



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.

Zoning Provision	Proposed CD Zone	RF Zone
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.

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

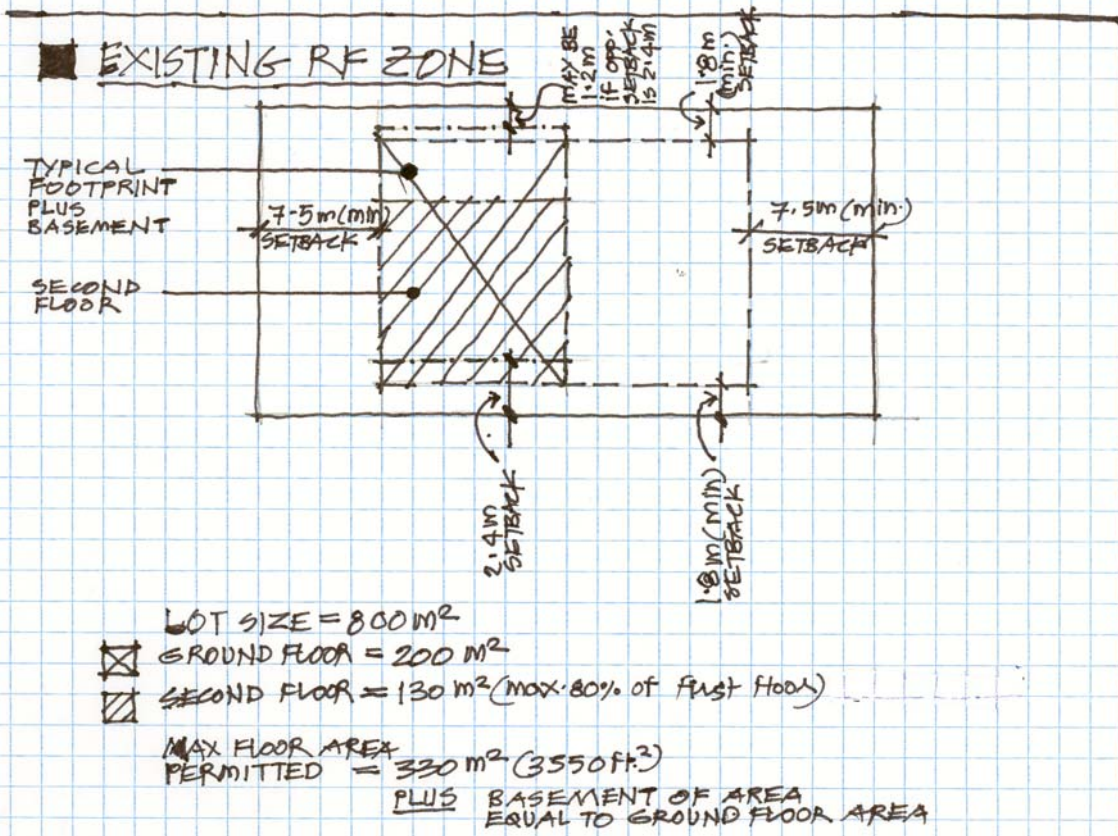
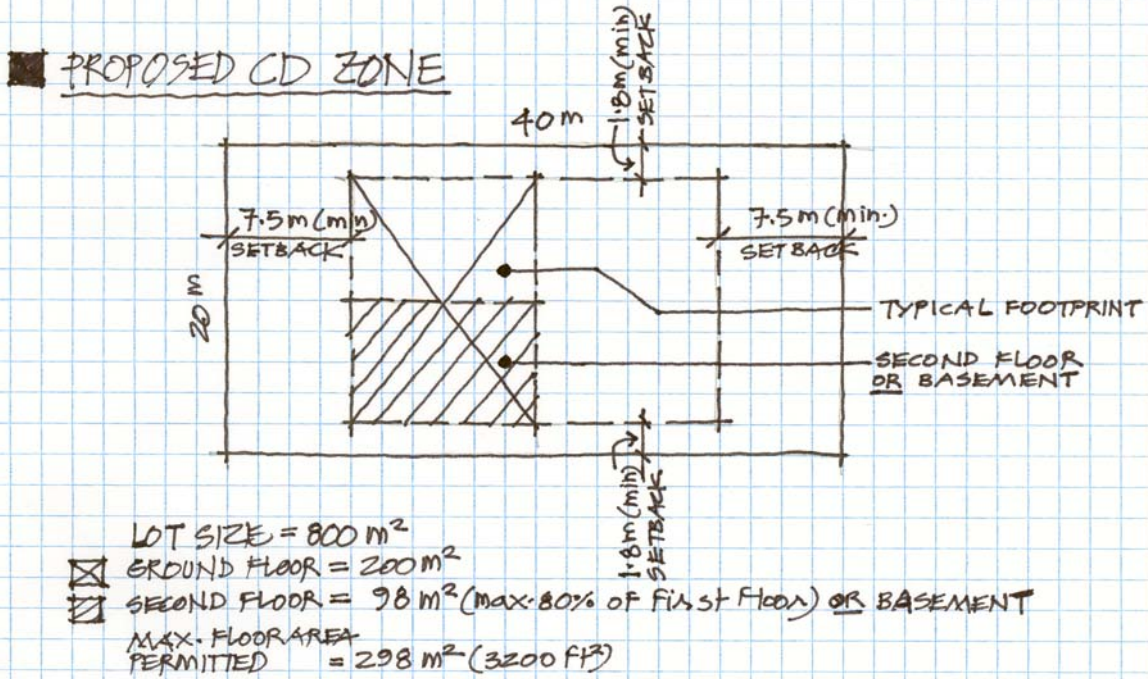
Proposed CD Zone: Outline of the Proposed Changes to the Provisions of the RF Zone

