



Corporate Report

NO: C005

COUNCIL DATE: May 25, 2009

COUNCIL-IN-COMMITTEE

TO: Mayor & Council DATE: May 25, 2009
FROM: General Manager, Planning and Development FILE: 6745-01
3900-30
SUBJECT: Modifications to the RF Zone – Request from Surrey Ratepayers Association

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve amendments to the Single Family Residential (RF) Zone as described in Option 2 of this report and as documented in Appendix I;
3. Direct staff to review, for consistency with the amendments to the RF Zone proposed in recommendation 2, the regulations in all single family residential zones in Surrey Zoning By-law, 1993, No. 12000 ("Zoning By-law No 12000) and Surrey Zoning By-law, 1979, No. 5942 ("Zoning By-law No. 5942) and provide a report to Council, complete with recommendations;
4. Authorize the City Clerk to bring forward the necessary amendment by-law to the RF Zone of Zoning By-law No. 12000 for the required readings and to set a date for the required public hearing (Appendix I); and
5. Authorize the City Clerk to forward a copy of this report and the related Council resolution to the Surrey Ratepayers Association (the "Association").

INTENT

The purpose of this report is to:

- Update Council on the results of a review on the matter of house size restrictions as contained in the RF Zone of Zoning By-law No. 12000 and existing unauthorized house additions, as identified in a letter dated September 26, 2008, from the Association;

- Discuss options which could be pursued regarding this matter; and
- Recommend a course of action for Council's consideration.

BACKGROUND

On September 29, 2008, Council received a letter from the Association, dated September 26, 2008, which documented concerns regarding the restrictions contained in the Single Family Residential (RF) Zone of Zoning By-law No. 12000. The letter also included a request that the following revisions be made to the RF Zone:

1. For lots in excess of 560 square metres (6,028 square feet), the house floor area restriction be removed;
2. For lots in excess of 560 square metres (6,028 square feet) the house size only be subject to the current 40% maximum lot coverage restriction and the 9-metre (30 feet) maximum building height (i.e., that there be no maximum floor area);
3. The restriction on outdoor parking be revised to allow four vehicles plus a house trailer, camper or boat; and
4. One secondary suite be allowed upon general application to build a house.

The letter from the Association was accompanied with a petition containing 4,239 signatures. In addition to requesting the above-listed modifications, the petitioners requested that changes to the RF Zone be applied retroactively to all properties that are in contravention of the by-law and requested that all orders, claims, lawsuits, court orders or any other actions demanding compliance with the existing by-laws be withdrawn.

After receiving the letter and petition, Council passed the following resolution [RES. R08-2118]:

"That Council direct staff to undertake a review of the policy issues and administrative options in relation to the matters documented in the letter dated, September 26, 2008 from Mr. Kalvinder Singh Bassi on behalf of the Surrey Ratepayers Association and provide a report to Council on these matters complete with recommendations, and further that actions being taken by the City to address existing unauthorized house additions as described in the subject letter be held in abeyance pending Council consideration of the report and recommendations".

DISCUSSION

The Petition

Staff have reviewed the petition submitted by the Association and plotted the addresses listed in petition. Based on the addresses listed in the petition, 3,164 of the signatories (75%), listed addresses within Surrey and 169 listed addresses (4%) outside of Surrey,

but within Metro Vancouver (see Appendix II). The remaining 906 signatures (21%) had either illegible addresses or no address listed. Of the 3,164 addresses that are located within Surrey, 1,420, or 45% of signatures, listed the same address within Surrey. Therefore, the 3,164 signatures represent 1,731 properties (urban-sized lots of various single family zones, including the RF, RF-SS, RF-12, and RF-9 Zones) in Surrey. Since the petition referenced residential lots in excess of 6,028 square feet (560 square metres), which is in reference to the Single Family Residential (RF) Zone or the Single Family Residential Secondary Suite (RF-SS) Zone, a further analysis of the above-referenced 1,731 properties was undertaken. It was determined that the addresses listed on the petition represent 1,507 lots zoned either RF or RF-SS.

Staff note that a high percentage of the 1,507 petition lots are located in Newton (750+ lots or 50%) and Whalley (540+ lots or 36%) as documented in Appendix III. Appendix III also contains information about the average lot area and the average house floor area of the 1,507 petition lots in each community. For those lots that are located in Whalley, which is an older community where single family developments occurred 30 to 40 years ago, based on the single family residential zones under Surrey Zoning By-law, 1964, No. 2265 or Zoning By-law No. 5942, the average lot area is 767 square metres (8,253 square feet). The minimum lot area permitted under the current RF Zone (Zoning By-law No. 12000) is 560 square metres (6,028 square feet). Based on the average lot area of RF lots in Whalley and the current maximum floor area ratio (FAR) of 0.48 as contained in the RF Zone, a house with a floor area of 368 square metres (3,961 square feet) could be built if the maximum house size restriction of 330 square metres (3,550 square feet) as contained within the RF Zone was eliminated.

Meeting with the Surrey Ratepayers Association

On January 27, 2009, staff met with members of the Association, represented by five directors, including the President (Mr. Kuldeep Sekhon) and the Vice-President (Mr. Kalvinder S. Bassi). The purpose of this meeting was to ensure that there was a clear understanding of the concerns of the Association.

