adopted unit of measurement for purposes of analysis and qualification for small lot subdivision).

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3.0 REVIEW OF SUBDIVISION REFERENCE #35/93 & #37/93:

An application for subdivision under the R5 small lot provisions was received for the property at 175 North Howard Avenue in April of 1993 (Subdivision Reference #35/93). Following a site inspection, circulation of the application and receipt of comments from all outside agencies and City departments, Tentative Approval of subdivision was issued in June of 1993.

An application for subdivision under the R5 small lot provisions was received for the property at 5480 Cambridge Street in April of 1993 (Subdivision Reference #37/93). Following a site visit and circulation of the application, and pending receipt of comments from all outside agencies and City departments, this application is under consideration for issuance of Tentative Approval of subdivision.

Both subdivision applications are within the same block front (i.e. the west side of North Howard Avenue between Cambridge and Dundas Streets).

The subject subdivision applications have been reviewed in response to the following issues that were raised in the Council meeting:

3.1 Small Lot Percentage Within Block Front:

In the subject block front, 30.7% of the existing lots are small (33 feet in width) and the zoning is R5, which enables the subject two properties to be subdivided into 33 foot wide lots (see *attached* sketch).

This is reflective of and in compliance with the objectives and with the regulations specified in the Zoning Bylaw for R5 Small Lots.

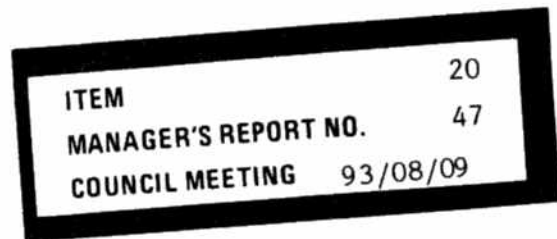
3.2 Established Amenities/Character of Neighbourhood:

This block contains a mixture of older and newer homes with varying building heights, on lots varying in width from 10.06m (33 ft.) to 20.13m (66 ft.).

3.2.1 Building Heights

The R5 zoning regulations permit a maximum building height of 2 1/2 storeys and 29.5 ft. for a building with a sloping roof, or 2 1/2 storeys and 24.3 ft. for a building with a flat roof, as measured from the lower of the front average elevation or the rear average elevation to the highest point of the structure.

In the subject case, the lowest elevation is at the easterly end of the properties. Therefore, the maximum allowable height would be measured along the Howard Avenue frontage. There is no differentiation between the R5 and the R5 small lot categories regarding building height.



There would be no increase in view obstruction affecting the properties in the area as a result of small lot subdivision (a slight reduction in view obstruction, by virtue of the two additional side yards created per existing lot).

3.2.2 Site Coverage

A maximum lot coverage of 40 percent (when a garage or carport are attached to the house) and 45 percent (when the garage or carport are detached) are permitted for both the R5 and R5 small lot categories.

Maximum site coverage permitted for the subject properties under the small lot category would be half that permitted per lot than for the existing lots (if redeveloped without subdividing).

e.g. 66'x122' = 8,052 sq. ft.
@ 40% = 3,220.8 sq. ft.
@ 45% = 3,623.4 sq. ft.

33'x122' = 4,026 sq. ft.
@ 40% = 1,610.4 sq. ft.
@ 45% = 1,811.7 sq. ft.

There would be no increase in permitted total site coverage if the properties subdivided under R5 small lot.

3.2.3 Development Density--Gross Floor Area

The density of development may not exceed the lesser of a floor area ratio of 0.60 or 3,982.8 sq. ft. for both the R5 and R5 small lot categories.

Maximum density permitted for redevelopment of the existing lots under R5 would be 3,982.8 sq. ft./lot x 2 lots = 7,965.6 sq. ft. Maximum density permitted for new development of the subdivided lots under R5 small lot would be 2,415.6 sq. ft./lot x 4 lots = 9,662.4 sq. ft.

This represents an increase of 1,696.8 sq. ft. of allowable development density if both lots were to be subdivided. It should be noted that, by virtue of the ceiling established on maximum development density for larger lots in the R5 zoning category (i.e. 3,982.8 sq. ft.), as opposed to the floor area ratio of 0.60 allowable for smaller lots, an increase would occur in all small lot subdivisions.

3.2.4 Side Yard Setbacks

Under R5, side yards shall be provided with a minimum width of 4.9 ft., and in the case of a corner lot, the side yard adjoining the flanking street shall be not less than 9.84 ft. in width. Under R5 small lot, side yards shall be provided with a minimum width of 4.0 ft., and in the case of a corner lot, the side yard adjoining the flanking street shall be not less than 6.0 ft. in width.

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Total combined side yards of 24.54 ft. would be provided if the existing two lots were redeveloped under R5. Total combined side yards of 34.0 ft. would be provided if the existing two lots were subdivided into four under R5 small lot.

This represents an increase of 9.46 ft. in total side yard provision if the lots subdivided under R5 small lot, an increase of 38.5% in terms of side yard open space.