Zoning Provision	Proposed CD Zone	RF Zone
<p>D. Density:</p> <ul style="list-style-type: none"> Maximum Allowable Floor Area 	<p>298 sq. m. (3,200 sq. ft.) including basement, garage or carport and accessory buildings</p>	<p>270 sq. m. (2,900 sq. ft.)* on lots of 560 sq. m. (6,000 sq. ft.) or less</p> <p>330 sq. m. (3,550 sq. ft.)* on lots in excess of 560 sq. m. (6,000 sq. ft.)</p> <p>* 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.</p> <p>For Density purposes, basements are not counted as floor area.</p>
<p>F. Yards and Setbacks:</p> <ul style="list-style-type: none"> Side Yard 	<p>Minimum of 1.8 m. (6 ft.)</p>	<p>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.)</p>
<p>G. Height of Buildings</p> <ul style="list-style-type: none"> Principal Building 	<p>Maximum of 6 m. (20 ft.)</p>	<p>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.).</p>
<p>J. Special Regulations</p> <ul style="list-style-type: none"> Roof Slope 	<p>Minimum roof pitch of 2 to 12; and Maximum roof pitch of 6 to 12</p>	<p>No restriction on the roof pitch</p>
<p>All other provisions of the proposed CD Zone will be the same as the provisions of the RF Zone.</p>		

Proposed Rezoning Boundary St. Helen's Park Neighbourhood



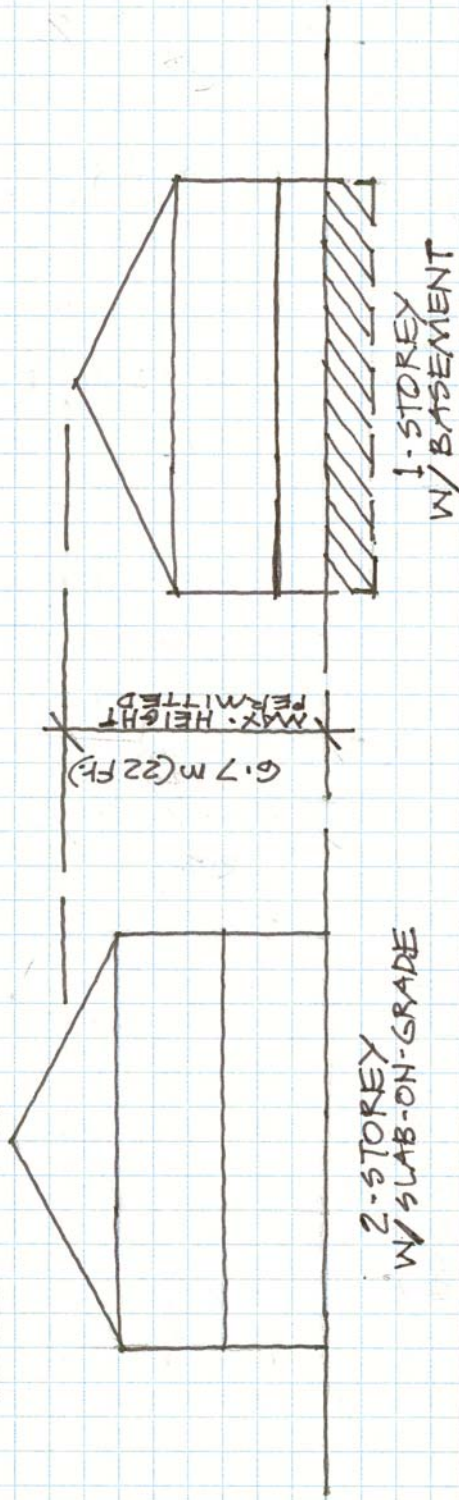
Illustrations of the Proposed CD Provisions compared to the Existing RF Zone Provisions