The Association was established in mid-2008 (approximately August or September), and consists of approximately 250 members and 10 directors. The Association is open to any Surrey resident or property owner, and meets on a monthly basis. It is not a fee-based association at this time.

According to the Association representatives, over 200 volunteers circulated throughout the community to raise awareness about the Association and to collect signatures on the above-mentioned petition to remove specific restrictions in the RF Zone. The Association representatives advised that, although some members of the community were opposed to the direction of the petition, the majority of those approached were in favour.

During the meeting, the Association reiterated the four key areas that it wanted the City to adjust in relation to the RF Zone, as identified previously in this report. The following paragraphs provide more detail in relation to the Association's comments:

House Size/FAR Restriction

The RF Zone stipulates a maximum allowable floor area of 330 square metres (3,550 square feet). The Association is concerned that this restriction impacts on the construction of new homes on older (infill) lots that have relatively larger lot areas than RF lots in new subdivisions. Council adopted the maximum floor area restriction in the RF Zone in 1995 (Corporate Report No. C235), and is a regulation in addition to the floor area ratio (FAR) restriction of 0.48 adopted in 1991 under Zoning By-law No. 5942 (Text Amendment By-law No. 11028).

The Association stated that its members have no objection to the FAR restriction, only to the maximum floor area limitation. The Association notes that many community residents require a certain amount of floor area to house their extended families. Prior to the above-mentioned regulatory changes, it was possible for owners of lots that had an area in excess of 690 square metres (7,400 square feet) to build more than 330 square metres (3,550 square feet) of floor area. The position of the Association is that it is reasonable to expect that a larger lot will allow for the construction of a larger house. According to the Association, a return to the floor area allowed, prior to the 1995 floor area restriction, would permit owners to construct an adequately sized house.

In addition, the Association commented that the basement allowance (i.e., the floor area of a basement is not included in the floor area calculation) should be granted to houses on lots that cannot accommodate basements as defined in Zoning By-law No. 12000 (i.e., a minimum of 50% of the basement volume is below the finished grade of the lot). The rationale underlying this position is that it is not possible to build an adequately sized house on a lot with an FAR of 0.48, without a basement. Staff noted that this proposed change would result in substantive changes to the majority of single-family lots in the City of Surrey and would, therefore, require a much more onerous review process.

Lot Coverage Restriction Only

The Association suggested that the maximum floor area (i.e., house size cap) be removed entirely for lots in excess of 560 square metres (6,028 square feet), and that those lots instead be subject only to the Lot Coverage restriction in the RF Zone of 40%. The Association identified the City of Richmond as a model to replicate (see Appendix IV).

Revision of Off-Street Vehicle Parking Restrictions

The Association also requested that the off-street parking restrictions for RF-zoned lots with an area greater than 560 square metres (6,028 square feet) be adjusted. Currently, the RF Zone permits a maximum of two cars or trucks (not including campers, boats, etc.) to park outside of the garage, and a maximum of two vehicles to be parked in the front or side yards. Furthermore, driveway width is generally limited to 6 metres (20 feet).

The Association commented that extended families often require space for five or more vehicles. While three-car garages are permitted in the RF Zone, the third enclosed parking space counts against the allowable FAR. The Association suggested to staff that driveway width should reflect larger lot widths, such that larger lots could accommodate

up to a maximum of four cars or trucks (not including campers, boats, etc.) when parked outside of the garage, and in the front or side yard setbacks.

The limitations of the RF Zone pertaining to the number of vehicles that can be parked in the front or side yards and driveway widths are intended to address aesthetic and "green" standards dealing with landscaping and the amount of impervious surfaces. Landscaped yards are one of the main character defining aspects of single family neighbourhoods. Increasing the number of vehicles that may be parked in a front or side yard will negatively impact this character and is not recommended.

Notwithstanding the regulations of the RF Zone pertaining to the outside parking of cars or trucks, the RF Zone also permits the outside parking or storage of one house trailer, camper, or boat. For those owners who do not own a house trailer, camper or boat, it is reasonable to allow the outside parking of one additional car or truck to a maximum of three cars or trucks.

Secondary Suites

The Zoning By-law does not allow secondary suites in single family zones, unless they are explicitly permitted. The Association has requested that the City revise the RF Zone to permit a maximum of one secondary suite on each lot. Secondary suites are permitted in the Single Family Residential Secondary Suite (RF-SS) Zone and property owners are encouraged to apply for a rezoning to construct a secondary suite. The Association's position is that the rezoning process is too complicated, and that a property owner should be permitted to construct a suite to accommodate a family member. In addition, the Association noted that secondary suites are an important source of income to homeowners in relation to making the purchase of a house affordable.

The recommendations of the Association regarding secondary suites represent a significant policy shift, which has far-reaching implications. This matter will be comprehensively reviewed as part of the City's Housing Action Plan, which is currently being developed and will be forwarded to Council for consideration in due course.

Current Zoning and House Size Issues in Surrey

The matter of maximum house size has been reviewed by the City several times over the years, due to public concerns with the size of new houses (i.e., "mega houses"), which were viewed as out of scale and character with the neighbouring houses. The City responded by making amendments to Zoning By-law No. 12000 to limit the size of single family homes. Changes were made to the Single Family Residential zones of Zoning By-law No. 5942 in 1988, by adding a floor area ratio (FAR) of 0.40 and restricting the floor area of the second floor to 80% of the first floor (Text Amendment By-law No. 9474).

