



Corporate Report

NO: L009

COUNCIL DATE: October 30, 2006

REGULAR COUNCIL – LAND USE

TO: **Mayor & Council** DATE: **October 24, 2006**
FROM: **Acting General Manager, Planning and Development** FILE: **6520-20 (SWM
St. Helen's Park)**
SUBJECT: **Proposed Rezoning
(Down-zoning) from RF to CD – St. Helen's Park Neighbourhood**

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information; and
2. Authorize staff to advise the Executive of the South Westminster Ratepayers Association (the "Association") that the City is not prepared to proceed with a City initiated down-zoning for the St. Helen's Park area, based on the support received, to date, from the owners of RF lots in the area, but that the Association may wish to pursue the option of submitting a rezoning application from those owners of RF lots in the area who are in favour of rezoning their lots.

INTENT

The purpose of this report is to advise Council of the results of the feedback that staff has received from the owners of RF zoned lots within the St. Helen's Park Neighbourhood in response to a survey of the area undertaken by City staff. This relates to a proposal by the Executive of the Association to rezone all of the lots in the neighbourhood from RF to CD.

BACKGROUND

On June 8, 2006, following extensive discussions, staff received a letter from the Association formally requesting that all of the RF-zoned lots in the St. Helen's Park neighbourhood be rezoned from RF to a CD Zone tailored to preserve the existing character of the area. A map of the area that was proposed for rezoning is attached as Appendix I. The request, if adopted by Council, would result in the rezoning of all of

416 lots (including one City owned lot) from RF to CD. The proposed CD zone would make the following changes to the current RF zone regulations:

- Restriction on the floor area on each lot to permit a maximum of 3,200 square feet, including the floor area of the basement, garages and accessory buildings, instead of 3,550 square feet, as permitted by the RF zone. Under the RF zone, accessory buildings of 105 square feet or less are excluded from the maximum allowable floor area count and according to the definition of density in the Zoning By-law, (in-ground) basements are not counted as floor area for density purposes;
- Restriction on the height of the building to a maximum of 22 feet, compared to 30 feet permitted by the RF zone;
- Restriction on the roof pitch (height to length ratio) to a minimum of 2 to 12 and maximum of 6 to 12. The RF zone does not regulate roof pitches; and
- Restriction of the side yard setback to be a minimum of 6 feet. The RF zone permits one side yard to be reduced to 4 feet if the other side yard is increased to 8 feet.

The table in Appendix II shows the comparison of the proposed CD zone provisions with the existing RF zone provisions.

On June 19, 2006, following efforts by the Association to contact all owners of the RF lots in the area, the Association submitted documents from owners of 346 lots. According to the material submitted by the Association, including a signed petition from the owners of 295 of the 415 RF lots, 71% of the lot owners were in favour of the proposed rezoning. Appendix III shows the map indicating the position of the RF lot owners in relation to the rezoning at that time.

On June 26, 2006, Council considered Corporate Report No. R129, attached as Appendix IV to this report, which recommended proceeding with the rezoning of all of the RF-zoned single family lots in the St. Helen's Neighbourhood from RF to CD, as requested by the Association. However, in considering this matter, Council passed the following resolution:

"That the matter be tabled to staff to contact those property owners who have not been contacted and to reaffirm those property owners that had been contacted, and report back to Council".

Since that time, staff have sent a letter and survey, by registered mail, to the owners of each RF-zoned lot in the subject area and have followed up by telephone and re-mailing of the survey to owners who did not respond. This report outlines the results of the survey.

DISCUSSION

Survey of the Owners

On June 29, 2006 staff met with the Executive of the Association to review the process that staff would follow to implement Council's direction and to discuss an approximate timeline for reporting back to Council.

Staff prepared two letters for mailing out to the St. Helen's Neighbourhood RF lot owners. One letter was prepared for the owners who had expressed support for the proposed rezoning through the petition letter circulated by the Association. The other letter was for the remaining owners who either expressed opposition to the proposed rezoning or did not respond to the petition, or for those who could not be contacted by the Association.

A questionnaire with a package of information was attached to each of the letters. The questionnaire requested owners to verify the position they previously expressed on the rezoning when the Association circulated the petition, and to indicate their current position. A copy of this questionnaire is attached as Appendix V. The information package provided the background and other material on the proposed rezoning to assist the owners in completing the questionnaire and understanding the implications of the proposed CD Zone. It contained the following:

1. Attachment 1 – Map of St. Helen's Park area;
2. Attachment 2 – Implications of the Proposed CD Zone after rezoning of the RF Lots in the St. Helen's Park area;
3. Attachment 3 – Table – Proposed Regulations of the CD Zone and Existing RF Zone;
4. Attachment 4 – Illustrations – Proposed CD Zone Regulations and Existing RF Zone Regulations;
5. Attachment 5 – Reasons for the Proposed Rezoning from RF to CD, as submitted by the executive of the Association; and
6. Attachment 6 – Copy of the petition letter circulated by the Association.

Copies of this material are attached as Appendix VI to this report.

The letters, questionnaire and the information package were mailed out by **registered mail** on July 19, 2006. A stamped, pre-addressed envelope was included with each letter to allow the owners to promptly return the completed questionnaire. The owners were requested to send in the completed questionnaires by August 4, 2006. However, it was possible that some of the property owners were away on vacation at that time of the year and also the Association advised staff that they wanted to make an attempt to contact all non-respondents to ensure they had received the questionnaire and to urge them to complete and return it as soon as possible. As well, the new owners of some of the lots

sold in the past couple of months approached staff to allow them to fill in new questionnaires that expressed their position on the rezoning rather than the position of the previous owners. Therefore, all completed questionnaires received up to and including October 20, 2006, were tallied in preparing the results of this survey as reported herein.

Some of the letters were returned by the post office marked "unclaimed" or "moved". In such cases, staff attempted to contact the owners of the unclaimed letters to deliver the letters by mailing them again or by fax, or requested the owners to pick them up from City Hall. In some cases, the owners returned the questionnaires without indicating any position with the comment that they had sold their lots or were in the process of closing the sale. New owners were contacted if the contact information was available.

Survey Results

There are a total of 416 RF lots in the St. Helen's Neighbourhood, one of which is owned by the City. To date, completed questionnaires from 337 lots (not counting the City owned lot) have been received by the City, which represents a response rate of slightly over 81% from 415 lots (416 total lots minus 1 City owned lot). 37 letters were returned by the post office because they were either unclaimed or the addressee had moved. Staff re-mailed 30 unclaimed letters where contact information was available, impressing upon the owners the need to return the questionnaires as soon as possible. Staff phoned the owners of all the other lots for which questionnaires had not yet been returned, and the Association also made an effort to contact them. To date, despite all of the efforts described above, completed questionnaires from the remaining 78 lots have yet to be received. For tallying the results of the survey, only one response per lot is counted.

The following results provide an overview of the current position (as expressed in the responses to the City's questionnaire) to the rezoning from the owners of the 337 lots who returned the questionnaires.

Lot Owners' Current Position as Indicated in the City's Survey

The following table shows the current position indicated by the lot owners who responded to the City's questionnaire.