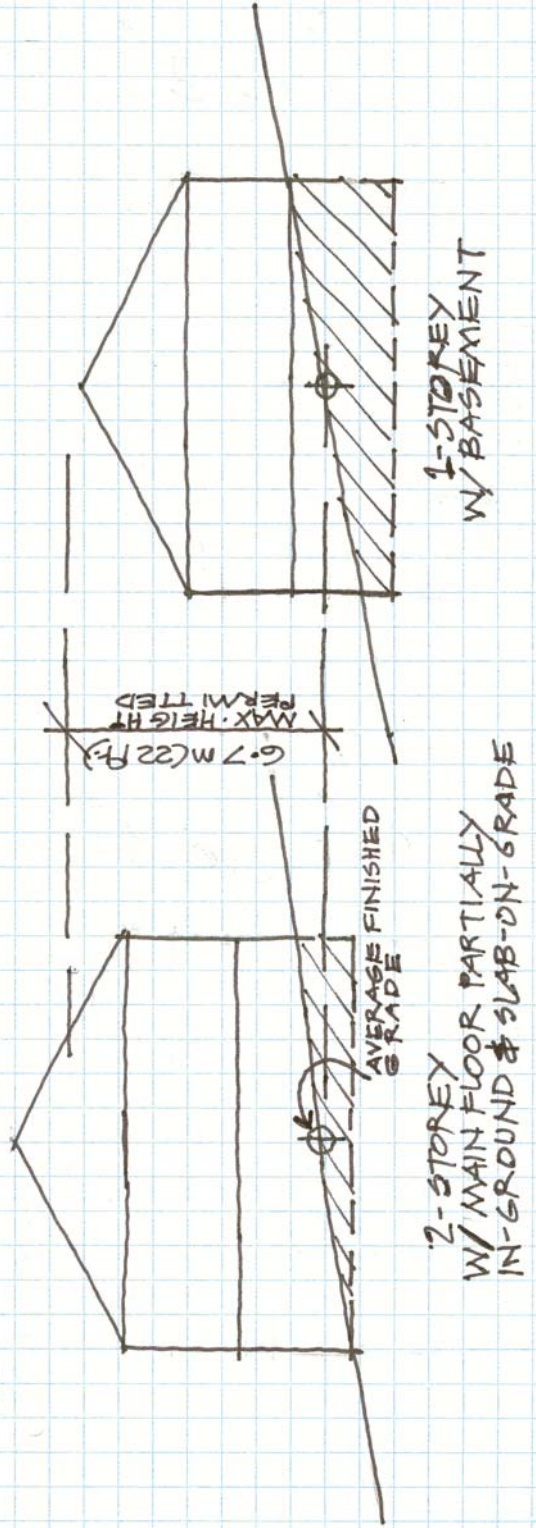
WITH & WITHOUT
A BASEMENT

OPTIONS UNDER PROPOSED CD ZONE

FLAT SITE



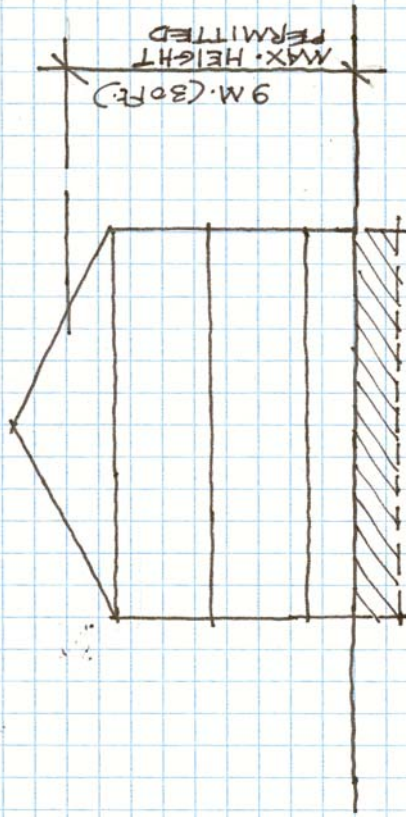
SLOPED SITE



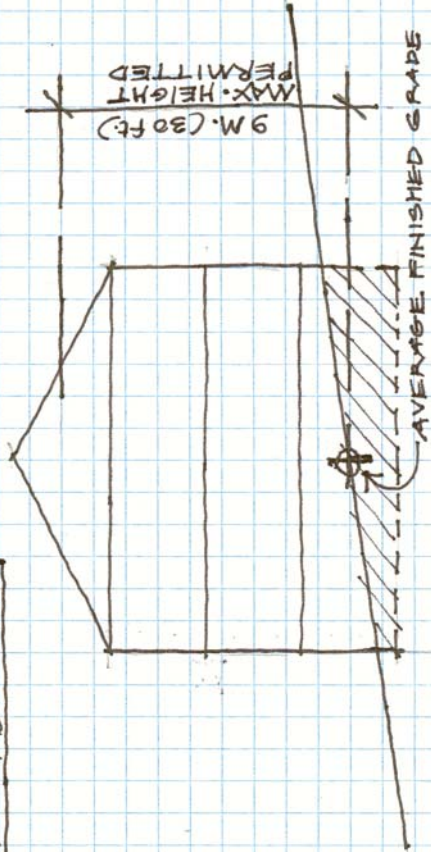
OPTIONS UNDER R-F ZONE

(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

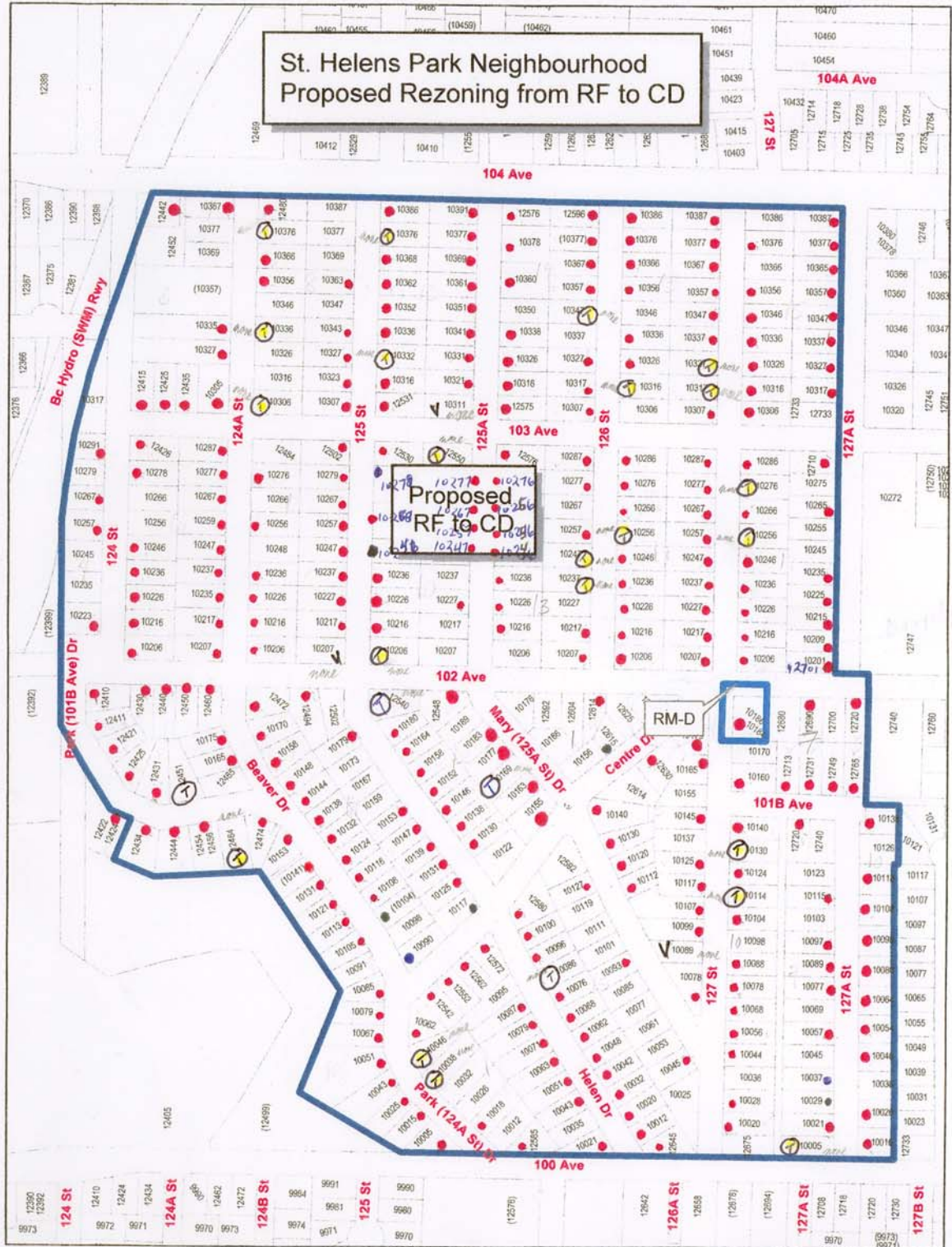


SLOPED SITE



Support and Opposition to the Proposed Rezoning from RF to CD as submitted by the South Westminster Ratepayers Association

● SUPPORT ● OPPOSED ● TENANT V VACANT ● ABSTAIN.





Corporate Report

NO: R044

COUNCIL DATE: March 7, 2005

REGULAR COUNCIL

TO: Mayor & Council DATE: March 3, 2005
FROM: General Manager, Planning and Development FILE: 6745-20 (CD Zones)
SUBJECT: Request for Policy on Single Family Residential Neighbourhood Area Rezoning

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. 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 merits; and
3. Instruct the City Clerk to forward a copy of this report and the related Council resolution to the delegation from the South Westminster Ratepayers Association.

INTENT