In 1991, the FAR was modified to the current 0.48, provided 45 square metres (480 square feet) is reserved for the garage and 10 square metres (105 square feet) is reserved for accessory structures (Text Amendment By-law No. 11028). In 1992, the density section of the R-F Zone was amended to increase the FAR to 0.52 for lots 560 square metres (5,000 square feet) in area or less (Text Amendment By-law

No. 11410), to address existing smaller RF lots in Ocean Park and Crescent Beach. In 1995, basements were excluded from the floor area ratio calculation (Text Amendment By-law No. 12239) and the 80% second floor regulation was instituted for single family dwellings (Text Amendment By-law No. 12101). In 1995, further restrictions on the house size were implemented (Text Amendment By-law No. 12681) by placing a maximum building cap of 330 square metres (3,550 square feet). This cap was determined, using as a guide, the previous standard lot size of 660 square metres (7,200 square feet) in the Single Family Residential Zones of Zoning By-law No. 5942 and a review of typical house sizes being constructed at that time. Prior to 1988, there were no specific density restrictions in the single family zones.

The FAR and floor area provisions in the RF Zone are intended to control the visual impact of houses by limiting their massing so as to ensure a reasonable level of house size compatibility on the same block. However, it is reasonable to say that covered decks and covered patios add to the visual impact (massing) of a house and, as such, the current practice of excluding them from the floor area calculation is inconsistent with the objective that underpinned the inclusion a maximum floor area in the RF Zone in the first place.

It has been made clear over the years that some Surrey residents perceive large houses as a threat to the character of their neighbourhoods. While, to others, large houses are popular as they provide the needed space for extended families and/or allow for the conversion of part of the extra floor area to a separate secondary suite.

Currently, the Single Family Residential (RF) Zone stipulates the following density/house size restrictions:

- For lots that are 560 square metres (6,028 square feet) or less in area, the maximum floor area ratio (FAR) is 0.52 and the maximum floor area is 270 square metres (2,900 square feet); and
- For lots that are in excess of 560 square metres (6,028 square feet), the maximum floor area ratio (FAR) is 0.48 and the maximum floor area is 330 square metres (3,550 square feet).

Of the allowable floor area, 37 square metres (400 square feet) are to be reserved for a garage or carport. Basements, which are defined as being a minimum of 50% below grade, are excluded from the floor area calculation. Based on the current provisions of the Zoning By-law, covered decks and covered patios are not included in the calculation of floor area. In addition, the floor area of double height rooms is not counted twice, unlike most other Metro municipalities.

Building Violations

Between January 1, 2006 and December 31, 2008, the City issued 278 stop work orders against owners of homes for unauthorized construction (i.e., construction without a building permit) on single family lots. This construction primarily related to the homeowner filling in covered decks, patios, balconies and terraces and/or adding floor area by creating a second floor in double height rooms. This construction activity has the

effect of converting areas not counted as floor area (e.g., covered decks, covered patios and double height rooms) to floor area that must be counted as floor area under the provisions of Zoning By-law No. 12000. The additional floor area created by the unauthorized construction then pushes the total floor area on the lot to above the maximum permitted in the Zone.

The stop work orders were posted following inspections by the City's Building Inspectors, generally as a result of complaints and concerns directed to the City by members of the public. Building permits cannot be issued for this work since the additional floor area results in the building exceeding the allowable density provisions of the Zone.

Of the 278 stop work orders related to unauthorized construction of additional floor area, 42% are for addresses in Newton, 38% in Whalley, 12% in Fleetwood, 4% in Guildford, 2% in South Surrey and 2% in Cloverdale. Staff determined that the average lot area of the single family lots that were posted with a stop work order is greater than 745 square metres/8,022 square feet (see Appendix V).

Based on an analysis of the 278 stop work orders, it has been determined that the average floor area of unauthorized enclosures is 87.5 square metres (942 square feet). Typically, the enclosures have occurred on both the main floor of the house (covered patios) and the second floor (covered decks).

If the maximum floor area restriction, as contained in the RF Zone, was increased by:

- 85 square metres (917 square feet) to a total of 415 square metres (4,467 square feet), approximately 50% of the 278 houses analyzed that currently have stop work orders would be within this increased maximum floor area;
- 99 square metres (1,070 square feet) to a total of 429 square metres (4,618 square feet), approximately 60% of the 278 houses with stop work orders would be within this increased maximum floor area; and
- approximately 158 square metres (1,705 square feet) to a total of 488 square metres (5,252 square feet), approximately 80% of the 278 houses with stop work orders would be within this increased maximum floor area.

It should be noted that between January 1, 2009 and May 13, 2009, 30 additional stop work orders have been issued related to unauthorized construction of additional floor area in single family homes. These additional stop work orders have generally resulted from complaints received from the public.

