

NO: R142

COUNCIL DATE: June 29, 2015

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 29, 2015**

FROM: **General Manager, Planning and Development** FILE: **6520-20 (Kwomais Point Park)**

SUBJECT: **Kwomais Point Park Neighbourhood - Request for Zoning Changes**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Endorse the neighbourhood consultation process outlined in this report as the basis for determining the level of support in the Kwomais Point Park Neighbourhood for revisions to the zoning provisions that apply to the lots in the neighbourhood;
3. Direct staff to provide a report complete with recommendations to Council upon completion of the neighbourhood consultation process, and that this activity is intended to activate the provisions of Section 929 of the *Local Government Act* in respect of withholding building permits for dwellings that are in conflict with the proposed zoning provisions set out in this report; and
4. Instruct the City Clerk to forward a copy of this report and the related Council resolution to representatives of the Kwomais Point Park Neighbourhood.

INTENT

The purpose of this report is to:

- advise of a rezoning request that has been received by way of a petition from representatives of the Kwomais Point Park Neighbourhood (the "KPPN"); and
- seek endorsement for a City-led process to determine the level of neighbourhood support for the requested rezoning.
- seek authorization to withhold the issuance of building permits for 30 days for dwellings that do not conform to the requested rezoning while the rezoning is being prepared and considered by Council.

BACKGROUND

On May 29, 2015, the Planning and Development Department received a petition from residents in the KPPN indicating support in the neighbourhood for rezoning by Council initiative from Single Family Residential (RF) Zone to Comprehensive Development (CD) Zone. The purpose of this neighbourhood rezoning would be to preserve the existing residential character of the neighbourhood, particularly the neighbourhood's existing treescape. Appendix I illustrates the location of the KPPN in relation to the defined neighbourhood area.

The proposed zoning is similar to the rezoning that is being proposed in the Bolivar Park Neighbourhood, and the rezonings that were approved in the St. Helen's Park Neighbourhood in 2006 and in the Royal Heights Park Neighbourhood in 2007 (amended by Council in 2011). The CD Zone, as proposed, would permit smaller houses with a lower building height than is permitted under the current RF Zone. In support of their request, the KPPN presented a petition from the owners of 134 lots, some of which lots are located outside of the defined neighbourhood boundary of Kwomais Point Park. Within the defined neighbourhood boundary of Kwomais Point Park (shown in Appendix I), the owners of 81 lots of the 148 lots (55%) signed the petition, as illustrated in Appendix II.

Section 929 of the *Local Government Act* allows the City to withhold the issuance of building permits for 30 days for dwellings that do not conform to the provisions of a plan or zoning bylaw that is being prepared and considered. This 30-day period commences from the date that a building permit application is received, and during this period, Council may pass a further resolution extending the period of withholding permit issuance for a further 60 days, allowing time for Council to make a decision on the proposed bylaw. The intention of this provision is to prevent a "rush" of development that is incompatible with Council's ultimate plan for an area, while also limiting the period of time that such a moratorium is in effect.

DISCUSSION

The subject neighbourhood is approximately 6.9 hectares (17.2 acres) in area. The area, shown in Appendix I of this report, is bounded by 16 Avenue in the north, 126A Street in the west, 14 Avenue and Kwomais Point Park in the south, 128 Street in the east, and the Assembly Hall 1 (PA-1) Zone and Community Commercial (C-8) Zone in the northeast corner. The area contains 148 residential lots, all of which are zoned RF. The lots in this subdivision were originally platted by the United Church of Canada, surrounding the Church camp site at Kwomais Point, which has since been purchased by the City as Kwomais Point Park. The lots in this subdivision are typically 5,000 square feet in area, which is smaller than the 560 square metre (6,000 square feet) minimum lot size in the current RF Zone.