The purpose of this report is to respond to Council's request for a report in relation to a request by the South Westminster Ratepayers Association (the "Association"). The Association requested that the City of Surrey adopt a similar policy to a policy recently adopted by the Corporation of Delta. The Delta policy deals with the matter of neighbourhood area rezoning to reduce the maximum permitted floor area of a single-family dwelling permitted on any lot in the neighbourhood, which is the subject of the rezoning.

BACKGROUND

On December 13, 2004, Council received a delegation from the Association. The delegation requested that Council consider a recent approach adopted in Delta to rezone

neighbourhoods to restrict the size of new houses where residents of the neighbourhood request such a rezoning by a petition. The delegation further requested that Council consider the St. Helen's Park area of Surrey as a test case for a Surrey neighbourhood rezoning petition. The St Helen's Park area is illustrated on the map attached as Appendix I.

The information submitted to Council on December 13, 2004 by the delegation, identified the threat of "mini-apartments" (i.e., monster houses and potential illegal suites) being constructed on lots in their neighbourhood as the reason behind their request to downzone. Appendix II contains the information submitted to Council by the South Westminster delegation.

DISCUSSION

The "Delta Solution"

In June 2004, Delta Council adopted a Neighbourhood Area Petition and Rezoning Guide (copy attached as Appendix III) as a means to assist any interested neighbourhood in initiating a change to the zoning on the properties within their neighbourhood. The policy was adopted as a result of residents in some neighbourhoods being concerned that redevelopment (i.e., new houses being constructed) on some lots in the neighbourhood was not in keeping with the character of the existing older houses in their neighbourhood.

Delta's process requires that the neighbourhood property owners submit a petition to the municipality. The petition must be signed by the owners of at least 75% of the dwelling units in the area proposed for rezoning. The petition must clearly state the zoning amendments being requested and the reasons for the petition. A map of the petition area must be included. The petition must contain a minimum of ten properties and comprise, as a minimum, all of the lots on both sides of a street for a minimum distance of at least one block. The Delta policy includes a waiver of the normal rezoning application fee. The guide, attached as Appendix III, also clearly notes that the rezoning by-law is subject to a public hearing.