House Size Regulations by Other Municipalities

Staff have undertaken a survey of the following municipalities with a view to determining the approach taken by these other municipalities in restricting floor area on single family residential lots:

- Vancouver

- Langley Township
- New Westminster (Queensborough)
- Burnaby
- Delta
- Richmond
- Coquitlam

The results of the survey are contained in Appendix IV. The intent of this survey was to better understand the restrictions other municipalities in Metro Vancouver place on the floor area of houses constructed in a standard single family zone. Staff focussed on zones comparable to Surrey's Single Family Residential (RF) Zone. The following provides some additional detail in relation to this survey.

Lot Coverage

Lot coverage refers to the percentage of the lot area that is covered by structures on the lot. All municipalities surveyed restrict lot coverage in their single family zones. In the case of Langley Township, lot coverage is the primary method for restricting house size.

The restriction and definition of lot coverage varies from municipality to municipality. Restrictions range from 35% in Langley Township and New Westminster (Queensborough) to 45% in Richmond, Delta and Coquitlam. Surrey is at 40%.

Decks, whether covered or uncovered, are typically included in the lot coverage calculations of most municipalities, including Surrey. The exceptions are Vancouver, which does not include permeable decks that are not covered and Coquitlam, provided the deck is more than 60% unobstructed (by a wall or canopy). Vancouver is unique in that it also includes in lot coverage calculations, impermeable surfaces, which are limited to no more than 60%.

Floor Area Ratio

Floor Area Ratio (FAR) is a commonly used method for regulating house floor area in most of the municipalities surveyed.

The majority of municipalities surveyed are relatively similar to Surrey in that they allow for similar-sized houses on comparably sized lots. The exceptions are Burnaby and Richmond, which allow for significantly larger homes than the average. Coquitlam and Langley Township do not use FAR at all as a means to restrict house floor area.

There are differences as to what is included in the FAR calculation. Decks and patios (covered and open), for example, are typically not included in the FAR, with the exception of Burnaby and Vancouver. There is no typical approach with respect to the inclusion of basements in FAR (Surrey does not include basements in the floor area calculation, provided that the basement is at least 50% below the finished grade of the lot).

Where the City of Surrey differs from the majority of municipalities surveyed, is in the consideration (or in the case of Surrey, the exclusion) of "Open-to-Below" floor area in the FAR calculation. "Open-to-Below" (OTB) floor area is the theoretical floor area of the second level of a double - height room. Of all the municipalities surveyed that regulate FAR, Surrey is alone in not including OTB floor area in the FAR calculation.

Surrey is in the minority in relation to stipulating a maximum allowable floor area (at 330 square metres or 3,550 square feet in the RF Zone) regardless of lot size. Coquitlam, Burnaby and the North Delta neighbourhood of the Municipality of Delta, also stipulate a maximum floor area. Burnaby and Coquitlam allow for a greater maximum floor area than does Surrey. In North Delta, similar to Surrey, floor area is limited to 330 square metres (3,350 square feet) for single family lots.

Height

Although the individual municipalities appear to have various overall height restrictions, in practice, the differences are insignificant due to the differences in how height is defined and measured. Typically, municipalities restrict the height of a single family dwelling to either 2 or 2.5 storeys, and include all storeys (except for in ground basements) in the FAR calculation. Surrey restricts the height of a single family home to 9 metres (30 feet).

Secondary Suites

The majority of municipalities surveyed permit secondary suites in all single-family zones. Typically, suites that existed before a specified date are legally non-conforming, while newly constructed suites must meet more stringent Building Code requirements. Only Delta and Surrey do not permit secondary suites in the standard single family zone; although Surrey permits secondary suites in its Single Family Residential Secondary Suite (RF-SS) Zone and some small lot single-family zones. As noted above, it is anticipated that the issue of secondary suites will be comprehensively reviewed as part of Surrey's Housing Action Plan, which will be forwarded to Council for consideration later in the year.

Summary

Compared to other municipalities in Metro Vancouver surveyed, Surrey's restrictions on single family dwellings are in the minority with respect to:

- its restrictions on the maximum allowable floor area;
- excluding OTB floor area from the FAR calculation; and
- not allowing a secondary suite as a permitted use in the standard single-family zone.

Options for Consideration

Three options have been considered in response to the concerns raised by the Association, as described below:

Option 1 - Modify the RF Zone, as requested by the Association, by eliminating the maximum floor area restriction, allowing one secondary suite as an outright permitted use, allowing above-ground basements to be excluded from the floor area calculation and permitting more than two vehicles to be parked outside on a lot.

Pros:

- Satisfies the Association;
- Addresses the demand for larger houses to accommodate extended families;
- May reduce the amount of unauthorized modifications to houses and thus result in fewer stop work orders and less related administration;
- Facilitates more efficient use of land; and
- Eliminates perceived inequities for owners of over-sized RF-zoned lots.

Cons:

- Will apply City-wide and may result in the construction of houses that are out of context with a neighbourhood, which will bring complaints from others in the neighbourhood;
- Inconsistent with the changes that were made by the City in 1988, 1991, and 1995 to address complaints regarding the construction of large houses and, therefore, may be contrary to the wishes of many of the owners of RF-zoned lots;
- Permitting more than two vehicles to be parked outside on a lot will lead to more impervious surfaces and a loss of green space; and
- Public reaction is unknown

Option 2 - Modify the RF Zone by increasing the maximum floor area (i.e., house size), the floor area ratio (FAR) and the lot coverage allowance and include covered decks, covered patios and double height rooms in the FAR and floor area calculations.