The land is relatively flat and adjacent to land (on the west and south) that sits on top of the bluffs above Boundary Bay and Semiahmoo Bay. The neighbourhood is just south of the Ocean Park neighbourhood centre, and lies between Kwomais Point Park and Fun Fun Park. These parks contain excellent examples of mature coniferous trees, and Kwomais Point Park is marked by exceptional views over Semiahmoo Bay and the Strait of Georgia. To the west, in the 12500 Block of 15A Avenue, are the "1001 Steps", which is a wooden stairway along the bluff face that leads to a trail, cobble beach, and spectacular views across the bays.

The area is in a Coastal Douglas Fir Biogeoclimatic Zone. There are many Grand Firs in the neighbourhood, which are considered very desirable large trees to have around homes. Two Significant Trees exist in the neighbourhood: a Horse Chestnut tree on City land, and a Purple Beech tree on private property. Both of these trees are protected by Schedule "B" of Surrey Tree Protection Bylaw, 2006, No. 16100. There are many other trees in the neighbourhood that are protected trees as defined in the Tree Protection Bylaw, including Douglas-fir and California Redwood.

There is one heritage site in the neighbourhood, the John Horner House, which is protected by Heritage Revitalization Agreement By-law, 2011, No. 17403 and has architectural significance.

Within the neighbourhood, 93% of the lots were created by subdivision in 1914, but the age of the houses are quite varied, with homes built as early as 1913 up to the present day. For the past century, houses have been built consistently each decade, as follows:

- 6% were built from 1913 to the 1940s;
- 7% were built in the 1950s;
- 14% were built in the 1960s;
- 27% were built in the 1970s;
- 12% were built in the 1980s;
- 11% were built in the 1990s;
- 9% were built in the 2000s; and
- 3% were built from 2010 to present.

Nine percent of the lots are currently vacant and are unserviced.

As noted above, all but one of the lots in the study area are 5,000 square feet in area, with lot dimensions of 15 metres (50 feet) in width and 30 metres (100 feet) in depth. In comparison, the current RF Zone stipulates that lots must:

- have a minimum lot area of 560 square metres (6,000 square feet);
- have a minimum lot width of 15 metres (50 feet); and
- have a minimum lot depth of 28 metres (90 feet)

While there is a variety of house sizes and styles in the neighbourhood, the majority:

- are of moderate size (1500 – 2200 square feet);
- are either two storey, one storey with a large basement, or one storey; and
- have sloped roofs.

The current RF zone permits houses of up to approximately 3,000 square feet in floor area, significantly larger than most of the existing housing stock in the neighbourhood.

The KPPN Proposal

The intention of the KPPN is to preserve the existing residential character of the neighbourhood, particularly the neighbourhood's existing treescape, by limiting the maximum density and floor area of new homes below that permitted in the current RF zone. The KPPN has requested that a CD Zone be adopted for their neighbourhood that contains the following restrictions:

- the maximum floor area ratio (FAR) be reduced from 0.60 as allowed under the RF Zone for the first 560 square metres (6,000 square feet) of lot area, including the garage or carport, but not including in ground basement and an accessory building up to a maximum of 10 square metres (108 square feet), to a maximum density of 0.52 FAR; and be increased from 0.35 FAR for the remaining lot area in excess of 560 square metres, to 0.48 FAR;
- the basement not be included in the density as allowed under the RF Zone, except garage space, if applicable;
- the maximum height of accessory buildings be reduced from 4 metres (13 feet) or up to 5 metres (16.5 feet) if the roof slope and construction materials are the same as that of the principal building as allowed under the RF Zone, to 3.6 metres (12 feet) to the top of a flat roof where the roof pitch is 4:12 or to 5 metres (16.5 feet) to the peak of a sloped roof where the roof pitch is 4:12;
- the maximum height of the house to be reduced from 9 metres (30 feet) to halfway up a sloped roof and 7.3 metres (24 feet) to the top of a flat roof as allowed under the RF Zone, to 8.07 metres (26 feet and 6 inches) to the peak of a roof with a pitch of 4:12 or greater, 6.7 metres (22 feet) to halfway up a sloped roof, and 7.1 metres (23 feet and 4 inches) to the top of a flat roof with a pitch of 4:12; and
- the finished grade be defined not as the average grade along all adjacent lot lines as defined in Part 1 Definitions of the Surrey Zoning By-law, 1993, No. 12000 (the "Zoning By-law"), but as the average grade of the lowest adjacent side lot line.

