

NO: R052

COUNCIL DATE: March 7, 2016

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **March 7, 2016**

FROM: **General Manager, Planning and Development** FILE: **6520-20 Kwomais Point Park 2**

SUBJECT: **Kwomais Point Park Neighbourhood Area 2 - Request for Zoning Changes**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information; and
2. Authorize staff to inform the representatives of the Kwomais Point Park Neighbourhood Area 2 and the representatives of the two petitions received in opposition to the proposed Comprehensive (CD) Zone, that the City is not prepared to proceed with an area-wide rezoning of the neighbourhood (which is illustrated on the map attached as Appendix "I"), from Single Family Residential (RF) Zone to Comprehensive Development (CD) Zone due to insufficient support from the property owners in the neighbourhood for such a rezoning, based on the results of a neighbourhood survey that was undertaken.

INTENT

The purpose of this report is to inform Council of the results of the consultation process that was undertaken to determine the support of owners of 184 RF lots in the Kwomais Point Park Neighbourhood Area 2, with regard to a neighbourhood initiated proposal to rezone the subject lots from the RF Zone to a CD Zone, which would have the effect of reducing the maximum size and height of houses permitted on these lots in comparison to the provisions of the current RF Zone that covers these lots.

BACKGROUND

Kwomais Point Park Neighbourhood Area 1 Rezoning

On May 29, 2015, the Planning and Development Department received a petition from residents in the Kwomais Point Park Neighbourhood (Area 1) requesting that the neighbourhood be rezoned from RF Zone to a CD Zone to preserve the existing residential character of the neighbourhood, particularly the neighbourhood's existing tree canopy. The boundaries of Area 1 in relation to Area 2 are shown on the map attached as Appendix "I" to this report.

At the June 29, 2015 Regular Council Meeting, Council approved a neighbourhood consultation process for Area 1 to determine the level of support in the neighbourhood for the requested rezoning. On September 14 2015, Council received Corporate Report No. R186;2015, which introduced a new CD Zone bylaw for Area 1, Bylaw No. 18513 and at the September 28, 2015, Regular Council – Public Hearing Meeting, Council adopted Surrey Zoning By-law, 1993, No. 12000, Amendment Bylaw, 2015, No. 18513, following a public hearing on the bylaw held earlier that evening, where there were no speakers in opposition.

Kwomais Point Park Neighbourhood Area 2 Petition

On July 22, 2015, the Planning and Development Department received a petition from residents in a neighbourhood to the southeast of Area 1 and east of Kwomais Point Park. The Kwomais Point Park Neighbourhood Area 2 ("Area 2"), illustrated in Appendix "I", is similar to Area 1 in terms of lot sizes and residential character. The Area 2 petition represented the owners of 105 lots, representing 57% of the total 184 lots in the neighbourhood. The petition indicated that residents of Area 2 proposed the same neighbourhood consultation process and, ultimately, the same CD Zone that Area 1 was proposing. Representatives of Area 1 requested that their process continue independently from Area 2 due to time constraints related to pending building permit applications and a desire to resolve the proposed rezoning of their neighbourhood in a timely manner.

At the November 2, 2015 Regular Council Meeting, Council approved the recommendations of Corporate Report No. R217; 2015, thereby instructing staff to commence a neighbourhood consultation process to determine the level of support in Area 2 for the requested rezoning and to provide a report, complete with recommendations, for Council's consideration upon completion of the process.

The neighbourhood consultation process consisted of the following steps:

- City staff confirmed with the representatives of Area 2 that the rezoning provisions recently adopted for Area 1 met their objectives for Area 2;
- The representatives of Area 2 held an open house/meeting at the Ocean Park Hall on December 9, 2014 to gauge the level of support for the proposed zoning provisions. The Neighbourhood Group advised staff that invitations to this meeting had been sent to all owners of RF lots in the area (see map attached as Appendix "I") and that over 140 people attended the meeting. City staff attended the meeting as a resource and answered questions about the draft zoning provisions and the rezoning process;
- On the basis of the comments received at the open house, the representatives of Area 2, in consultation with City staff, confirmed the proposed zoning provisions and staff then prepared a draft CD Zone;
- Staff sent a survey by registered mail to each lot owner whose property was proposed to be included in the rezoning. The mail out contained detailed information on the provisions of the draft CD Zone and a questionnaire to which each owner could respond. This survey was used to determine the extent of support or opposition on the part of the owners of lots that were directly involved in the rezoning; and

- Staff received and analyzed the responses to the survey, as summarized and documented in this Corporate Report.