3.2.5 Site Visit

We note there is an erroneous statement in Mr. and Mrs. Atwater's letter dated 1993 July 16 on Page 2. The technician did, in fact, visit the site prior to circulating the applications to various City departments and outside agencies for review and comment.

3.2.6 Vehicular Access

Through the subdivision process, both subdivisions would have vehicular access restrictions applied. In this regard, vehicular access would be prohibited from North Howard Avenue. More specifically, in the case of Subdivision Reference #35/93, both new lots would be required to take lane access only. In the case of Subdivision Reference #37/93, the southerly lot would be required to take lane access only and the corner lot could take access from either the lane or from Cambridge Street.

3.2.7 Tree Retention

There is one specimen tree located on the northeast corner of 5480 Cambridge Street which is worthy of retention.

This tree can be (and would be) covenanted under the subdivision procedure to ensure its retention; whereas there are no present bylaws that would prohibit its removal if this property were redeveloped under R5.

As can be noted from the observations in Sections 3.2.1 to 3.2.7 above, subdivision of both properties under R5 small lot would be in accordance with the regulations provided by bylaw, and would be reflective of and in compliance with Objectives (b) and (c), as outlined in Section 2.0 of this report.

It can be concluded that the established amenities/character of the neighbourhood would, in general, not be injuriously affected by the proposed subdivisions, and would, with respect to total side yard setbacks and tree retention, be improved.

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3.3 Previous R9 Rezoning Applications:

A review of past records indicates there were no previous R9 rezoning applications for either of the subject properties.

An application for R9 was received and forwarded to Council in July of 1984 for the property at 118 North Grosvenor Avenue (Rezoning Reference #39/84). Written objections were received from residents of two properties in the area. The rezoning application was defeated and the bylaw was abandoned at Second Reading in August of 1984. A request for reconsideration by the owners in September of 1984 was refused.

An application for R9 was received and forwarded to Council in March of 1986 for the property at 36 North Grosvenor Avenue, which received some neighbourhood opposition (Rezoning Reference #10/86). Second Reading was granted in April of 1986. As the applicant did not proceed with this application, it was abandoned in November of 1989.

3.4 Subdivision Potential for Remainder of Block and Surrounding Area:

Within the North Howard Avenue block between Dundas and Cambridge Streets (on both sides), there are a total of five lots capable of subdivision under R5 small (i.e. the subject two properties on the west side and three lots on the east side).

Within the area (zoned R5) bounded by North Hythe Avenue to the west, North Sea Avenue to the east, Cambridge Street to the north and Pandora Street to the south (excluding the above referenced section of North Howard Avenue), there are a total of 24 additional lots capable of subdivision under R5 small lot. There are a total of 495 existing lots within this area, 392 of which are existing small lots. The small lot percentage for this area is 79.19 percent. As can be noted, this is an area that is predominantly small lot in character and which is suited to small lot subdivision, given the established criteria, objectives and regulations.

It was mentioned in the 1989 comprehensive report that there were approximately 500 lots in Burnaby which would qualify for subdivision, resulting in about 1,000 new lots. The intent of the small lot zoning category was to balance the opportunity to create small lots while still protecting the character and stability of existing neighbourhoods. As noted above, since the adoption of the zoning bylaw amendments and consistent with this approach, 112 new small lots have been created.

3.5 Servicing:

Written subdivision policy provides for the acceptance of abutting existing interim standard in the case of infill subdivisions.

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The creation of two small residential lots from an existing parcel adjacent to an interim road does not warrant such upgrading which, in fact, would generally not be technically feasible.

In the subject case, North Howard Avenue is presently constructed to an interim standard, and no road upgrading would be required as a condition of subdivision approval. This finding is in accordance with standard practice, and there is no apparent justification for treating either of these applications differently from other residential infill subdivisions.

This approach is also reflective of Objectives (d) and (e) noted in Section 2.0 above.

3.6 Special Cases:

The 1989 comprehensive report made reference to the desire of some respondents to have a method that would consider special cases where it was felt subdivision was warranted, but the lot was not in an eligible block front.

At that time, it was mentioned that any method that would permit consideration of special cases would be contrary to Council's desire to ensure certainty, since the decision to allow subdivision would then be made on a case-by-case basis, without the benefit of specified guidelines. Such a system that considered exceptions would have been very similar to the R9 rezoning approach, which was replaced by the small lot zoning bylaw amendments.

The same conclusions could be reached of the reverse situation where the property qualifies in every respect for subdivision under the standards as set forth in the Bylaw for small lot subdivision, but where special consideration for denial is requested (under matters other than those to be considered by an Approving Officer, e.g., including but not limited to, the environment, safety, servicing, topography, and future subdivision potential of adjacent properties). This approach would also be contrary to Council's desire to ensure certainty and to Objectives (a) and (d) noted in Section 2.0 above.