If the requested rezoning is adopted, any new houses in the neighbourhood would generally be limited to two-storeys, consistent with the existing homes in the neighbourhood.

Proposed Neighbourhood Consultation Process

Subject to Council approval, staff is proposing that a City-led public consultation process, as described in the following section of this report, be undertaken to determine the level of neighbourhood support for the rezoning that has been proposed by the KPPN. This process will accurately determine the level of support in the neighbourhood for the requested rezoning and related provisions. While acknowledging that the KPPN has submitted a package representing the results of a neighbourhood survey that shows that approximately 55% of the owners of lots in the neighbourhood support a rezoning, it is important that the City undertake due diligence to ensure that the owners who support the rezoning clearly understand the implications and that the degree of support within the neighbourhood is verified. While the owners in favour of the proposed rezoning take pride in their neighbourhood and wish to maintain its character, the rezoning proposal does have implications that may be of concern to other owners who bought their lots on the basis of the development potential that is available under the RF Zone.

The proposed neighbourhood consultation process includes the following components:

1. City staff will work with the KPPN to develop the detailed zoning provisions of a proposed CD zone that meets the objectives of the KPPN in a format consistent with the Zoning By-law;

2. The KPPN will hold an open house/meeting to gauge the level of support for the proposed zoning provisions. City staff will attend the meeting as a resource to answer any technical questions about the draft zoning provisions and respond to any questions about the rezoning process;
3. On the basis of the comments received at the open house, the KPPN, in consultation with City staff, will revise or fine-tune the proposed zoning provisions. Staff will work with the KPPN representatives to prepare a draft CD Zone;
4. Staff will send a survey by registered mail to each lot owner whose property is proposed to be included in the rezoning. The mail out will contain detailed information on the provisions of the draft CD Zone and a questionnaire to which each owner will be requested to respond. This survey will be used to determine the extent of support or opposition on the part of the owners of lots that will be directly involved in the rezoning; and
5. Staff will provide a report to Council for consideration that includes the results of the consultation process and the related survey and provides recommendations in relation to whether or not the rezoning process should be formally commenced.

The above-described process is similar to the process that is being undertaken for the Bolivar Park Neighbourhood and the process that was undertaken for the St. Helen's Park, Crescent Park Annex, and Royal Heights neighbourhoods.

While the proposed rezoning is being developed and considered by both the neighbourhood and by Council, staff recommends that the provisions of Section 929 of the *Local Government Act* be activated by way of a Council resolution. This will create a temporary moratorium on new construction that is incompatible with Council's ultimate vision for the neighbourhood. If the proposed rezoning is not approved by Council, the existing zoning provisions of the RF Zone would continue to prevail and building permits consistent with the existing zoning would be issued.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- endorse the neighbourhood consultation process outlined in this report as the basis for determining the level of support in the KPPN for revisions to the zoning provisions that apply to the lots in the neighbourhood;
- Direct staff to provide a report complete with recommendations to Council upon completion of the neighbourhood consultation process, and that this activity is intended to activate the provisions of Section 929 of the *Local Government Act* in respect of withholding building permits for dwellings that are in conflict with the proposed zoning provisions set out in this report; and

- Instruct the City Clerk to forward a copy of this report and the related Council resolution to representatives of the KPPN.

