



Corporate Report

NO: RL003

COUNCIL DATE: January 22, 2007

REGULAR COUNCIL – LAND USE

TO: Mayor & Council DATE: January 18, 2007
FROM: Acting General Manager, Planning and Development FILE: 6800-20-00
6440-01
SUBJECT: Official Community Plan Amendment By-law to allow for Heritage
Revitalization Agreements to Vary and Supplement Density Restrictions

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Approve the proposed amendment, as documented in Appendix I, to Surrey Official Community Plan By-law, 1996, No. 12900 (the "OCP By-law") to allow for heritage revitalization agreements to vary and supplement density restrictions; and
3. Authorize the City Clerk to bring forward the necessary OCP amendment by-law for the required readings and to set a date for the related public hearing.

INTENT

The purpose of this report is to request that Council consider amending the OCP By-law to allow the density restrictions to be varied or supplemented by heritage revitalization agreement by-laws, in the interest of conserving specific heritage features and heritage buildings.

BACKGROUND AND DISCUSSION

Policy Context

Section 966 of the *Local Government Act*, R.S.B.C. 1996, c. 323 (the "Act") allows Council to enter, by by-law, into heritage revitalization agreements ("HRA") with the owners of heritage properties. An HRA may contain two components:

- The first component is the Conservation Plan (Schedule A) which describes the heritage value of the features or buildings on heritage properties, physical elements that express this heritage value, requirements to preserve, rehabilitate or restore the features or buildings, and general maintenance requirements for ongoing heritage conservation. This portion of an HRA is very much like a development permit.
- The second component (Schedule B) allows Council to vary or supplement by-laws to address what often are the unique needs and situations to conserve heritage features and buildings. This may include varying use and density in addition to setbacks, lot size and similar zoning regulations.

An HRA containing these two components is, in effect, a combination of a rezoning and a development variance permit. However, an HRA that varies or supplements a by-law requires a public hearing. This offers surrounding property owners a chance to comment about how the proposed variance may affect their properties.

Section 884 of the *Act* also states that all by-laws proposed to be enacted by Council, including HRA by-laws, must be consistent with Official Community Plans.

Current Situation

Council recently authorized staff to pursue an agreement allowing an approximately 0.4 hectare (1 acre) lot with a designated heritage building to be subdivided into one 0.2 hectare (1/2 acre) and two 0.1 hectare (1/4 acre) lots. The larger lot would accommodate an existing heritage building (the Robert Dougal Mackenzie House at 5418--184 Street) and the smaller lots would allow for the relocation and restoration of two heritage buildings from other sites in Cloverdale (the Currie and Parr Houses).

The larger lot would be permitted by the existing Half-Acre Residential (RH) Zone, but the two smaller lots would exceed the density provisions of the suburban designation of the OCP. For fully serviced suburban areas, the OCP restricts the allowable residential density to lots being no smaller in size than 0.2 hectares (1/2 acre). A "spot" OCP designation to urban to accommodate such a subdivision is not recommended as it would result in an isolated urban pocket in a suburban area, and would unnecessarily raise the expectation of future urban subdivision on these properties.

Therefore, if the subdivision or development proposal is for the purpose of conserving heritage buildings or heritage sites, a mechanism should be developed to enable Council to provide for increased density by means of an HRA and through the policies of the OCP.

Proposed OCP Text Amendment

In consultation with Legal Services, it is proposed that a new general provision be added to Division A, Part 3 Land Use Strategy, Section 3.5 Land Use Designations: General Provisions of the OCP By-law, that allows Council to consider HRA by-laws that vary or increase the density provisions of the OCP in instances where heritage conservation is the

sole objective of the increase in density. It is proposed that Council consider amending the OCP text to include a new Sub-Section 7, as described in Appendix I.

CONCLUSION

Recently, Council considered a proposal where the density restrictions of the OCP need to be varied through an HRA by-law to further the objective of preserving three significant heritage buildings in Surrey. To allow an HRA by-law to be used in this instance, an OCP amendment is necessary. Rather than proceeding with a "spot" redesignation, it is recommended that Council consider a text amendment to the OCP. This amendment will allow this and other similar variances to be considered by Council where it is determined by Council that an increase in the site density can be considered for the purpose of conserving Surrey's heritage.

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Planning and Development

AK:saw

Attachments:

Appendix I Proposed Amendments to OCP By-law

**Proposed Amendment to
Surrey Official Community Plan By-law, 1996, No. 12900**

The following amendment is proposed Surrey Official Community Plan By-law, 1996, No. 12900:

1. Amend Division A, Part 3 - Land Use Strategy, Section 3.5 –Land Use Designations: General Provisions by adding the following immediately after subsection 6:

Density/Heritage
Preservation

7. Under Section 3.6 Land Use Designations: Allowable Density, the allowable floor area ratio, allowable residential density and minimum lot area contained therein may be varied, supplemented or increased, resulting in a relaxation of the density provisions for a lot, where a Heritage Revitalization Agreement is approved for that lot, pursuant to the *Local Government Act*, as amended, to conserve, protect and enhance heritage features and heritage buildings, provided that the said relaxation of density shall be specifically described in the approved Heritage Revitalization Agreement.