	Number of Responses (One response/Lot)	% of the Total Number of Responses Received (337 Lots)	% of the Total Number of RF Lots (Total 416 lots minus 1 city-owned lot = 415)
Supported	262	77.7%	63.1%
Opposed	62	18.4%	15.0%
No response at this time	10	2.9%	2.4%
Other (No comment provided)	3	1.0%	0.7%
Number of lots representing non-respondent owners = 78 (not counting the city-owned lot)			18.8%
Total	337	100%	100%

According to the material submitted on June 19, 2006 by the Association, the Executive was able to contact the owners of 346 RF lots. The owners representing 295 of these lots, or slightly over 70% of the total 415 RF lots in the area, indicated support for the down-zoning at that time.

Compared to this previously expressed support from 295 lots (about 71%), as reported by the Association, the current 63.1% support from 262 lots is considerably lower, according to the response received to the recent survey by staff. A map of the St. Helen's Neighbourhood showing the results of the survey is attached as Appendix VII. It should be noted that 78 lot owners have still not responded to the City's questionnaire.

Comparison of the Responses to the Petition by the Association and the City's Questionnaire

An additional analysis of the responses received to date was done, as follows:

How many of the 78 owners who did not respond to the City's Survey responded to the June 2006 petition by the Association, and what were their responses at that time?

Out of the 78 lots whose owners have not completed the City's questionnaire, the owners of 33 lots had expressed their support to the rezoning through the petition by the Association. Cross-checking of the ownership records revealed that 10 of the 33 respondents to the petition were not the owners of the property, lowering the number of those who supported the rezoning from 33 to 23 (29.5% of 78). This brings down the number of lots whose owners supported the rezoning in the petition from 295 to 285, representing just above 68% support from the total 415 lots, slightly down from the previously reported 71%. (The entire petition has not been checked to verify ownership.)

Assuming that the original position of the owners of these 23 lots to the rezoning has remained the same, and that for some reason they have been unable to or chose not to respond to the City's survey, the current support for the proposed rezoning would increase from 263 to 286, representing support from the owners of about 69% of the 415 RF lots. This is still lower than the support of 71%, as reported, based on the material provided by the Association

How many of the respondents to the City's questionnaire changed their position to the rezoning and how?

Of the 337 total responses received to date to the City's questionnaire, 38 lot owners (11.3% of 337) who responded to both the City's questionnaire and the petition, changed their position as follows:

Of the owners of 38 lots who responded to both the Petition and the Questionnaire and changed their position	Position Expressed in the Petition	Position Expressed in the City's Questionnaire	% of the 38 Owners who Changed their Original Position
24	Support	Oppose	63.1%
7	Support	No Response	18.4%
3	Support	No position expressed (i.e. returning a blank questionnaire)	8.0 %
2	Abstain	Oppose	5.3%
1	Oppose	Support	2.6%
1	Oppose	No Comment	2.6%
Total 38			100%

Of those owners who changed their positions, 24 (or 63%) changed from "support" to "opposed". A map showing the above-noted results is attached as Appendix VIII.

Additional Comments

In completing the City's questionnaire, three owners also took the opportunity to provide additional comments through letters submitted in conjunction with their responses. The comments from these individual letters are summarized as follows:

- The owners of larger lots over 12,000 square feet should be permitted to have houses of a maximum of 4,000 square feet and an additional 500 square feet for garages and outbuildings. The proposed restriction on the maximum house size to 3,200 square feet affects the ability of the owners of large lots to expand existing houses or construct larger than 3,200-square feet houses. This would devalue the lots. (Note: The RF zone currently prescribes a maximum floor area of 2,900 square feet for lots 6,000 square feet or less and a maximum floor area of 3,550 square feet for lots over 6,000 square feet).
- The downsizing of homes in the St. Helen's Park Neighbourhood is a concern. The size permitted should be changed from 3,200 square feet to 3,500 square feet, including the basement and an additional 400 square feet for outbuildings and garage. 3,200 square feet is much too small given the lot sizes in the area.
- The St. Helen's Neighbourhood is very diverse, with different types of lots: some with views, some are ravine lots and others are lots on level ground with no views. The change in roof pitches and heights of homes should only be considered for the north part of the area to protect views. The downsizing of houses is extreme. The total floor area allowed on each lot should be around 4,200 square feet, including the basement, garage and outbuildings.

Some of the other owners included comments on the questionnaire sheets. Those in favour generally liked the idea of being able to preserve the character of the area by restricting the house size, as proposed. The comments from those who oppose the rezoning included: disagreement with the need to protect the character because they do not see the area having a unique character or historic value; satisfaction with the current

zoning; disagreement with the restrictions on the house size, height, roof pitches and requirement to count the floor area of sheds in the total floor area; and concerns about the depreciation of the property values. There were also comments that more time is required for discussion before such an important decision is made and that appropriate studies should be done on density, car congestion, future use of the infrastructure and property appreciation/depreciation.

SUMMARY AND CONCLUSION

Pursuant to Council's resolution on June 26, 2006, staff mailed out a registered letter and a survey form to each owner of an RF lot in the St. Helen's Park area to survey these owners on a proposed down-zoning from RF to CD. Staff have made considerable efforts to follow up with the owners of those lots where the registered letters were unclaimed and to obtain responses from those owners who have not submitted completed questionnaires.

Based on the responses received to date, the owners of just over 63% of the 415 RF lots have expressed support for the rezoning, compared to about 71% support that was indicated in the petition submitted in June by the Association. As well, 62 owners (15%) have expressed opposition to the down-zoning, another 10 (just over 2%) owners chose not to provide a response at this time or did not comment and the owners of 78 lots of the total 415 RF lots (nearly 19% of 415) did not complete the City's survey.

Of the 78 lots who did not respond to the City's survey, 23 owners expressed their support to the rezoning through the June 2006 Association petition. Although the final results were not substantially affected, owners of the 38 lots who completed both the petition by the Association and the City's survey changed their original positions.

In Corporate Report No. R129 (attached as Appendix IV), considered by Council on June 26, 2006, staff presented three options for responding to the request for this area-wide rezoning, based on the 70% rate of support at that time. These were:

- Option 1 – to consider a rezoning based on the receipt of a rezoning application and apply the rezoning to properties whose owners are party to the application.
- Option 2 – Prior to introduction of a CD By-law as requested, direct staff to convene a public meeting to ensure that the implications of the down-zoning are accurately understood by the property owners and to document the nature of any concerns before reporting back to Council.
- Option 3 – To bring forward for Council's consideration, a CD By-law as requested by the Association, which would act to rezone the area. Under this option, the by-law would be brought forward for consideration of the required readings and setting the date for a public hearing.

Based on the 70 % support for the rezoning in June 2006, according to the material submitted by the Association, staff had recommended Option 3. Council, having considered the options, adopted a variation of Option 2, that:

"The matter be tabled to staff to contact those property owners who have not been contacted and to reaffirm those property owners that had been contacted, and report back to Council".