DISCUSSION

Neighbourhood Consultation Process

Neighbourhood Meeting and Comments on the Proposed CD Zone

At the December 9, 2015 neighbourhood meeting City staff observed a divergence of opinion regarding the proposed rezoning among those who attended. There was a strong neighbourhood desire to preserve the trees in the neighbourhood, but also a concern for maintaining property values. Some residents commented that the mature trees in the neighbourhood provide them with a sense of nature and privacy from surrounding homes, and suggested that the proposed rezoning would limit speculative redevelopment of properties and the associated removal of trees to accommodate larger homes. Other residents expressed concern about the impact that the proposal to reduce building height and floor area could have on property values, and commented that the proposed rezoning would not have a direct impact on tree preservation.

Subsequent to this public information meeting, the Neighbourhood Group confirmed with City staff the details of the proposed zoning regulations, which would form the basis for a neighbourhood survey. Appendix "II" documents the key differences between the proposed CD Zone and the existing RF Zone.

On January 8 and January 10, 2016, the Planning and Development Department received two petitions in opposition to the proposed downzoning, requesting that the current RF Zone be kept. Together, these two petitions represented the owners of 53 lots of the 184 lots (29%) within Area 2.

Neighbourhood Survey and Results

On January 12, 2016, City staff forwarded a survey package by registered mail to the owners of each of the 184 RF lots in Area 2. A copy of the materials contained in the survey package is attached to this report as Appendix "III". The survey package included the following:

- A letter along with a map of Area 2;
- A brief explanation of the reasons for the proposed rezoning and description of the neighbourhood consultation process;
- A table documenting how the regulations of the proposed CD Zone would differ from the regulations of the current RF Zone;
- An illustration to show the possible impact on the house massing under the proposed CD Zone compared to the current RF Zone; and
- A questionnaire for the lot owner to complete regarding the owner's position on the proposed rezoning and any additional comments. An addressed, pre-stamped return envelope was included.

The owners were requested to return their completed questionnaire by February 15, 2016; however, late, completed, questionnaires have been received to date and are included in the results.

Survey Results

As of March 2, 2016, the City has received completed questionnaires from the owners of 144 lots, representing 78% of the 184 lots in the neighbourhood. 22% of the lots in the neighbourhood (40 lots) did not respond. Since the survey packages were sent by registered mail, City staff was able to track the mail and found that the survey packages were successfully delivered to the owners of 93% of the lots in the neighbourhood. The survey packages that were sent to three lots were unclaimed and returned to the City by Canada Post.

The following table summarizes the responses compiled from the returned questionnaires:

Survey Results Based on All Lots within the Study Area

	Number of Responses Received (One response per Lot)	% of the Total Number of Responses Received (144 Lots)	% of the Total Number of RF Lots (Total 148)
"Support" the rezoning (downzoning)	48	33%	26%
"Oppose" the rezoning (downzoning)	92	64%	50%
"Do Not Wish to Provide Any Response"	4	3%	2%
Survey not returned.	40	Not applicable	22%
Total	184	100 rounded up	100% rounded up

Of the 184 lots in the neighbourhood:

- 26% (48 lots), or 33% of the 144 returned surveys, indicated support for the rezoning;
- 50% (92 lots), or 64% of the 144 returned surveys, opposed the rezoning;
- 2% (4 lots), or 3% of the 144 returned surveys, did not wish to provide any response to the rezoning; and
- 22% (40 lots) did not return a completed questionnaire.