To date, Delta has received four applications under this process. The lots that are the subject of these Delta petitions are comparable in area to the area of lots allowed in Surrey's RF zone, where a standard lot has a minimum lot area of 560 square metres (6,000 square feet). Delta Council has adopted a rezoning by-law for each of two neighbourhoods under this process and the other two rezoning applications are currently being processed. The neighbourhoods range in size from 26 lots to 134 lots. The applications, to date, have all requested the reduction of the maximum floor area permitted on a lot from the 330 square metres (3,552 square feet), as currently permitted, to 232.25 square metres (2,500 square feet). The petitions also request an increase in the minimum side yard setbacks from the current minimum requirement of 1.5 metres (5 feet) to 2.13 metres (7 feet). As Delta's bylaws require the installation of engineering works and services as part of a rezoning application, a Development Variance Permit was also required in each case to waive this requirement as part of the rezoning process.

Where Delta Council chooses to adopt a rezoning by-law for a neighbourhood, if an owner of a lot within the neighbourhood wishes at a later date to build a larger home on

the lot or to construct an addition to an existing dwelling, such that the total floor area is greater than 232 square metres, a rezoning application would need to be submitted along with the necessary support materials and fees and Council would need to consider the application and decide whether to adopt a rezoning by-law. This rezoning process provides the public with an opportunity to comment on the merits of the proposed rezoning through the related public hearing.

In those neighbourhoods where Delta has adopted rezoning by-laws, the new zone in the neighbourhood is a Comprehensive Development (CD) zone. It should be noted that through the rezoning process, some properties have been made non-conforming. To resolve this issue, a clause has been added to the CD bylaw stating that this regulation does not apply to any single-family dwelling existing as of the date of the adoption of the CD by-law. Delta staff advises that they may consider creating a new zone to be applied in lieu of using a CD zone since the zoning amendments requested in each of the four petitions submitted, to date, have been the same.

As the fees have been waived, the costs to the municipality include the installation of development signs, the staff time associated with reviewing the application and preparing the necessary reports, by-laws, etc. and the Public Hearing costs, including the related advertising costs.

The maximum floor area allowed for a single-family lot in Delta zoned RS (which is similar to the RF Zone in Surrey) is 330 square metres (3,552 square feet). This is identical to the maximum floor area permitted on a lot in the RF Zone in Surrey.

Surrey Experience

In 1999, the City of Surrey received a petition from residents in the Crescent Park Annex area to rezone residential properties in that area from "Single Family Residential Zone (RF)" to "Half-Acre Residential Zone (RH)". The residents indicated that such a rezoning would act to maintain the existing character of the area. The downzoning request came as a result of area residents' opposition to a subdivision application for some of the large lots in their neighbourhood to smaller lots as a result of the RF Zone that was in place on all lots in the neighbourhood. The RH Zone allows a minimum lot size of 1,858 square metres (20,000 square feet) whereas the RF zone allows a minimum lot size of 560 square metres (6,000 square feet).

On February 5, 2001, Council considered Corporate Report No. L003, regarding the matter, a copy of which is attached as Appendix III. Three options were presented in that report, as follows:

1. **Council-initiated area rezoning of all properties in the Crescent Park Annex area** - This option would be at the City's cost, would eliminate the possibility of further subdivision in the area without a rezoning application process and could be against the wishes of some of the owners of property in the area affected by the rezoning.
2. **Council-initiated rezoning of properties only with the consent of the owners** - This option would be at the City's cost, could result in small pockets of existing

RF-zoned properties in the area where future conflicts might arise when those owners apply for subdivision of the larger lots to smaller lots; however, it would not force rezoning on a lot against the wishes of the owner of the lot.

3. **Council would entertain a collective rezoning application of lots by those owners who want to rezone their properties as a group** - This option would be at the owners' expense, might result in small pockets of existing RF zoned properties in the area remaining with the potential for future subdivision without the need for a rezoning process and which may lead to neighbourhood concern; however this process would not rezone any lot against the wishes of the owner of the lot.

Council endorsed Option 3.