Staff have subsequently undertaken significant efforts to describe the details and implications of the proposed rezoning, sent by registered mail to the owners of all of the RF lots in the St. Helen's Park area, to provide stamped, pre-addressed envelopes to allow the owners, and to follow up by additional mail and by phone to attempt to receive a response from all owners. Also, representatives of the Association sent out emails to many owners, requesting that the questionnaires be completed and returned to staff as soon as possible, and the Association advised staff that the Association would contact the non-respondent owners.

Despite these efforts, the owners of a substantial number of RF lots (78 or nearly 19% of the 415 RF lots) have not responded to the questionnaire.

Based on the current support at just over 63% for the down-zoning (compared to about 71% support reported in the June petition) and the significance of this down-zoning initiative to the rights of individual property owners, staff cannot recommend that Council proceed with this down-zoning as a City-initiated rezoning.

It is, therefore, recommended that Council receive this report as information and advise the Executive of the Association that the City is not prepared to proceed with a City-initiated down-zoning for the St. Helen's Park area at this time, based on the support received, to date, from the owners of lots in the area, but that the Association may wish to pursue the option of submitting a rezoning application from those owners of RF lots who are in favour of rezoning their lots.

How Yin Leung
Acting General Manager
Planning and Development

BP/kms/saw

Attachments:

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| Appendix I | Map of the Boundaries of the Proposed CD Zone |
| Appendix II | Proposed Outline of the CD Zone |
| Appendix III | Map showing the position of the RF lot owners to the proposed rezoning (June 2006 Petition) |
| Appendix IV | Corporate Report No. R129 (without Appendices) |
| Appendix V | Questionnaire mailed out to the RF lot owners |
| Appendix VI | Material mailed out to the RF lot owners by the City on July 19, 2006 |
| Appendix VII | Map showing responses of the RF lot owners to the City's survey (October 2006) |
| Appendix VIII | Map showing the lots whose owners changed their positions from June 2006 re: the proposed rezoning |



Proposed Outline of the CD Zone

Zoning Provision	Proposed CD Zone	RF Zone
D. Density: <ul style="list-style-type: none"> Maximum Allowable Floor Area 	298 sq. m. (3,200 sq. ft.) including basement, garage or carport and accessory buildings	270 sq. m. (2,900 sq. ft.)* on lots of 560 sq. m. (6,000 sq. ft.) or less 330 sq. m. (3,550 sq. ft.)* on lots in excess of 560 sq. m. (6,000 sq. ft.) * Of the maximum allowable floor area, 37 sq. m. (400 sq. ft.) must be reserved as a garage or carport. An accessory building not exceeding 10 sq. m. (105 sq. ft.) in size is exempt from the maximum floor area limitation. If the accessory building exceeds this size, any area in excess of 10 sq. m. shall be included in the maximum floor area. For Density purposes, basements are not counted as floor area.
F. Yards and Setbacks: <ul style="list-style-type: none"> Side Yard 	Minimum of 1.8 m. (6 ft.)	Minimum of 1.8 m. (6 ft.), which may be reduced to 1.2 m. (4 ft.) provide the opposite side yard is a minimum of 2.4 m. (8 ft.)
G. Height of Buildings: <ul style="list-style-type: none"> Principal Building 	Maximum of 6.7 m. (22 ft.)	Maximum of 9 m. (30 ft.), except that if the roof slope is less than 1:4, the height shall not exceed 7.3 m. (24 ft.).
J. Special regulations: <ul style="list-style-type: none"> Roof Slope 	Minimum roof pitch of 2 to 12; and Maximum roof pitch of 6 to 12	No restriction on the roof pitch
All other provisions of the proposed CD Zone will be the same as the provisions of the RF Zone.		

Map showing the Position of the RF Lot Owners on the Proposed Rezoning – June 2006



Legend

- The Rest 120 Lots (142 owners)
- Support 294 lots (318 owners)





Corporate Report

NO: R129

COUNCIL DATE: June 26, 2006

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 22, 2006**

FROM: **Acting General Manager, Planning and Development** FILE: **6520-20 (SWM - St. Helen's Park)**

SUBJECT: **Request by the South Westminster Ratepayers Association for the Rezoning (Downzoning) of the St. Helen's Park Neighbourhood**

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information; and
2. Authorize staff to bring forward, for Council's consideration a Council-initiated CD By-law, as requested by the South Westminster Ratepayers Association, and as documented in Appendix I of this report, which would act to rezone the area shown on the map attached as Appendix I.

INTENT

The purpose of this report is to advise Council of the results of discussions staff has had with the executive of the South Westminster Ratepayers Association (the "SWRA"), as directed by Council, following their delegation to Council on May 30, 2005, during which they requested Council to place a moratorium on new construction in, and to find a solution that would protect the residential character of, the St. Helen's Park neighbourhood and to provide options and recommendations for Council's consideration.

BACKGROUND

On December 13, 2004, Council received a delegation from the SWRA expressing concern regarding the impact on the existing residential character of their neighbourhood from some of the new houses (perceived by the SWRA as "monster" houses) being built in their neighbourhood, and the potential for illegal suites in these larger houses. The delegation requested that Council consider the approach recently adopted by the

Corporation of Delta in rezoning neighbourhoods to restrict the size of new houses, where at least 75% of the residents of a defined area request such downzoning by the submission of a petition. The delegation advised that the boundaries of such rezoning for the St. Helen's Park neighbourhood would generally be 104 Avenue, 127A Street, 100 Avenue and a line defined by the easterly edges of the BC Hydro Railway corridor and Robson Ravine Park located to the east of the Prince Charles Elementary School, as shown on the map attached as Appendix II.

Staff reviewed this request and submitted Corporate Report No. R044, which was considered by Council on March 7, 2005 (Appendix III). Council considered this report and passed Resolution R05-625, as follows:

"Resolve that any property owner, or any group of property owners who collectively consent to apply to rezone their properties, may submit a rezoning application to the City for the properties they own, along with all necessary supporting materials and application fees for Council to consider the application, based on its merit".

On May 30, 2005, the SWRA again appeared as a delegation to Council. Council received a 71-signature petition from the SWRA, which requested that a residential character study be done for their neighbourhood as a way to protect the character of their neighbourhood. The delegation also urged Council to place a moratorium on development and demolitions in their area and come up with a solution to address their concerns. After hearing from the delegation, Council passed the following Resolution R05-1331 at that same meeting:

"That Council direct, in accordance with the authority and requirements of the Local Government Act, that building permits be withheld related to applications for construction in the area bounded by 100 Avenue, 104 Avenue, 124 Street, 127A Street to the north of 102 Avenue and 128 Street to the south of 102 Avenue until staff have reviewed with the community and reported to Council on the matter of an appropriate by-law and course of action relative to preserving the existing character of the subject residential area".

In accordance with this resolution, authorization was granted to staff, pursuant to Section 929 of the *Local Government Act*, to withhold permits for any demolitions and new construction up to 90 days after the receipt of the first application for such a permit. To date, no new applications have been received.