Based on the results, the level of support is lower than that for several previous neighbourhood rezoning proposals that were approved by Council, as follows:

- 148 lots in Kwomais Area 1, based on the total number of responses received, 57% (84 lots) were in support and 15% (22 lots) opposed;
- 127 lots in the Royal Heights Park area, based on the total number of responses received, 80% (101 lots) were in support and 10% (13 lots) opposed; and
- 415 lots in the St. Helen's Park area, based on the total number of responses received, 63% (262 lots) were in support and 15% (62 lots) opposed.

On the other hand, the results of the 2013 neighbourhood survey for the Al Cleaver Park and Tom Hopkins Ravine Park neighbourhood, which did not proceed to rezoning, had 48% (35 lots) of its total lots in support and 42% (31 lots) of its total lots opposed.

Twenty-eight of the completed questionnaires for Kwomais Point Neighbourhood Area 2 included comments. Most of these were in opposition to the rezoning (85%), expressing the following concerns:

- The proposed rezoning would not save trees, as the maximum lot coverage would not be reduced in the proposed CD Zone (12 responses);
- the inequity of neighbours who have already built larger houses supporting a downzoning that will affect others who have not yet built larger houses (10 responses);
- potential reduced property values relative to the existing RF zoning (8 responses);
- limiting the ability for residents to build their "dream home" when the time is right (6 responses);
- the exclusion of large family households from the neighbourhood (3 responses);
- impeding neighbourhood improvement through the replacement of smaller and older homes in need of repair with new and higher-value replacement homes (2 responses);
- that the rezoning is unnecessary (2 responses);
- that reduced floor area would increase on-street parking (1 response);

CONCLUSION

Based on the above discussion, it is recommended that Council authorize staff to inform the representatives of the Kwomais Point Park Neighbourhood Area 2 and the representatives of the two petitions received in opposition to the proposed CD Zone, that the City will not proceed with an area-wide rezoning of the neighbourhood from RF Zone to CD Zone due to insufficient support from the property owners in the neighbourhood for such a rezoning, based on the results of the neighbourhood survey.