Pros:

- Moves towards addressing the requests expressed by the Association;
- Addresses the demand for larger houses to accommodate extended families;
- May reduce the amount of unauthorized modifications to houses and thus result in fewer stop work orders and less related administration;
- Facilitates more efficient use of land;
- Eliminates to some extent the perceived inequities for owners of over-sized RF-zoned lots; and
- More consistent with the approach taken by other Metro Vancouver municipalities in relation to calculating density on single family lots.

Cons:

- Will apply City-wide and may result in the construction of houses that are out of context with a neighbourhood, which will bring complaints from others in the neighbourhood;
- Inconsistent with the changes that were made by the City in 1988, 1991, and 1995 to address complaints regarding the construction of large houses and, therefore, may be contrary to the wishes of many of the owners of RF-zoned lots;
- Inequities will remain between over-sized RF-zoned lots since a floor area restriction will remain in effect, although will be increased; and
- Public reaction is unknown

Option 3 - Establish a new Single Family Residential Zone in the Zoning By-law that contains the modifications to the existing RF Zone that are referenced in Option 2 and apply the new Zone through the normal zoning process either on individual lots or across neighbourhoods where support exists for the new zone.

Pros:

- Enables public input prior to allowing for the construction of larger houses on existing lots;
- Will allow for consideration of the context of the subject site and the suitability of a large house in that context;
- Such rezoning could be proposed on a neighbourhood basis rather than on a lot-by-lot basis;
- House size will be proportional to the lot size and, thereby, will eliminate current inequities related to over-size RF-zoned lots;
- Moves significantly in the direction of the requests expressed by the Association;
- Addresses the demand for larger houses to accommodate extended families;
- May reduce the amount of unauthorized modifications to houses and thus result in fewer stop work orders and less related administration;
- Facilitates more efficient use of land; and
- More consistent with the approach taken by other Metro Vancouver municipalities in relation to single family lots.

Cons:

- Does not fully address the requests of the Association;
- Will cause additional administration in relation to the rezoning process and will delay construction of larger houses due to the time required to complete the rezoning process; and
- Public reaction is unknown.

Evaluation of Options

Considering changes to the density provisions in the RF Zone is a relatively complex matter, particularly given its history in Surrey. Although a 4,239-signature petition was submitted from 1,731 properties in Surrey, the concerns appear to be geographically localized to a couple of areas in the City (Newton and Whalley). Opposing opinions on house floor area restrictions are also evident. In fact, stemming from a group of concerned citizens, a neighbourhood in the St. Helen's Park area of North Surrey was

rezoned from RF to CD (By-law No. 16156) on December 4, 2006, to reduce the allowable floor area for single family homes in that neighbourhood. Similarly, a neighbourhood in the Royal Heights Park area of North Surrey was rezoned from RF to CD (By-law No. 16419) on March 31, 2008 to reduce the allowable floor area of single family houses.

Option 1 would result in substantive changes to the zoning provisions on the majority of the single family lots in Surrey. These changes would have significant design implications that will likely alter the character of existing residential neighbourhoods as houses are replaced. If the maximum house floor area (i.e., house cap) were to be removed in the RF Zone, older communities such as Whalley and Newton would be most affected. There are approximately 7,843 and 4,202 RF lots in Whalley and Newton, respectively that have sufficient lot area to potentially allow the conversion of existing houses into larger homes if the house floor area cap was removed. This scenario will undoubtedly impact existing neighbourhoods and could be a major concern for many residents. As such, Option 1 is not recommended.

Approximately 83% of the City's stop work orders, related to unauthorized single family construction, involve deck and patio enclosures. The average area of unauthorized construction is about 85 square metres (917 square feet). Under Option 2, the floor area cap would be increased, but the floor area of covered decks, covered patios and double height rooms would be included in the calculation of floor area and FAR. Covered decks and covered patios are currently not counted toward the floor area and FAR of a house on an RF lot. The inclusion of these spaces in the FAR calculation may have some impact on the massing of houses on RF lots.

Option 3 accomplishes the same effect, as Option 2, but requires a rezoning process to implement on a lot-by-lot or neighbourhood basis. However, creating a new zone and requiring owners to go through the rezoning process would be administratively burdensome and expensive.

Recommended Approach

On balance, staff recommend that Council adopt the approach described in Option 2. Based on this approach, it is recommended that the maximum allowable floor area for lots 560 square metres (6,028 square feet) or greater be the lesser of an FAR of 0.60 (an increase from 0.48) or 422 square metres (4,550 square feet) (an increase from 330 square metres/3,550 square feet). It is further recommended that the definition of floor area ratio be amended to include covered decks, covered patios and double-height rooms in the calculation of FAR (Appendix I).

Taking into consideration in-ground basements, which are excluded from the FAR calculation, these recommendations could result in house sizes on oversized RF lots of up to 603 square metres (6,500 square feet). Some negative public reaction related to the potential for houses of this size is probable.

Taken in combination, these proposed by-law amendments will move towards addressing the requests of the Association; make Surrey's zoning regulations, pertaining to single family lots, more consistent with the approach taken by other Metro Vancouver

municipalities, and still maintain a reasonable level of house size compatibility between lots.