After extensive discussion with the SWRA, on June 8, 2006, staff received a letter from the SWRA (Appendix IV) formally requesting that their area be rezoned from RF to CD to preserve the existing character of the area. The letter makes the following points:

1. The average size of homes in their neighbourhood is in the range of 1,200 to 2,000 square feet;
2. Three homes were demolished and replaced by houses of the maximum allowable 3,550 square feet, plus full basements. These large houses dwarf the existing homes, block sunlight, impede views, have an impact on their privacy and destroy the character of their neighbourhood;

3. The following changes from the RF Zone are proposed in the CD Zone:
 - The floor area should be restricted to a maximum of 3,200 square feet, including the floor areas of the basement, garages and accessory buildings instead of 3,550 square feet, as permitted by the RF Zone. (Under the RF Zone accessory buildings of 105 sq. ft. or less are excluded from the maximum allowable floor area count and according to the definition of density in the Zoning By-law basements are not counted as floor area for density purposes);
 - The height of the building should be restricted to a maximum of 22 feet compared to 30 feet permitted by the RF Zone;
 - The roof pitches should be restricted to a minimum of 2 to 12 and maximum of 6 to 12; and
 - The side yard setback should remain at 6 feet. It should not be reduced to 4 feet regardless of whether the other side yard setback is increased to 8 feet as permitted by the RF Zone;
4. The proposed changes are a compromise of house sizes not excessively larger than the current homes in their area, yet large enough so as not to discourage new development and still fit the character of the neighbourhood;
5. A consensus has been built around the proposed zoning changes that reflect the wishes of the majority of the stakeholders in the area.

DISCUSSION

St. Helen's Neighbourhood

The St. Helen's Park Neighbourhood is located uphill from the South Westminster industrial area to the east of the BC Hydro Railway corridor. The subdivision and housing were developed in the 1950s. There are 415 RF-zoned single family lots and one duplex lot within the boundaries of the neighbourhood, as shown in Appendix I. With the exception of one RM-D Zoned lot within the neighbourhood and another lot just outside to the southwest, all lots are zoned RF.

The single family lots are larger in area (ranging from about 700 to 800 square metres/7,535 to 8,610 square feet) than the minimum lot size permitted by the RF Zone for subdivision purposes (a minimum of 560 square metres/6,000 square feet). The lot widths in the St. Helen's Park area vary from approximately 18 to 20 metres/60 to 66 feet and the depth varies from 40 to 42 metres/ 130 to 138 feet. The terrain of the area generally slopes towards the west and southwest, with slopes ranging from about 10% to 13%. Several lots, mostly in the western half of the neighbourhood, have good views to the west and southwest.

The Robson Ravine Park lies to the southwest at the bottom of the slope and the Prince Charles Elementary School is located to the west of the ravine. A majority of the existing houses in this neighbourhood, built in the mid to late 1950s, are of modest size and are either one storey rancher homes or one and one-half storey split level homes. Most

houses have low pitched roofs. Photographs of some of the existing houses are attached as Appendix V to this report.

A few larger homes with steeper roofs were recently constructed. The sizes of these newer homes are close to the maximum size of 3,550 square feet, permitted by the RF Zone and the setbacks are the minimum required under the RF Zone. These houses also have basements, which increases the floor area actually built. The SWRA has also pointed out that, in one instance, the outdoor deck was enclosed creating additional floor area, contrary to the Zoning By-law, which resulted in the City issuing a stop-work order. In another instance, it was pointed out that part of the ground floor has been converted into space for a home-based business, complete with a sign. SWRA has raised concerns and requested that the City step up the enforcement of by-laws.

The SWRA is concerned that the impact of these larger houses will destroy the character of their neighbourhood, which, in their view, affects the value of their properties.

Public Consultation

Staff recommended that the SWRA hold a public information meeting to provide information on the proposed rezoning, to receive comments and to accurately document the support of the neighbourhood for the proposed CD zoning provisions.

The SWRA held a public open house on Tuesday, May 23, 2006 in the Prince Charles Elementary School. Staff also attended the open house to observe the meeting and respond to any questions about the rezoning process.

According to the information provided by the SWRA, 200 people attended the open house and as a result of a show of hands, an "overwhelming majority" expressed support for the downzoning initiative.

Staff expressed concern that, due to the significance of this proposal and the fact that the SWRA is requesting that the City proceed with a Council-initiated down zoning process, a show of hands did not provide sufficient documentation of the support in the community for this specific initiative. As a result, the members of the SWRA have made significant efforts to contact all the owners of properties in the neighbourhood and obtain written evidence of the neighbourhood's support for their proposal. On June 19, 2006, the SWRA submitted the material attached as Appendix VI, which documents that the SWRA were able to contact the owners of 346 properties within the subject area, of which 295 support the proposed rezoning. This represents 71% of the 415 RF-zoned lot owners. For comparison purposes, Delta's policy for such rezoning (downzoning) of a residential area requires the support of at least 75% of the area's homeowners.

Staff consultations with SWRA

Between June 15, 2005 and June 8, 2006, staff met with the SWRA on several occasions, and have toured the neighbourhood with members of the executive. At these meetings, there were discussions regarding the SWRA's concerns and possible options that might address these concerns. The options discussed were as follows:

- Registration of a Building Scheme

Following lengthy exploration of this option, Staff advised that in the absence of a new subdivision, the City could not require the owners of the existing lots to register a building scheme. Without a subdivision process, the alternative is to register a restrictive covenant among the lot owners and, given the complexity and potential cost of preparing, registering and administering a restrictive covenant on the existing lots, the SWRA decided that this would not be a practical nor desirable option to address their concerns.

As most of the issues of concern to the SWRA relate to the potential size and height of new houses, they concluded that the rezoning from the existing RF Zone to a custom-made CD Zone would be a more practical and desirable option.

- Rezoning of the lots with the consent of the lot owners

As noted earlier in this report, in considering the initial request by the SWRA to downzone this neighbourhood, Council resolved that *"any property owner, or any group of property owners who collectively consent to apply to rezone their properties, may submit a rezoning application to the City for the properties they own, along with all necessary supporting materials and application fees for Council to consider the application, based on its merit"*.

Under this option, the owners could collectively apply for the rezoning of their lots. A rezoning application signed by the lot owners and the payment of rezoning and public hearing fees would be required.

However, any application for rezoning would only apply to the lots which were the subject of the application. In other words, the members of the SWRA could not make a rezoning application on behalf of all properties in the area without the written consent of the owners of each and every property included in the application. Only the properties of those owners who were party to the application would be rezoned. This would potentially create a patchwork of zoning in the neighbourhood where some properties would be downzoned and others would not because it was possible that some of the property owners within the subject area might not agree with the SWRA on the matter of rezoning.

The SWRA rejected this option because of the costs and its limited application.

- Council-Initiated Area-Wide Rezoning

In order to undertake an area-wide rezoning, covering all properties within the subject area, a rezoning initiated by the City would be required.

This option has been requested by the SWRA, who feel that this is the only option that could work for them. This was the option that they had requested Council to pursue when they appeared as a delegation before Council.