Original signed by
Jean Lamontagne
General Manager,
Planning and Development

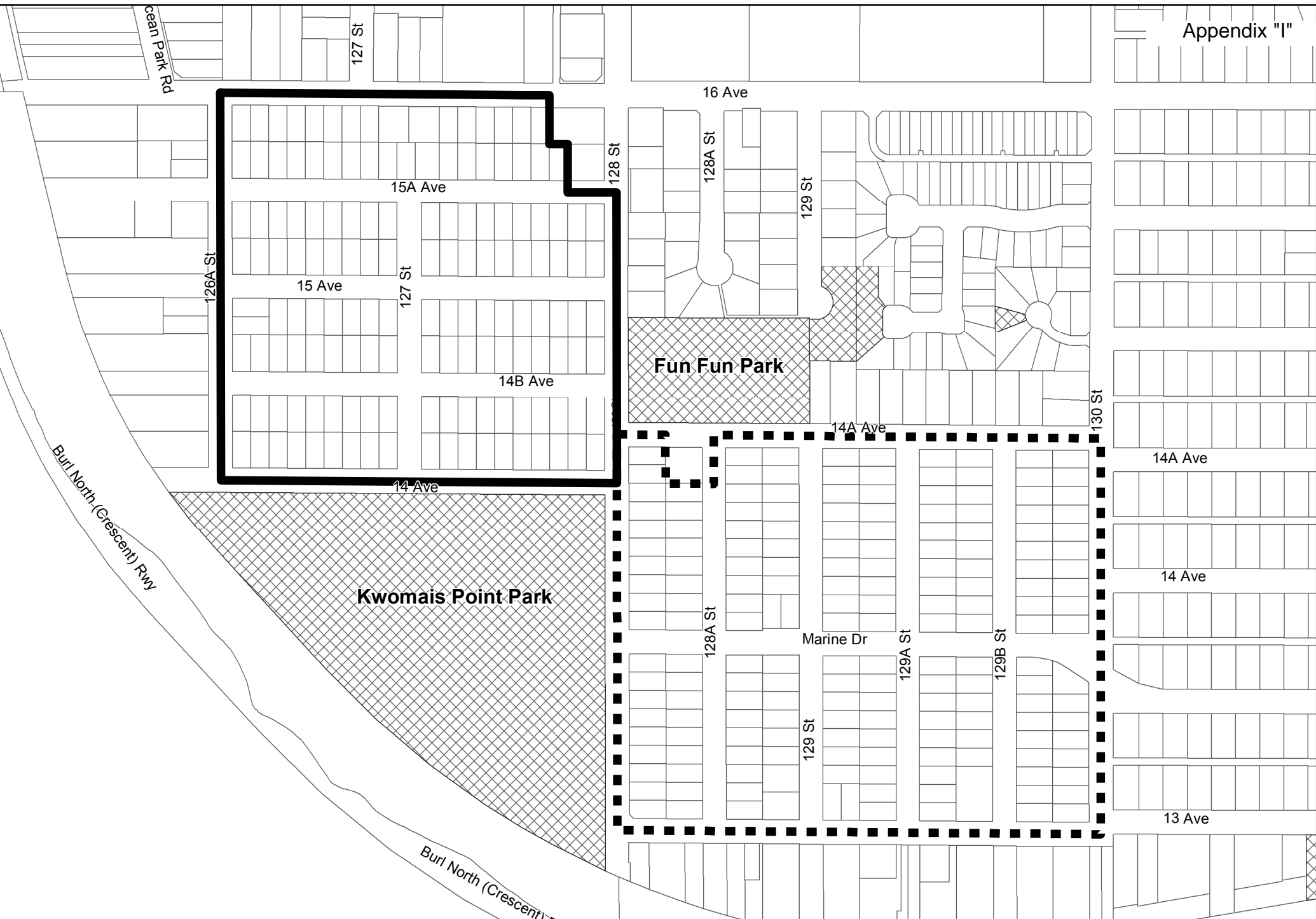
FW:saw

Attachments:

Appendix "I" Map of the Kwomais Point Neighbourhood Areas 1 and 2

Appendix "II" Summary of Key Differences of the Proposed CD Zone and the Existing RF Zone

Appendix "III" Survey Package Mailed to Property Owners

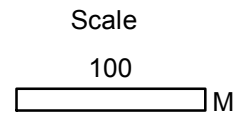


BOUNDARIES

 Kwomais Point Neighbourhood #1
- Rezoning Approved

 Kwomais Point Neighbourhood #2
- Proposed Rezoning

 Park



Attachment #3**Kwomais Point Rezoning Proposal**

	Existing RF Zone	Proposed CD Zone
Density	0.60 FAR on first 6,000 sf 0.35 FAR on remaining lot area	0.52 FAR on lots less than 6,000 sf 0.48 FAR on lots larger than 6,000 sf
Max House Size Including Garage (FAR density expressed on typical lots)		
• 5,000 sf lot	3,000 sf house	2,600 sf house
• 7,500 sf lot	4,125 sf house	3,840 sf house (2 lots are this large)
Basement	<u>Not</u> included in density	Not included in density, <u>except</u> garage space (if appl)
Accessory Buildings Max Height	> 108 sf included 13 ft / 16.5 ft with conditions	>108 sf included 12 ft top of flat (<4:12) roof 16.5 ft peak of sloped (>4:12) roof
Vaulted Ceilings (>12 ft)	Included except for 200 sf	Same as existing RF Zone
Covered Decks	Included except 10% of permitted floor area	Same as existing RF Zone
Maximum Lot coverage	40% on 5,000 sf lot / 36% on 7,500 sf lot	40%
Building Height	30 ft to ½ way up sloped roofs 24 ft to top of flat roof	26'6" ft (8.07m) to peak of roof (> 4:12 slope) 22' (6.7m) to ½ way up sloped roof 23'4" (7.1m) to top of flat roof (< 4:12 slope)
Min/Max Off-street Parking	2 minimum / 3 with suite 2 max on driveways + 1 boat or trailer	Same as existing RF Zone Same as existing RF Zone
All other Zoning provisions are the same as the existing RF Zone		