Other Comments

It is noted that the above-discussed amendments are intended to address zoning issues related to the size of houses in the RF Zone. In addition to zoning issues, where unauthorized construction has taken place, the owners still face the need to comply with current building, plumbing and electrical requirements. Subject to Council's decision on the proposed by-law changes, a subsequent report will be prepared by staff to address the issue of non-compliance.

If Council decides to follow the recommendations of this report, a text amendment to the RF Zone would be required. The necessary amendments to the RF Zone to implement Option 2 are documented in Appendix I. Legal Services has reviewed the proposed amendments and finds them satisfactory.

Although no public consultation has taken place, a public hearing would be required to bring the amendments into effect. The City Clerk would ensure the public is informed of the public hearing by placing the public hearing notice in two consecutive issues of the *Surrey Now*, commencing a minimum of 10 days prior to the scheduled public hearing date. As this is a text amendment to Zoning By-law No. 12000, there would be no individual notifications mailed to property owners.

To ensure consistency between modified RF Zone, as recommended in this report, and other single family zones, it is recommended that Council direct staff to undertake a study of how the other single family zones should be amended and report back to Council with recommendations.

Addressing Houses with Unauthorized Construction

The Association has requested that any changes to the RF Zone be applied retroactively to all properties that are in contravention of the by-law and requested that all orders, claims, lawsuits, court orders or any other actions demanding compliance with the existing by-laws be withdrawn.

Planning and Development Department staff, jointly with Legal Services, will prepare a subsequent report on this matter.

CONCLUSION

The development and acceptance of large houses in a community is a very sensitive issue. Over the years, the City has made amendments to the Zoning By-laws to regulate house sizes as a result of public concerns. Recently, the Association has requested that the current house size restriction be removed. In discussion with the Association, staff acknowledge the continuing trend for larger houses as a reflection of the socio-economic need.

To address the balance between accommodating the need for larger houses, while addressing other concerns associated with larger homes, this report recommends the following (Option 2):

- The maximum allowable floor area in the RF Zone for lots 560 square metres (6,000 square feet) in area or more be the lesser of an FAR of 0.60 (an increase from the current FAR of 0.48) or 422 square metres (4,550 square feet) (an increase from the current allowable floor area of 330 square metres/3,550 square feet).
- The definition of floor area ratio be amended to include covered decks, covered patios, and double-height rooms in the calculation of FAR in the RF Zone.

Taken in combination, these proposed by-law amendments will move towards addressing the requests of the Association, make the RF Zone, pertaining to house size, more consistent with the approach taken by other Metro Vancouver municipalities, and still maintain "neighbourly" house design.

It is recommended that Council approve Option 2 and instruct the City Clerk to bring forward the necessary by-law amendment for the required readings and to set a date for the related public hearing and forward a copy of this report and the related Council resolution to the Association.

Original signed by
Jean Lamontagne
General Manager
Planning and Development

DC/kms/saw

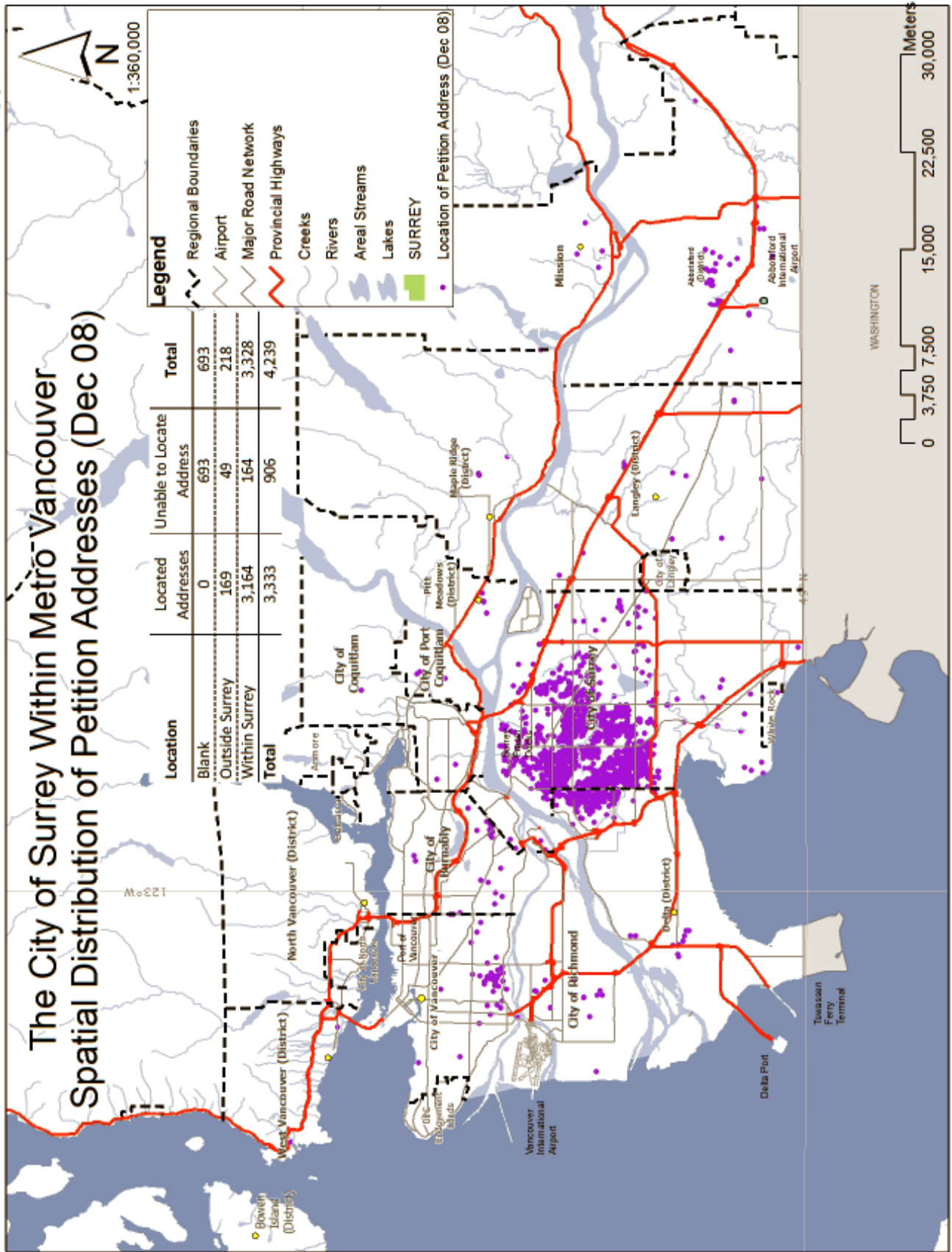
Attachments:

Appendix I	Proposed Zoning By-law 12000 Amendments
Appendix II	Map of Metro Vancouver Addresses in SRA Petition
Appendix III	Tables Summarizing Surrey Addresses in Association's Petition and Average House Size and Average Lot Size in the Association's Petition
Appendix IV	Table Comparing Single Family Regulations in 8 Metro Vancouver Communities
Appendix V	Average Lot Size of Stop Work Orders on Single Family Lots, Issued Between January 1, 2006 and December 31, 2008

Proposed Amendments to Surrey Zoning By-law, 1993, No. 12000

The following amendments are proposed to Part 16 Single Family Residential Zone (RF) of Surrey Zoning By-law, 1993, No. 12000, as amended:

1. Delete Sub-section D.2.(a) and replace it with the following:
 - "(a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, the following shall be included as floor area in the calculation of *floor area ratio*:
 - i. all covered areas used for parking, excluding covered parking located within the *basement*;
 - ii. all covered outdoor areas including covered decks and covered patios; and
 - iii. all floor area with extended height shall be multiplied by 2, where the extended height, as measured to the wall top plate is 3.7 metres [12 ft.] or more above the floor, excluding a maximum of 10 square metres [107 sq.ft.] for stairwells and entranceways; and".
2. Amend Sub-section D.2.(b)i. by deleting the number "0.48" and replacing it with the number "0.60".
3. Delete Sub-section D.2.(b)iii.(b) and replace it with the following:
 - "(b) 423 square metres [4,550 sq.ft.] for *lots* in excess of 560 square metres [6,000 sq.ft.], except in the area designated as City Centre in Surrey Official Community Plan By-law, 1996, No. 12900, as amended; and".
4. Amend Sub-section H.2(a) by deleting the number "2" and replacing it with the number "3".



Petition Properties of Single Family Dwellings by Average House Size, Number of Addresses and Community

Community	Average Square Footage of House and Number of Addresses	Single Family Residential Secondary Suite Zone	Single Family Residential Zone	Single Family Dwelling Total	Percent of Total Number of Addresses
Cloverdale	Average Square Footage of House		3,172	3,172	
	Number of Addresses		19	19	1.3%
Fleetwood	Average Square Footage of House	4,036	3,240	3,245	
	Number of Addresses	1	158	159	10.6%
Guildford	Average Square Footage of House		2,814	2,814	
	Number of Addresses		27	27	1.8%
Newton	Average Square Footage of House	3,637	3,308	3,363	
	Number of Addresses	126	630	756	50.2%
South Surrey	Average Square Footage of House		2,348	2,348	
	Number of Addresses		6	6	0.4%
Whalley	Average Square Footage of House	3,443	2,981	3,022	
	Number of Addresses	49	491	540	35.8%
Total	Average Square Footage of House	3,586	3,163	3,212	
	Number of Addresses	176	1,331	1,507	100.0%

Petition Properties of Single Family Dwellings by Average Lot Size, Number of Addresses and Community

Community	Average Square Footage of Lot and Number of Addresses	Single Family Residential Zone
Cloverdale	Average Square Footage of House	7,408
	Number of Addresses	19
Fleetwood	Average Square Footage of House	7,797
	Number of Addresses	158
Guildford	Average Square Footage of House	7,562
	Number of Addresses	27
Newton	Average Square Footage of House	7,799
	Number of Addresses	630
South Surrey	Average Square Footage of House	9,519
	Number of Addresses	6
Whalley	Average Square Footage of House	8,253
	Number of Addresses	491
Total	Average Square Footage of House	7,964
	Number of Addresses	1,331