Option 3 did not require a petition, but would follow the normal procedure available to individuals or groups of individuals (to whom the rezoning would apply), who wish to make an application subject to the regular fees and procedures for rezoning.

Current Situation with Respect to St. Helen's Park

The lots in St. Helen's Park are all zoned Single Family Residential (RF) Zone with the exception of two lots, which are zoned Duplex Residential (RM-D) Zone. The dwellings in this area are generally one-storey ranch style homes and one and a half storey split level homes, built in the mid 1950s. There are a few larger homes in the area that have been constructed more recently. These homes are constructed close to the maximum floor area allowed in the RF Zone.

Surrey's Single Family Residential (RF) Zone, which is the typical zone covering most of Surrey's single-family residential neighbourhoods, provides the following:

- For lots that are 560 square metres (6,000 square feet) or less in area, the maximum floor area is 270 square metres (2,900 square feet) to a maximum floor area ratio of 0.52 (i.e., the floor area of buildings on the lot [not including in-ground basement floor area] divided by the area of the lot);
- For lots that are in excess of 560 square metres, the maximum floor area is 330 square metres (3,550 square feet) to a maximum floor area ratio of 0.48; and
- The side yard setback for the principal building on the lot is 1.8 metres (6 feet) and for accessory buildings is 1.0 metre (3 feet).

Of the allowable floor area, 37 square metres (400 square feet) are to be reserved for a garage or carport. The maximum floor area provision was introduced in the RF Zone in 1995. Prior to that time, the maximum floor area of a house on an RF-zoned lot was governed by the maximum floor area ratio provisions, the minimum setback requirements and the maximum height restrictions.

Evaluation of Request

Fundamentally, when an individual buys a lot, they are buying, among other things:

- the value of the physical area of land contained within the lot along with whatever improvements the lot may contain;
- the rights that accrue to the owner of the lot by virtue of the provisions of the lot's zoning, which dictates how the lot may be used; and
- any rights or encumbrances that may be registered on the title of the lot, such as rights-of-way, easements, building schemes, etc.

The zoning on a lot is, in many circumstances, the most significant factor considered in establishing the value of a lot.

The character of a neighbourhood is, to a significant degree, affected by the design of the individual houses that are contained on the lots within the neighbourhood. In recognition of this fact, in the late 1980s, the City introduced a requirement that each new single family residential subdivision in the City have a building scheme (i.e., design guidelines) attached to the lots in the subdivision that would act to ensure compatibility in the form and character of the houses constructed on the lots in the subdivision and with the houses on neighbouring lots. The preparation of a building scheme and its registration on the title of each new lot remains a requirement in relation to each new subdivision approved in the City.

Older subdivisions, such as St. Helens Park, that were developed prior to the late 1980s, do not have a building scheme. When the owner of a lot in an older area, such as St. Helen's Park, wants to demolish an existing house on a lot and build a new house on the lot, the primary control that the City can exercise in relation to the form and character of the new house are the provisions of the zone covering the lot (in most cases, this is the RF Zone), which address only density restrictions (i.e., yard setbacks, height restrictions and floor area restrictions) and property use restrictions. City staff also has some ability to control the elevation of the new house in comparison to the elevation of the adjacent existing houses and the grading of the lot. The change in the zoning provisions being requested by the delegation from St. Helen's Park is attempting to accomplish, in a very rudimentary way, what a building scheme may accomplish more fully in newer subdivisions.

The City faces a conundrum in addressing the request of the delegation from St. Helen's Park. The conundrum is whether the desires of the majority of the property owners in the neighbourhood is a sufficient basis to set aside the objections of up to 25% of the property owners in the neighbourhood, who may not want to have their lots "down-zoned". In the context of public policy, the wishes of a majority should not be the only determining criterion in decision-making. In fact, it is the wishes of the minority that must be given as much consideration in public policy decision-making, even when following the wishes of the majority may seem expedient for the situation and the moment.

City Council has in the past only initiated rezoning of properties against the wishes of the owners of the directly affected properties where such a rezoning was directed at realizing a community-wide or City-wide objective (i.e., an objective beyond the neighbourhood level). Alternatively, City Council considers every application for a rezoning of a lot or lots that is initiated by the owner(s) of the lot or lots.