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January 12, 2016

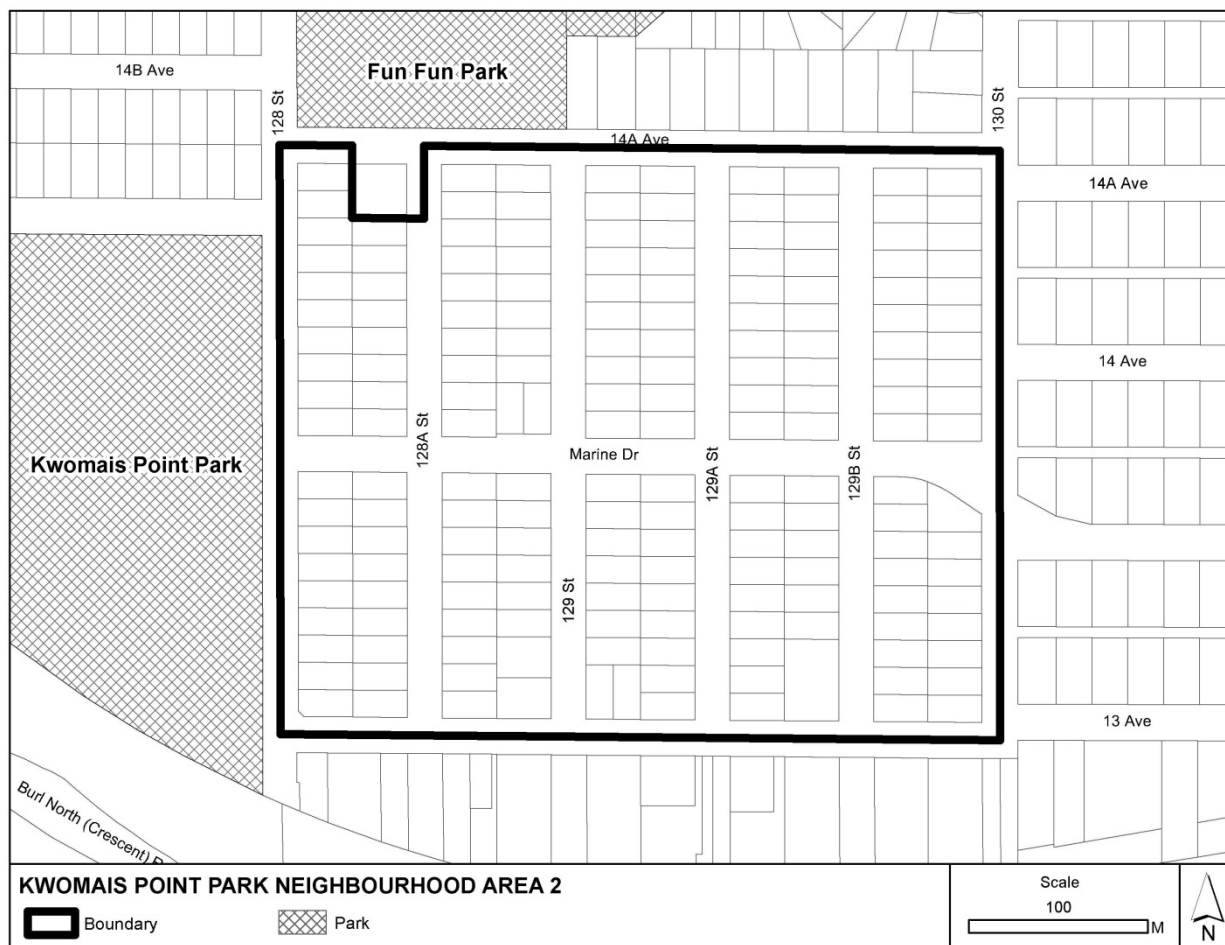
File: 6520-20 Kwomais Point Park Area 2

REGISTERED

**TO: OWNERS OF PROPERTIES ZONED SINGLE FAMILY RESIDENTIAL (RF) IN
 THE KWOMAIS POINT PARK NEIGHBOURHOOD AREA 2**

Dear Sir/Madam:

**This survey concerns the proposed rezoning of your lot(s) in the Kwomais Point Park
 Neighbourhood Area 2 shown in the map below.**



**Please review and read all of the information contained in the attached survey package,
 and promptly complete and return the Questionnaire included in the package.**

This package contains the following:

Attachment 1 - Questionnaire on the proposed rezoning from RF to CD, and Return Envelope.