4.0 CONCLUSIONS:

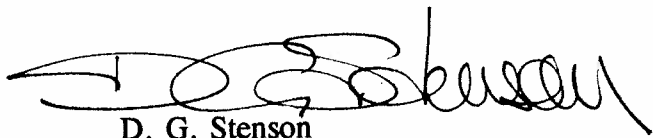
Based on the Council-adopted objectives as outlined in Section 2.0 of this report, and after reviewing matters such as small lot provisions, the amenities/character of the neighbourhood, the potential for small lot subdivision in the immediate neighbourhood and surrounding area, servicing, and special cases, it has been concluded that both subdivisions would meet all objectives and bylaw regulations, and there are not sufficient grounds for refusal of the subject subdivision applications.

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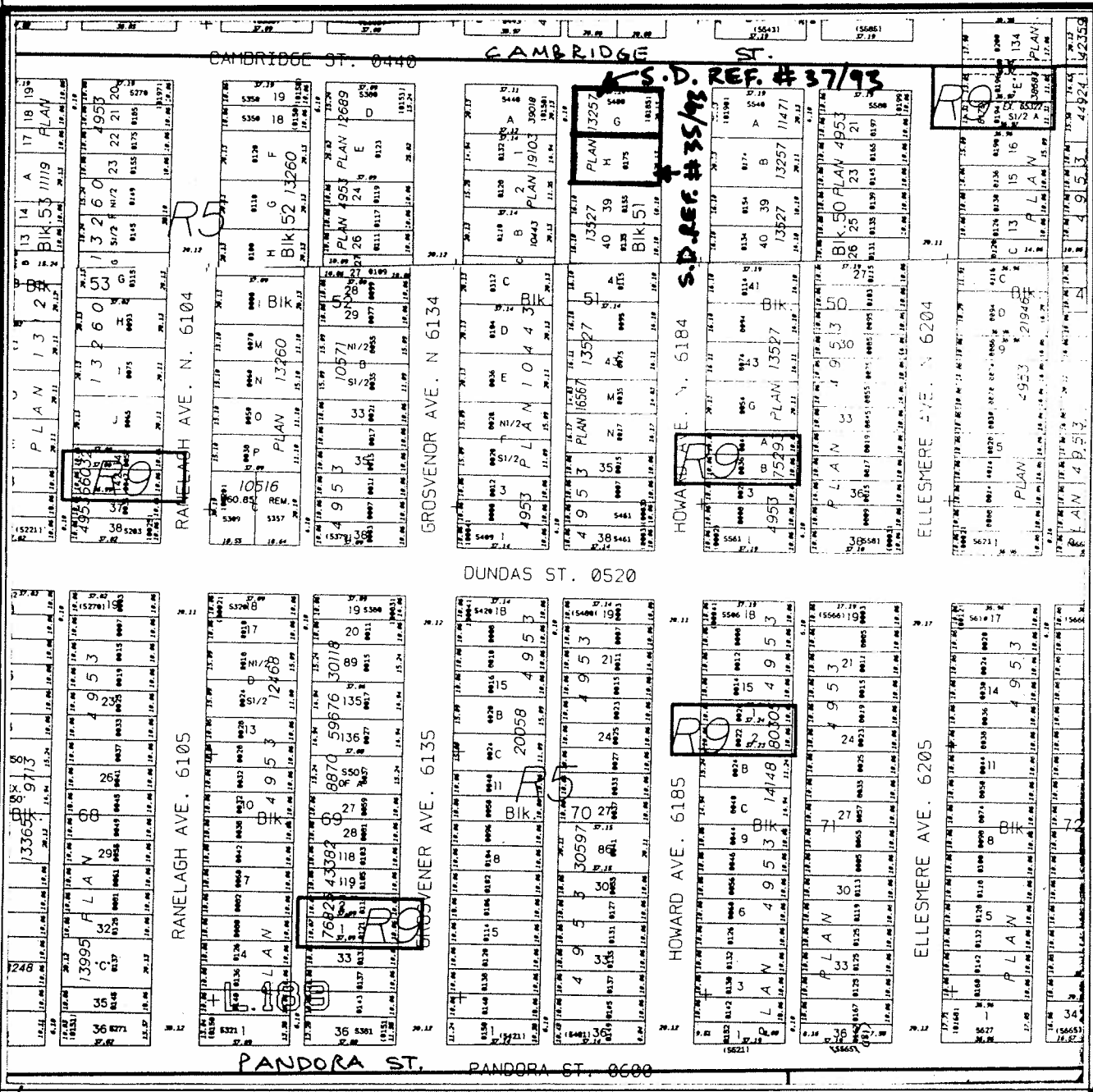
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It is recognized that not all residents will agree with the small lot subdivision objectives and approach that were established in 1989. However, the majority of respondents to the public review process did agree with them and, in particular, supported the objective of creating greater certainty for the creation of small lots.


This report is submitted for the information of Council.


D. G. Stenson
APPROVING OFFICER

CMM:
Att.



Date: 1993 AUG.
 Scale: N.T.S.
 Drawn By: C.M.M.

 City of Burnaby
 Planning & Building Dept.
 S.D. REF. # 35/93 - 175 N. HOWARD AVE.
 S.D. REF. # 37/93 - 5480 CAMBRIDGE ST.



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