Survey of Single Family House Size Restrictions in Metro Vancouver ¹

Municipality	Zone	Lot Coverage	Base FAR	Alternative FAR Calculation	Floor Area Permitted on 660 sq.m. Lot	Maximum Floor Area	Basement Incl. in FAR	OTB Incl. in FAR	Decks Incl. in FAR	Decks Incl. in coverage	Height	Suites Permitted	Impermeable Restrictions
Surrey	RF	40%	0.48	N/A	316.8 sqm (3,410 sqft)	330 sqm (3,550 sqft)	No	No	No	Yes	9 metres	No	N/A
Vancouver	RS-1	40%	0.6	0.3 + 93 sq.m. ²	291 sqm (3,132 sqft)	N/A	No	Yes	No ⁵	No (not covered) Yes (covered)	10.7 metres (2.5 storeys)	Yes	60%
Langley (Township)	R-1A	35% ³	N/A	N/A	415.8 sqm (4,476 sqft) ⁴	N/A	No (incl. in %)	N/A	N/A	Yes	9 metres	Yes	N/A
New West. (Qnsboro)	RQ-1	35%	0.5	N/A	330 sqm (3,550 sqft)	N/A	N/A	Yes	No	Yes	6.4 metres (above flood control space)	Yes	N/A
Burnaby	R3	40%	lesser of lot area x 0.6 or 370 sq.m. ⁶	lot size x .5, x 0.55, or x 0.6 depending on lot width ⁷	396 sqm (4,263 sqft) ⁶	370 sq.m. ⁸ (no FAR cap for subzone R3a)	No	Yes ⁹	Yes ¹⁰	Yes	9.0m (2.5 storeys)	Yes, in-law suites only	70%
Richmond	RI	45%	lot area x 0.55 to max of 464.5 sq.m + lot area x 0.30 for remainder ¹¹	N/A	394 sqm (4,241 sqft) ¹²	N/A	Yes	Yes ¹³	No	Yes	2.5 storeys	Yes	80%
Delta	RSI	45%	lot area x 0.3 + 93 sq.m	N/A	291 sm (3,132 sqft)	N/A (except North Delta, which is 330 sqm ⁸)	Yes	Yes ¹⁴	No	Yes	8.0 m (2.5 storeys)	No	60%
Coquitlam	RS-9	45%	N/A	N/A	505 sqm (5,436 sqft)	505 sqm (5,436 sqft)	Yes	No	N/A	No (if >60% unobstructed)	11 metres	Yes	N/A

1. based on a 660-sq.m (7,104 sq.ft) lot
2. where site exceeds width of 18m and area of 500 sq.m
3. with conditions
4. based on Lot Coverage, and 80%-rule for 2nd floor
5. incl. covered balconies, provided they do not exceed 5% of permitted floor area
6. Zone also has a separate FAR calc. for SFD only = the greater of lot size x 0.2 + 130 sq.m or lot size x 0.4
7. sub-Zone R3a
8. FAR does not include first 42 sq.m (452 sq.ft) of garage/carport
9. for open areas that exceed 3.7m floor height and 9.3 sq.m area
10. incl. balconies, sundecks, and covered decks > 8% of gross floor area and covered porches exceeding 3.7 sq.m, with conditions
11. add 10% of lot size exclusively for covered areas of SFD + 50 sq.m exclusively for accessory buildings and off-street parking
12. incl. 50 sq.m. (538 sq.ft.) for garage
13. for open areas that exceed 5m in height, excluding up to 10 sq.m for entry/staircase
14. for open areas that exceed 4.3m in height, excluding 10 sq.m for entry/stairwell. Can increase 10 sq.m maximum if area is not practically convertible to floor area

Number of Building Violations, Single Family Dwelling, Average House Size, number of Addresses and Community

Community	Average Square Footage of House and Number of Addresses	Single Family Residential Zone	Percent of Total Number of Addresses
Cloverdale	Average Square Footage of House	2,945	1.8%
	Number of Addresses	5	
Fleetwood	Average Square Footage of House	3,129	12.2%
	Number of Addresses	34	
Guildford	Average Square Footage of House	2,540	3.6%
	Number of Addresses	10	
Newton	Average Square Footage of House	3,170	42.1%
	Number of Addresses	117	
South Surrey	Average Square Footage of House	2,315	2.5%
	Number of Addresses	7	
Whalley	Average Square Footage of House	2,705	37.8%
	Number of Addresses	105	
Total	Average Square Footage of House	2,941	100.0%
	Number of Addresses	278	

Number of Building Violations, Single Family Dwelling, Average Lot Size, Number of Addresses and Community

Community	Average Square Footage of Lot and Number of Addresses	Single Family Residential Zone
Cloverdale	Average Square Footage of Lot	8,279
	Number of Addresses	5
Fleetwood	Average Square Footage of Lot	8,022
	Number of Addresses	34
Guildford	Average Square Footage of Lot	8,045
	Number of Addresses	10
Newton	Average Square Footage of Lot	8,073
	Number of Addresses	117
South Surrey	Average Square Footage of Lot	10,794
	Number of Addresses	7
Whalley	Average Square Footage of Lot	8,399
	Number of Addresses	105
Total	Average Square Footage of Lot	8,261
	Number of Addresses	278