(The City requires the completed Questionnaire no later than February 15, 2016).

Attachment 2 - Description of the rezoning proposal and process.

Attachment 3 - A table comparing the current (RF) and proposed (CD) zone regulations.

Attachment 4 - An illustration of the proposed CD Zone.

If you have any questions or require clarification, please contact Fay Wong at 604-591-4496 or e-mail fkwong@surrey.ca.

Yours truly,

Don Luymes
Manager, Community Planning



QUESTIONNAIRE

Kwomais Point Park Neighbourhood Area 2 - Proposed Rezoning from RF to CD

Please FULLY complete and mail this Questionnaire in the attached Return Envelope before Monday, February 15th, 2016.

Please read the statements below.

- I am / We are** the owner/owners of property/properties in the Kwomais Point Park Neighbourhood Area 2. **I am / We are** aware that Surrey City Council is considering a request to rezone all of the RF Zoned properties in this area from Single Family Residential Zone (RF) to Comprehensive Residential Zone (CD), including the property/properties that **I/we** own.
- I/We** have read the letter dated January 12, 2016 from the City of Surrey and accompanying information sheets ("survey package"), 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 rezoned from RF to CD (downzoned), whether or not **I am / we are** in favour of the rezoning.

Please provide address(es), in the space below, of the property/properties YOU OWN in the Kwomais Point Park Neighbourhood.

Please check (✓) the appropriate answer below.

- _____ I/We SUPPORT the proposed rezoning (downzoning) from RF to CD of my/our property/properties.
- _____ I/We OPPOSE the proposed rezoning (downzoning) from RF to CD of my/our property/properties.
- _____ I/We DO NOT wish to provide any response to the proposed rezoning (downzoning) from RF to CD of my/our property/properties.

If you have any additional comments, please provide in the space below.

Owner's Name(s) (Please PRINT your name):

Owner's Signature(s):

Mailing Address:

Phone Number:

E-mail (optional):

Attachment #1

BEFORE you complete and sign the Questionnaire please carefully read the following:

- ONLY the registered property owner(s) should sign the completed questionnaire before it is returned to the City.
- **Please print your name and sign the Questionnaire before returning it to the City.** An unsigned Questionnaire will be reported to Council as a "Survey Not Returned" from you to the proposed rezoning of your lot(s).
- If a lot is owned by multiple owners, one or more owners of the lot may sign the questionnaire. If only one or more than one owner, but not all of the owners, sign(s) and return(s) a single questionnaire, staff will assume that a consensus has been reached among all of the owners about their response to the rezoning. If, however, more than one questionnaire is returned from different owners of the same lot and each questionnaire contains a different response, staff will report the position of the majority of the owners of the lot or will report the position of the owners of the lot as "Undecided".
- Only ONE response per lot/household will be reported to Council, regardless of the number of signatures on a questionnaire and number of questionnaires returned for each lot.

Please return the questionnaire BEFORE MONDAY, FEBRUARY 15, 2016 by mailing it back to the City in the return envelope included in this survey package. To allow you to promptly return the completed Questionnaire, this envelope is stamped and pre-addressed.

If you have any questions or require clarification, please contact Fay Wong, Planning Technician, by phone at 604-591-4496 or by e-mail at fk Wong@surrey.ca.

Attachment #2

What is being proposed for the RF-Zoned Properties in the Kwomais Point Park Neighbourhood Area 2?

On July 22, 2015, the City of Surrey received a petition from some residents in the Kwomais Point Park Neighbourhood Area 2 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.

The proposed zoning is similar to the rezoning that was approved in the Kwomais Point Park Neighbourhood Area 1 in September 2015. 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, residents in Area 2 presented a petition from the owners of 109 lots, some of which lots are located outside of the defined neighbourhood boundary of Area 2. Within the defined neighbourhood boundary of Area 2, the owners of 105 lots of the 184 lots (57%) signed the petition.

On November 2, 2015, Council instructed City staff to commence a neighbourhood consultation process to determine the level of support for the requested rezoning. The purpose of this process is to give an opportunity to the owners of the RF lots to understand the implications of the proposed change in the zoning of their lots and to provide their comments.