CONCLUSION

Based on the above discussion and in view of a previous Council decision regarding a similar request, it is recommended that Council resolve not to adopt the Delta policy, but rather to continue to follow the City's normal practice, 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 merits. It is further recommended that Council instruct the City Clerk to forward a copy of this report and the related Council resolution to the delegation from the Association.

Original signed by
Murray Dinwoodie
General Manager
Planning and Development

LG/kms/saw

Attachments:

- Appendix I - Map of St. Helen's Park Area
- Appendix II - South Westminster Ratepayers Association Request
- Appendix III - Delta Neighbourhood Area Petition and Rezoning Guide
- Appendix IV - Corporate Report L003 (without attachments)

Letter dated June 8, 2006 from the South Westminster Ratepayers Association and Rationale for the Proposed CD Zone

June 08 2006

Howyin Leung
General Manager of Planning and Development
City of Surrey
14245 56th Avenue
Surrey BC V3X 3A2

RECEIVED

JUN 14 2006

PLANNING AND DEVELOPMENT DEPARTMENT	
HYL	5745-01
FR	
DC	
JMcL	

Dear Mr. Leung,

On behalf of the residents of the St. Helen's Park area of North Surrey, We would like to request that our area be changed from RF zone to a Comprehensive Development Zone. Despite the fact our properties have restrictive covenants that deal with lot set-backs, protection of views and specify single family dwellings only; the character of our neighbourhood is changing dramatically.

Our neighbourhood was one of the first planned subdivisions in Surrey. The average home is in the 1,200 sq.ft. – 2,000 sq.ft. range. Three of these original homes have been demolished and replaced by houses built to the maximum 3550 sq.ft. plus full basement. These 5,000 plus sq ft multi-family dwellings dwarf our homes, block sunlight, impede views, rob us of our privacy and destroy the unique character of our neighbourhood.

Our association has held several public meetings and through public input and many meetings with the planning department we have built consensus around a list of changes that reflect the wishes of the majority of stakeholders in the area. Council has pledged their support to finding a solution to preserving the character of the neighbourhood while allowing a more controlled type of in-fill development.

The proposed changes are 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 and that would fit the unique character of St. Helen's Park. Please view the attached chart and area map for details on the proposal. The South Westminster Ratepayers Association and area residents thank you for your consideration of this application.

Sincerely,

South Westminster Ratepayers Assoc. Executive

Doug Bell *D Bell*

Sandra Benz *Sandra Benz*

Ted Prutton *[Signature]*

Grant Rice *[Signature]*

Don Watson *D. W.*

Zoning Topic	Current (RF)	CD Zone (proposed)
Maximum Permitted house size	3550 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

Existing Houses - St. Helen's Park Neighbourhood



Example of a new house – Compatible with the character of the existing houses



Examples of new houses – Incompatible with the character of the existing houses



**Material submitted by the South Westminster Ratepayers Association
on June 19, 2006 in support of the Proposed CD Zone**

June 18 2006

How Yin Leung
General Manager of Planning and Development
City of Surrey
14245 56th Avenue
Surrey BC V3X 3A2

Dear Mr. Leung,

Our group of volunteers has been conducting a door to door campaign over the past week. We have managed to go to each owner occupied home in the area. Several residents have been unable to provide an opinion regarding the proposed rezoning due to a number of factors. Some have been out of town, a few have been hospitalized and numbers have chosen not to register a vote for *or* against the proposal.

The original list of owner addresses we received from the Planning Department contained many homes outside the boundaries and several homes inside the area were omitted. The non-resident owners have been notified by Canada Post and we have received only one reply to date. The residents we have managed to contact have been overwhelmingly in favour of the rezoning in St. Helen's Park neighbourhood.

The letters and a copy of the map indicating the level of support will be delivered to Judy McLeod, the manager in charge of this project, on the morning of Monday June 19th. We will continue to collect the letters and update your office as the results are tabulated.

We trust that the corporate report can go ahead. The numbers we have supplied clearly indicate that the level of support during this campaign matches the neighbourhood's support offered during our two previous community meetings.

Sincerely,



South Westminster Ratepayers Association

Cc. Judy McLeod
Manager - Long Range Planning and Development

**Sample of the letter to the property owners to solicit support for the proposed rezoning
(Signed letters from the owners are deposited with the Planning & Development Department)**

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: _____