Appendix IV contains a letter signed by the executive of the SWRA, dated June 8, 2006, requesting that their neighbourhood be rezoned from RF to CD. The letter gives their rationale for the need to protect their neighbourhood by way of a CD Zone and outlines the proposed changes from the RF Zone that they would like to include in the CD Zone, as described earlier in this report.

Requested CD Zone

Staff spent considerable time reviewing the existing by-law provisions with the executive of the SWRA and requested that the SWRA review the RF Zone to determine which provisions of the zone they proposed to amend to ensure that new houses constructed on lots in the area would be compatible with the existing houses in terms of massing and scale. The following table shows a comparison of the requested CD Zone provisions with the existing RF Zone provisions. These provisions are included in Appendix I, which also includes illustrations to explain the provisions.

Zoning Provision	Proposed CD Zone	RF Zone
D. Density: <ul style="list-style-type: none"> Maximum Allowable Floor Area 	298 sq. m. (3,200 sq. ft.) including basement, garage or carport and accessory buildings	270 sq. m. (2,900 sq. ft.)* on lots of 560 sq. m. (6,000 sq. ft.) or less 330 sq. m. (3,550 sq. ft.)* on lots in excess of 560 sq. m. (6,000 sq. ft.) * Of the maximum allowable floor area, 37 sq. m. (400 sq. ft.) must be reserved as a garage or carport. An accessory building not exceeding 10 sq. m. (105 sq. ft.) in size is exempt from the maximum floor area limitation. If the accessory building exceeds this size, any area in excess of 10 sq. m. shall be included in the maximum floor area. For Density purposes, basements are not counted as floor area.
F. Yards and Setbacks: <ul style="list-style-type: none"> Side Yard 	Minimum of 1.8 m. (6 ft.) (No reductions will be permitted.)	Minimum of 1.8 m. (6 ft.), which may be reduced to 1.2 m. (4 ft.) provide the opposite side yard is a minimum of 2.4 m. (8 ft.)
G. Height of Buildings <ul style="list-style-type: none"> Principal Building 	Maximum of 6.7 m. (22 ft.) (Regardless of the roof slope, this will be the maximum permitted height.)	Maximum of 9 m. (30 ft.), except that if the roof slope is less than 1:4, the height shall not exceed 7.3 m. (24 ft.).
J. Special Regulations	Roof Pitch: Minimum of 2:12 Maximum of 6:12	No restriction on roof pitch

All other provisions of the proposed CD Zone would be the same as the provisions of the RF Zone. It is noted, however, that with the limitation of the building height to 22 feet, measured from the average finished grade to the mid-point of a sloping roof as per the Zoning By-law, together with the inclusion of basement floor area in the reduced maximum floor areas, a major impact of this downzoning would be limiting new houses to a maximum of two storeys if they are constructed slab on grade, or to limit a house with a basement to one storey.

The area to be covered by the proposed CD Zone is shown in Appendix I. All 415 RF-zoned lots within this area would be rezoned from RF to CD if the proposal by the SWRA is approved by Council and the related rezoning by-law is adopted.

If Council decides to proceed with the proposed rezoning of the entire St. Helen's neighbourhood it will be downzoning a large residential area at the request of a group of the lot owners. This could set a precedent for other neighbourhoods who may want to request city-initiated rezonings for their areas.

Council has initiated downzoning amendments in the past, but always based on a clear planning rationale to achieve community-wide or city-wide planning objectives (i.e. objectives beyond the neighbourhood level), such as in the following instances:

- Removal of "salvage industry" as a permitted use from the Zoning By-law to achieve Council's objective of improving the image of the City and revitalize the South Westminster area in keeping with the objectives of the South Westminster NCP; and
- Amendments to prohibit certain land uses in the CHI Zone and restricting the maximum house size to 84 square metres (900 square feet) on the RF-zoned lots within the Surrey City Centre area to achieve the City's objectives for the City Centre and protect public investment in transit and other infrastructure in that area.

Alternative Courses of Action

With the background information provided in this report, Council has the following options:

Option 1

Advise the SWRA that the City will only consider a rezoning, based on the receipt of a rezoning application and apply the rezoning to properties whose owners are party to the rezoning application. Should Council decide to proceed with this option, Council may instruct staff to waive the application and public hearing fees.

Option 2

Prior to considering the introduction of a CD By-law, as requested by the SWRA, on the basis of the proposed rezoning boundary map and draft outline of the by-law, as shown in Appendix I, direct staff to convene a public meeting and open house to ensure that the implications of the downzoning are accurately understood by property owners in the subject area and to document the nature of any concerns in this regard, and to report back to Council prior to consideration of a proposed CD By-law.

Option 3

Authorize staff to bring forward, for Council's consideration at the next scheduled meeting of Regular Council – Land Use, a City-initiated CD By-law, as requested by the SWRA and as documented in Appendix I of this report, which would act to rezone the area shown on the map attached as Appendix I.

Evaluation of Alternatives

Option 1 is not recommended because it would likely create a patchwork of zoning and will not address the SWRA's concerns about the impact of new houses on the residential character of the area. Option 2 would provide the opportunity for further dialogue with the entire community before proceeding with such a significant initiative. However, the SWRA has shown that their proposal has the support of a clear majority (71%) of the lot owners. Based on the information provided by the SWRA and considering that the public hearing will provide an opportunity for Council to gauge the strength of the support and opposition to the proposed rezoning, Option 3 is recommended.

CONCLUSION

Based on the above discussion, it is recommended that Council authorize staff to bring forward, for the required readings and to set a date for the related public hearing, a Council-initiated CD By-law, as requested by the SWRA and as documented in Appendix I of this report, which would act to rezone the area outlined on the map attached as Appendix I of this report.

Original signed by

How Yin Leung
Acting General Manager
Planning and Development

BP/kms/saw

Attachments:

- Appendix I Proposed Outline of the CD Zone, Map of the Boundaries of the CD Zone and Illustrations of the CD Provisions
- Appendix II Map showing the Support for and Opposition to the Proposed Rezoning from RF to CD
- Appendix III Corporate Report No. R044 (without attachments)
- Appendix IV Letter dated June 8, 2006 from the South Westminster Ratepayers Association
- Appendix V Photographs of the Existing houses – St. Helen's Park Neighbourhood
- Appendix VI Material submitted by the South Westminster Ratepayers Association on June 19, 2006 in support of the Proposed CD Zone



QUESTIONNAIRE

St. Helen's Area - Proposed Rezoning (Down zoning) from RF to CD

Please complete and return this questionnaire as soon as possible (no later than August 4, 2006), in the attached envelope. Alternatively, the questionnaire can be faxed to 604-591-2507 or dropped off in person at the Planning and Development Department, Surrey City Hall.

I/We am/are the owner/owners of the following property/properties in the St. Helen's Park neighbourhood of the South Westminster area of Surrey.

(Please provide addresses below of the property/properties you own in the St. Helen's Park area)

The above-noted property/properties are currently under the Single Family Residential Zone (RF Zone). I/We am/are aware that the South Westminster Ratepayers Association has requested that the Surrey City Council rezone all of the properties that are zoned RF in the St. Helen's Park Neighbourhood from Single Family Residential Zone (RF Zone) to Comprehensive Residential Zone (CD Zone), including the above noted property/properties.