Council will not make a final decision on the requested rezoning until they have considered the results of the consultation process. A comparison of the current zoning and proposed new zoning provisions is provided in this survey package.

Neighbourhood Consultation Process

The neighbourhood consultation process mentioned above consists of the following steps:

Step 1 – Public Meeting

The Rezoning Proponents held a neighbourhood open house meeting on Wednesday, December 9, 2015 at 7 PM at Ocean Park Hall. The Rezoning Proponents advised that the invitations to this meeting had been sent to all of the owners of the RF lots in the area. City staff also attended this meeting and distributed copies of a chart and illustration comparing the current RF Zone and the proposed new CD Zone, Corporate Report No. R217 (2015), and a sample CD By-law (CD By-law No. 18513, which was recently approved for Area 1). Residents of the neighbourhood who attended the meeting expressed the importance of tree preservation to retain the neighbourhood's character and to protect privacy and direct access to nature on individual lots. Other residents expressed concerns about reduced building height and reduced floor area for new houses, and property value.

Step 2 – Confirm or Revise Rezoning Proposal

On the basis of the comments received, the Rezoning Proponents had the opportunity to suggest revisions, if required, to the proposed regulations of the CD Zone.

Step 3 – Survey by Registered Mail

As part of the consultation process, City staff is sending a survey by registered mail to all of the RF lot owners in the proposed rezoning area, including information on the proposed CD zoning regulations and their implications, and containing a questionnaire to determine the level of support and opposition to the rezoning.

This survey package contains a Questionnaire for you to complete and return to the City. Staff will report to Council about the level of support and opposition to the rezoning based on the responses to this Questionnaire by the owners of the 184 RF lots. Although you may have previously signed a petition, it is important that you review the attached information, complete the Questionnaire enclosed with this letter, and return it promptly to the City.

Step 4 – Report to Council

City staff will tabulate the results of this survey and report back to Council with recommendations on the requested rezoning from RF to CD for Council's consideration.

After considering the staff report, Council will decide whether to proceed with a rezoning by-law and hold a Public Hearing, or to deny the requested rezoning, or to direct staff to further work with the neighbourhood. If Council decides to proceed with the rezoning, a Public Hearing will be held on the by-law. After the Public Hearing, Council will decide whether to approve the by-law or to retain the current zoning.

Attachment #3

Kwomais Point Rezoning Proposal

	Existing RF Zone	Proposed CD Zone
Density	0.60 FAR on first 6,000 sf 0.35 FAR on remaining lot area	0.52 FAR on lots less than 6,000 sf 0.48 FAR on lots larger than 6,000 sf
Max House Size Including Garage (FAR density expressed on typical lots)		
• 5,000 sf lot	3,000 sf house	2,600 sf house
• 7,500 sf lot	4,125 sf house	3,840 sf house (2 lots are this large)
Basement	<u>Not</u> included in density	Not included in density, <u>except</u> garage space (if appl)
Accessory Buildings Max Height	> 108 sf included 13 ft / 16.5 ft with conditions	>108 sf included 12 ft top of flat (<4:12) roof 16.5 ft peak of sloped (>4:12) roof
Vaulted Ceilings (>12 ft)	Included except for 200 sf	Same as existing RF Zone
Covered Decks	Included except 10% of permitted floor area	Same as existing RF Zone
Maximum Lot coverage	40% on 5,000 sf lot / 36% on 7,500 sf lot	40%
Building Height	30 ft to ½ way up sloped roofs 24 ft to top of flat roof	26'6" ft (8.07m) to peak of roof (> 4:12 slope) 22' (6.7m) to ½ way up sloped roof 23'4" (7.1m) to top of flat roof (< 4:12 slope)
Min/Max Off-street Parking	2 minimum / 3 with suite 2 max on driveways + 1 boat or trailer	Same as existing RF Zone Same as existing RF Zone
All other Zoning provisions are the same as the existing RF Zone		

Attachment #4

KWOMAI'S POINT REZONING PROPOSAL: ILLUSTRATION.