Original signed by
Jean Lamontagne
General Manager,
Planning and Development

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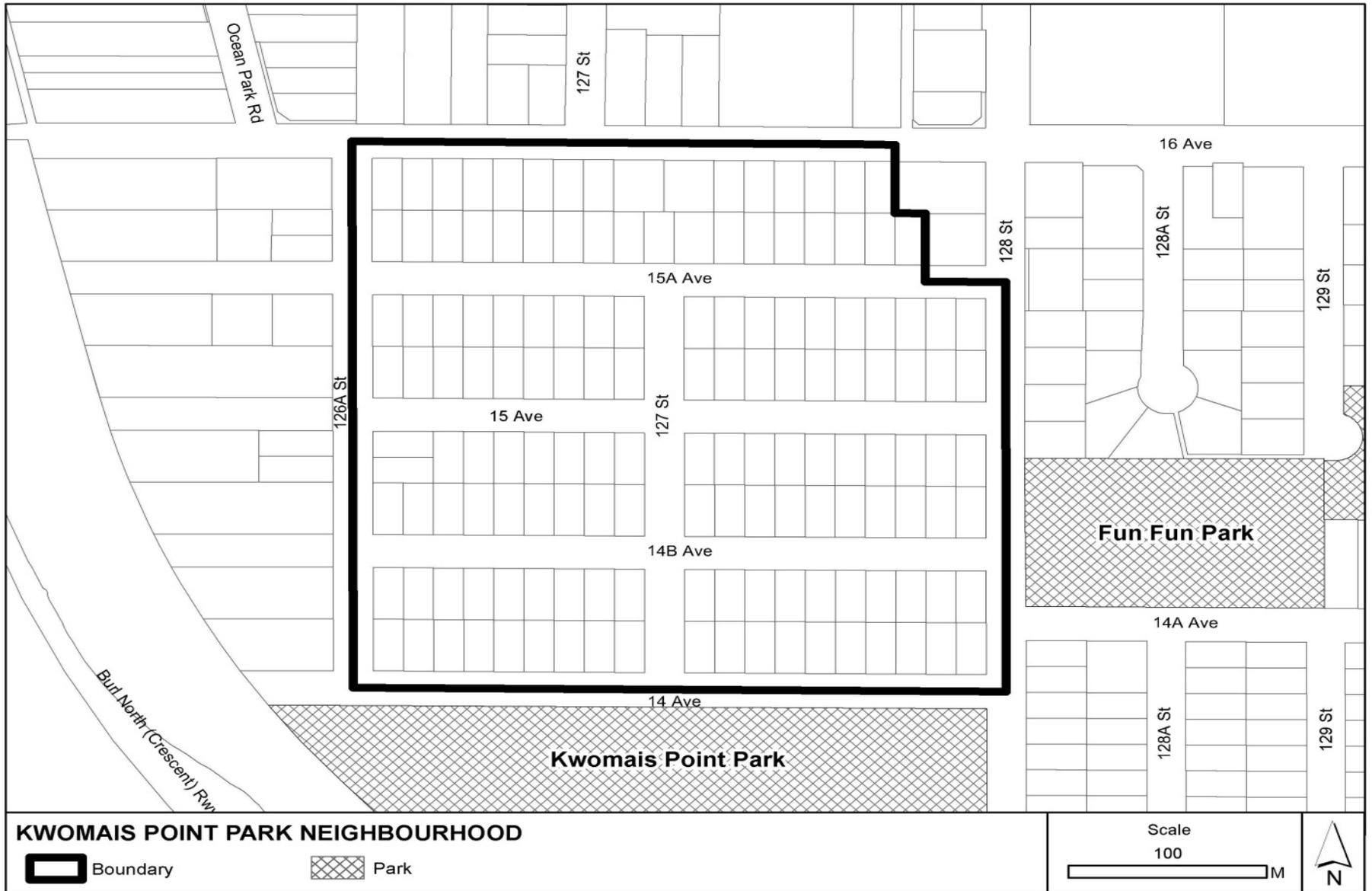
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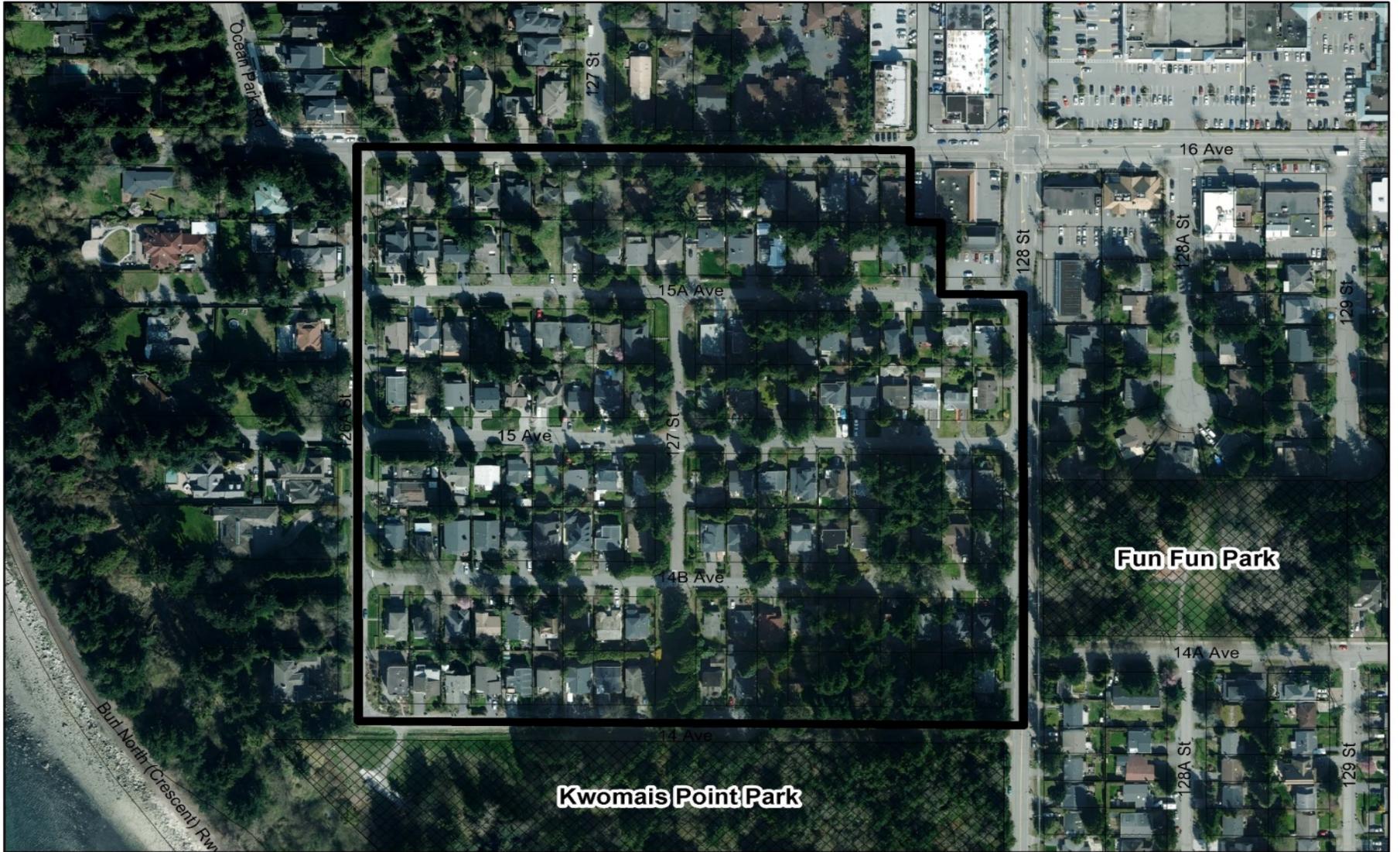
Appendix I Map showing Kwomais Point Park Neighbourhood Boundaries

Appendix II Map showing Kwomais Point Petition Responses

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Appendix I





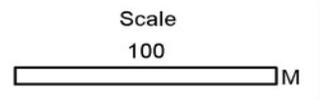
KWOMAIS POINT PARK NEIGHBOURHOOD



Boundary



Park



Appendix II

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