(Please check the appropriate answers below)

In the petition circulated by the South Westminster Ratepayers Association, I/We have indicated:

_____ Support _____ Opposition _____ No Response _____ I/We were not contacted

I/We have read the letter dated July 12, 2006 from the City of Surrey and accompanying information sheets, which explain the regulations of the proposed CD Zone compared to the existing RF Zone and implications of the CD Zone on any new construction that may be permitted on the properties under the proposed CD Zone.

I/We fully understand the proposed CD Zone regulations and their implications. If Surrey City Council approves the proposed CD Zone, I/we recognize that the above-noted property/properties will be effectively down zoned.

_____ I/We SUPPPORT the proposed rezoning (down zoning) from RF to CD of my/our property/properties.

_____ I/We OPPOSE the proposed rezoning (down zoning) from RF to CD of my/our property/properties.

_____ I/We DO NOT WISH TO PROVIDE ANY RERSPONSE AT THIS TIME to the proposed rezoning (down zoning) from RF to CD of my/our property/properties.

(Please provide additional comments, if any, in the space below)

Owner's Name(s) – (please print)

Owner's Signature(s)

Mailing Address

Phone Number

E-mail (optional)

Material mailed out to the RF Lot Owners by the City – July 19, 2006

Attachment 1

Map – St. Helen's Neighbourhood



Attachment 2
Implications of the Proposed CD Zone after the Rezoning of the RF Lots in the St. Helen's Park Neighbourhood

The CD Zone proposed by the executive of the South Westminster Ratepayers Association and considered by Surrey City Council on June 26, 2006 contain the following regulations:

1. The total floor area of all buildings on each lot, regardless of the lot size, will be restricted to a maximum of 298 square metres (3,200 sq. ft.). The floor areas of a basement, garage or carport and all outbuildings such as garden sheds will be counted as part of the maximum allowable 3,200 sq. ft. floor area.

(Currently under the RF Zone of your lot, if the lot is at least 560 square metres i.e. 6,000 sq. ft. in size, the size of the house can be up to a maximum of 330 square metres or 3,550 sq. ft. including a 37-square metre or 400-sq. ft. garage or carport. Additionally, a basement with at least 50% below grade, and an outbuilding of 10 square metres (i.e. 105 sq. ft. or less) are not counted as part of the maximum allowable 3,550 sq. ft. floor area. This could potentially allow for a total square footage of approximately 5,550.

2. The height of the house will be restricted to a maximum of 6.70 metres (22 ft.). The height is measured from the average finished grade to the mid-point of a sloped roof. The proposed restriction on the height to a maximum of 22 ft. in combination with the proposal to count the basement as part of the maximum allowable floor area would limit a new house to a maximum of two storeys if the ground floor is slab-on-grade construction, or the house will be limited to one storey with a basement.

(Currently under the RF Zone of your lot, the height of a house is permitted to be a maximum of 9 metres or 30 ft. This height permits a two-storey house with additional floor area in the basement, which is not counted as part of the maximum allowable 3,550 sq. ft. floor area on 6,000 sq. ft. lots.)

3. The slope of the roof will be restricted to the minimum of 2 to 12 (1 in 6) and maximum of 6 to 12 (1 in 2). For your information, a roof slope of 2 to 12 (1 in 6), measured as the ratio of height to length, means that the roof height is one-sixth of the roof length. The proposed roof slope restrictions mean that flat roofs or steep pitched roofs, such as 8 to 12 or 10 to 12 will not be permitted.

(Currently, the RF Zone of your lot does not have any restriction on the roof slopes.)

4. The side yard setback will be a minimum of 1.8 metres (6 ft.). No reductions will be permitted by the new CD Zone.

(Currently, the RF Zone of your lot permits one side yard to be reduced from the minimum of 1.8 metres (6 ft.) to 1.2 metres (4 ft.) if the other side yard on the lot is increased to a minimum of 2.4 metres (8 ft.)

Please see the table in Attachment 3, which compares the proposed regulations of the CD Zone and existing RF Zone. Also, please see Attachment 4 for the sketches to show the effect of the proposed CD regulations in comparison to the current RF Zone regulations.

Attachment 3

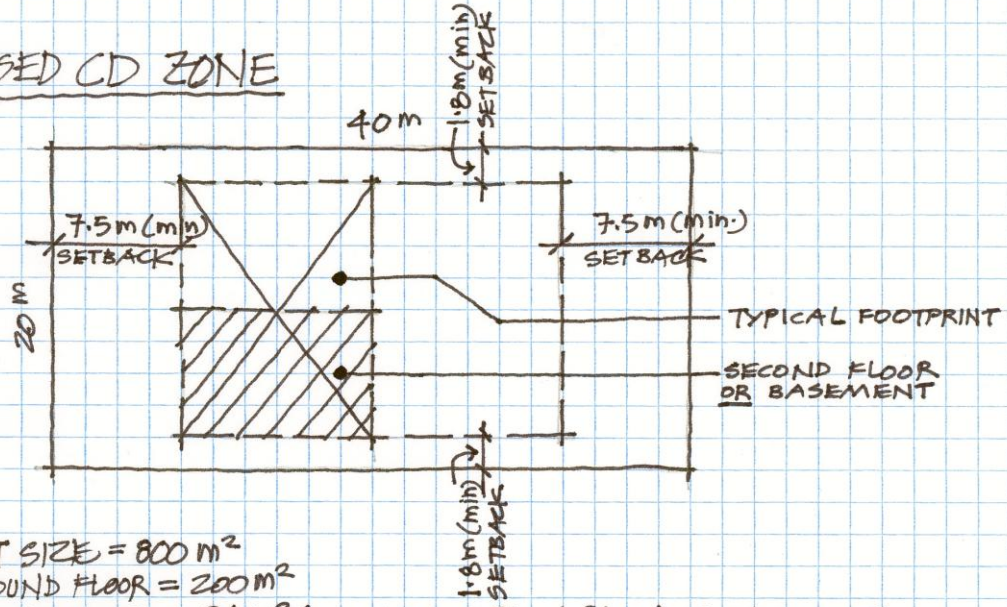
Table - Proposed Regulations of the CD Zone and Existing RF Zone

Zoning Provision	Proposed CD Zone	RF Zone
D. Density: <ul style="list-style-type: none"> Maximum Allowable Floor Area 	298 sq. m. (3,200 sq. ft.) including basement, garage or carport and accessory buildings	270 sq. m. (2,900 sq. ft.)* on lots of 560 sq. m. (6,000 sq. ft.) or less 330 sq. m. (3,550 sq. ft.)* on lots in excess of 560 sq. m. (6,000 sq. ft.) * Of the maximum allowable floor area, 37 sq. m. (400 sq. ft.) must be reserved as a garage or carport. An accessory building not exceeding 10 sq. m. (105 sq. ft.) in size is exempt from the maximum floor area limitation. If the accessory building exceeds this size, any area in excess of 10 sq. m. shall be included in the maximum floor area. For Density purposes, basements are not counted as floor area.
F. Yards and Setbacks: <ul style="list-style-type: none"> Side Yard 	Minimum of 1.8 m. (6 ft.)	Minimum of 1.8 m. (6 ft.), which may be reduced to 1.2 m. (4 ft.) provide the opposite side yard is a minimum of 2.4 m. (8 ft.)
G. Height of Buildings: <ul style="list-style-type: none"> Principal Building 	Maximum of 6.7 m. (22 ft.)	Maximum of 9 m. (30 ft.), except that if the roof slope is less than 1:4, the height shall not exceed 7.3 m. (24 ft.).
J. Special regulations: <ul style="list-style-type: none"> Roof Slope 	Minimum roof pitch of 2 to 12; and Maximum roof pitch of 6 to 12	No restriction on the roof pitch
All other provisions of the proposed CD Zone will be the same as the provisions of the RF Zone.		

Attachment 4

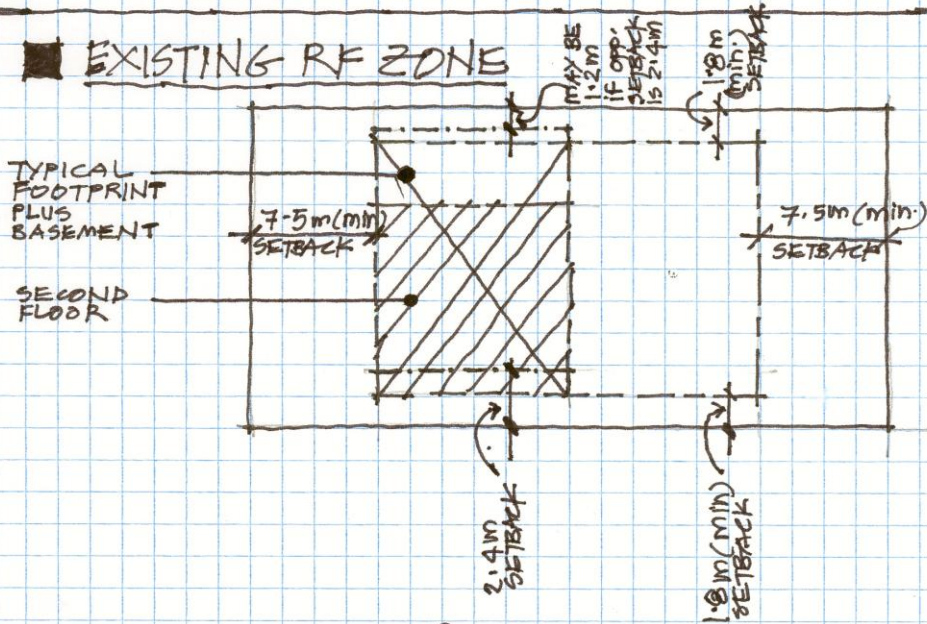
Illustrations - Proposed CD Zone Regulations and Existing RF Zone Regulations

PROPOSED CD ZONE



- LOT SIZE = 800 m²
- GROUND FLOOR = 200 m²
- SECOND FLOOR = 98 m² (max. 80% of first floor) OR BASEMENT
- MAX. FLOOR AREA PERMITTED = 298 m² (3200 ft²)

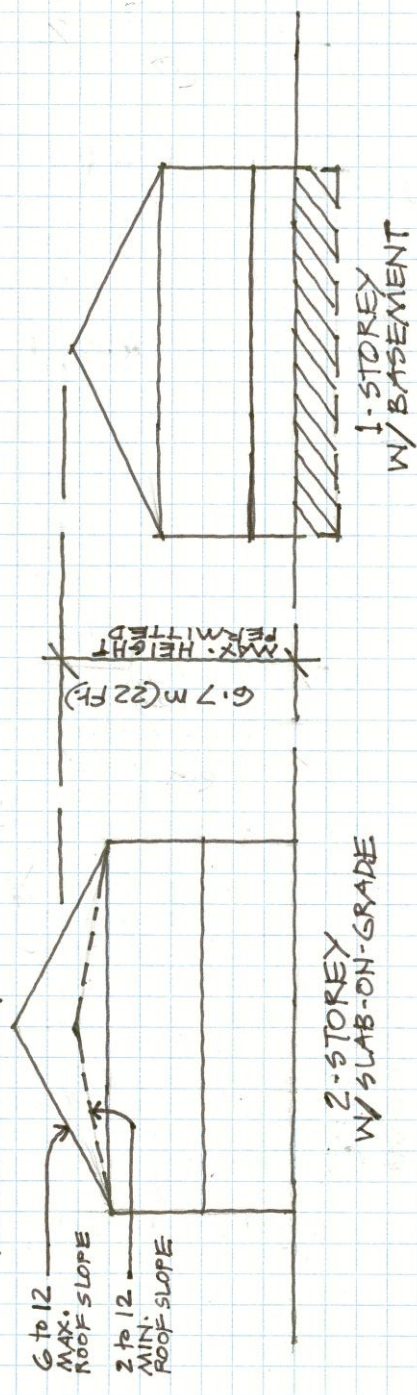
EXISTING RF ZONE



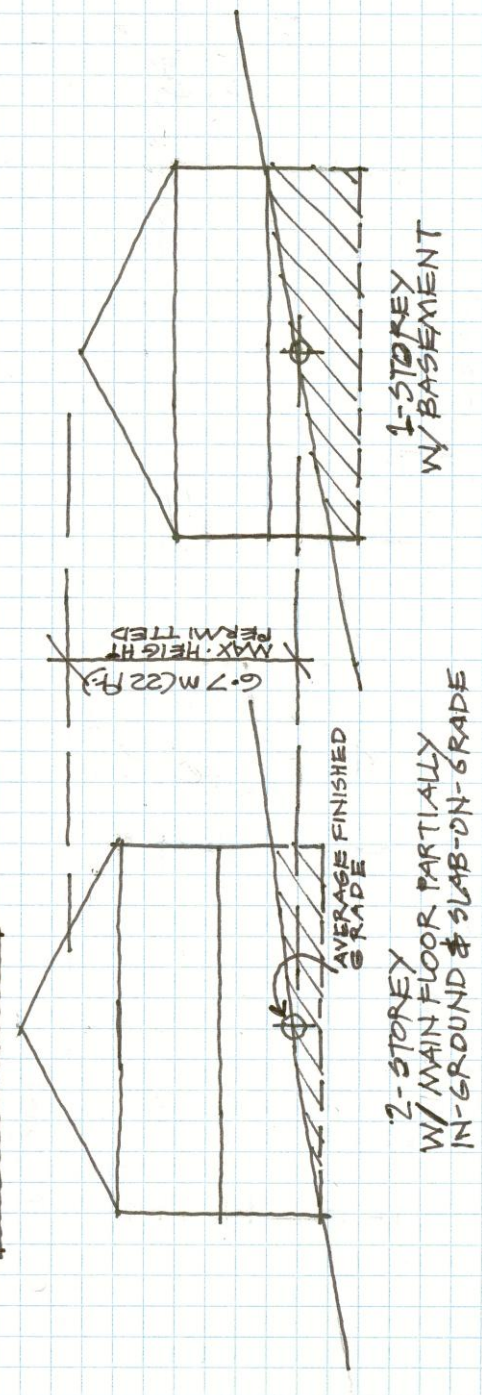
- LOT SIZE = 800 m²
- GROUND FLOOR = 200 m²
- SECOND FLOOR = 130 m² (max. 80% of first floor)
- MAX FLOOR AREA PERMITTED = 330 m² (3550 ft²)
- PLUS BASEMENT OF AREA EQUAL TO GROUND FLOOR AREA

■ OPTIONS UNDER PROPOSED CD ZONE (WITH & WITHOUT A BASEMENT)

FLAT SITE



SLOPED SITE



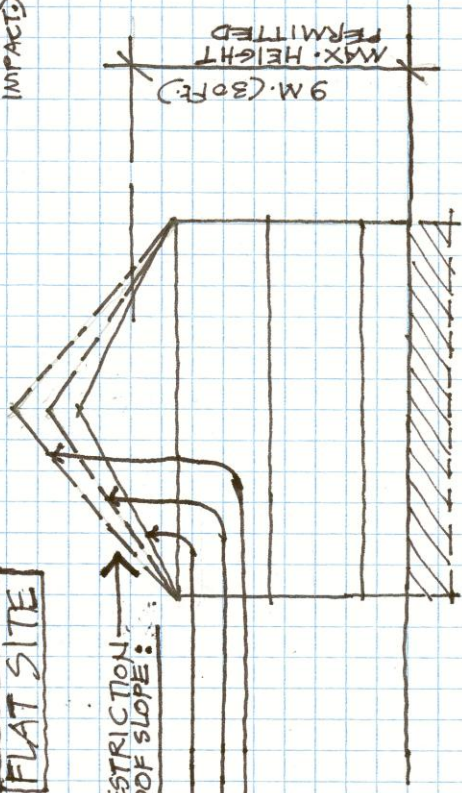
OPTIONS UNDER R-F ZONE

(WITH A BASEMENT, THE OPTION WITHOUT A BASEMENT IS NOT SHOWN AS IT WILL RESULT IN A LOWER BUILDING & WILL HAVE LESS IMPACT)

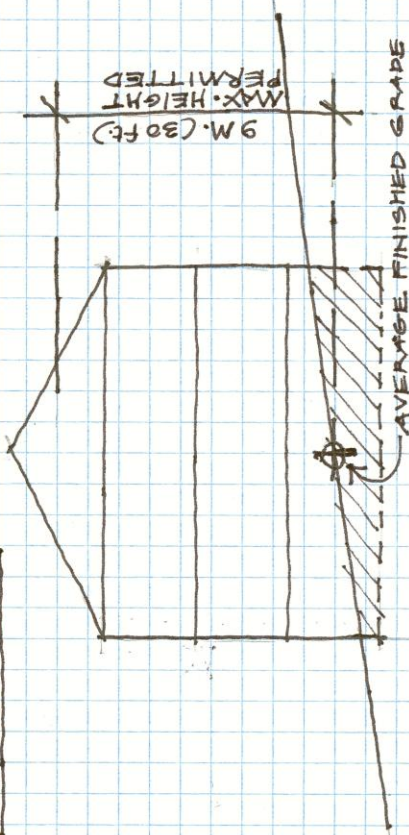
FLAT SITE

NO RESTRICTION ON ROOF SLOPE:

- 6 to 12
- 8 to 12
- 10 to 12



SLOPED SITE



Attachment 5
Reasons for the Proposed Rezoning from RF to CD

According to the executive of the South Westminster Ratepayers Association, the purpose of the proposed rezoning from RF to CD is to preserve the existing residential character of the St. Helen's Neighbourhood. The reasons for requesting the proposed restrictions on the house sizes, heights and roof slopes in the CD Zone are:

1. The average size of homes in the St. Helen's Neighbourhood is in the range of 1,200 to 2,000 square feet. The proposed 3,200 sq. ft. house size is a compromise of the house sizes not excessively larger than the current homes in the area, yet large enough so as not to discourage new development and still fit the character of the neighbourhood; and
2. Three homes were demolished and recently replaced by houses containing 3,550 square feet floor area plus full basements, as permitted under the current RF Zone. These houses use the maximum permissible 30 feet height and have steep roofs compared to the low roof slopes of many of the existing houses. These large houses dwarf the existing homes, block sunlight, impede views, have an impact on privacy, and destroy the character of the neighbourhood.

The executive of the South Westminster Ratepayers Association contends that a consensus has been built around the proposed zoning regulations that reflect the wishes of the majority of the stakeholders in the area.

Attachment 6
Petition Letter Circulated by the South Westminster Ratepayers Association

Letter of Support:
For implementing a Comprehensive Development Zone in St. Helen's Park
This letter is for presentation to City Council.

Preamble and History: St. Helen's Park is a lovely older community in North Surrey. This area was one of Surrey's first planned and controlled subdivisions. Originating in the mid 1950's each home's design guidelines was controlled by the developer, and these guidelines for the character of the area were specified in covenants, registered with land titles.

In June 2005, city council agreed that the planning department would work with our group to find a way of preserving the single family character of our area.

The proposed solution: Reviewing the possible solutions presented, it was determined the most practical, would be to have a city initiated rezoning at resident's request, to a newly developed Comprehensive Development (CD) Zone. This was presented in a Public Information Meeting May 23rd, 2006 and received unanimous support by attendees.

Zoning Topic	Current (RF Zone) (What's allowed Now)	Proposed C.D. Zone
Maximum Permitted house size	3550 + Basement totalling Approx 5500 Sq feet.	3200 sq. feet Including basement, garages, outbuildings
Lot Coverage	40%	No change * includes Outbuildings
Side Yard setback	6 feet	6 feet with No Averaging
Front and Rear yard setbacks	25 feet	No Change
Height of building	30 feet *	22 Feet * with minimum and maximum roof pitches
Accessory structures	105 sq. feet	No Change * included in 3200

- This CD Zone would be a compromise of house sizes not excessively larger than the current homes in the area, yet still large enough that new development would not be discouraged. The 'essence' of the covenants on the properties, and the original design schemes are considered.
- ALL the homes will have the same restrictions.
- Any variances from this, neighbours will be notified, and will have a chance to voice opinions

I AM:

- In support** of having our properties rezoned to the new C.D. Zone
- Opposed**, the current building schemes in Surrey are OK with me

Name: _____ Address: _____

Phone #: _____ Email: _____

Signature: _____

St. Helens Park Survey - October 2006 Responses to Question #2

'I/We fully understand the proposed CD zone regulations and their implications. If Surrey City council approves the proposed CD zone, I/We recognize that the above noted property/properties will be effectively down zoned.'
 ___ I/We Support, ___ I/We Oppose, ___ I/We Do Not Wish to Respond at this Time



