

NO: **R151**

COUNCIL DATE: **July 27, 2009**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **July 27, 2009**

FROM: **General Manager, Planning and Development**

FILE: **6745-01
3900-30**

SUBJECT: **Proposed Modifications to the Single Family Residential (RF) Zone –
Next Steps**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information; and
2. Authorize staff to proceed with public consultation as described in this report to receive public input on a modified Single Family Residential (RF) Zone, as described in Option 2 in Corporate Report No. Co05, which is attached as Appendix "A" to this report.

INTENT

The purpose of this report is to advise Council of meetings that staff has held with the Surrey Ratepayers Association (the "SRA") and the Surrey Association of Sustainable Communities (the "SASC"), regarding proposed modifications to the RF Zone, which were considered by Council on May 25, 2009 (see Corporate Report No. Co05 attached as Appendix "A"). This report also advises Council of staff's intended course of action in relation to consulting with the public regarding the proposed modifications.

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that all orders, claims, lawsuits, court orders or any other actions demanding compliance with the existing by-laws be withdrawn.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. Ro8-2118]:

"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".

At the May 25, 2009 Council-in-Committee Meeting, Council received Corporate Report No. Coo5, which provided information on a review undertaken by staff regarding the requests of the SRA together with recommendations for Council's consideration. At that same Council-in-Committee meeting, a letter from the SASC, dated May 25, 2009, was received by Council. The letter from the SASC documented concerns that there was a lack of consultation with all community associations and the general public in dealing with this complex issue, and that there was no opportunity to review and evaluate the information and recommendations contained within Corporate Report No. Coo5.

After considering Corporate Report No. Coo5 and the letter from the SASC, Council adopted the following resolution [RES. Ro9 982]:

"That Council:

1. *Receive Corporate Report Coo5 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; and*
4. *Authorize the Planning and Development Department to move forward with public information meetings with the citizens of Surrey and then report back to Council".*

DISCUSSION

As an initial step in the public consultation process identified in point 4 above, staff met with representatives of the SRA and separately with representatives of the SASC. The following provides details in relation to those meetings.

Meeting with the Surrey Ratepayers Association

On June 15, 2009, staff met with eight members of the SRA. The purpose of the meeting was to:

- Advise the SRA of Council's direction regarding the recommendations in Corporate Report No. Co05; and
- Receive comments from the SRA on Option 2 of Corporate report No. Co05 and on the public consultation process regarding the proposed amendments to the RF Zone.

The SRA representatives expressed general agreement with Option 2 as a means of addressing their request for larger houses even though the proposed amendments to the RF Zone would potentially capture only approximately 50% of the current unauthorized construction on RF lots. The SRA requested that consideration be given to exclude the front veranda area from the FAR calculations as such features are intended to provide style and character to the houses as opposed to functional area.

The SRA representatives indicated they are not opposed to the City conducting open house meetings to gauge the community's support for the proposed revisions to the RF Zone but noted that the public consultation process could take a considerable amount of time to complete. SRA members indicated that if some neighbourhoods oppose the proposed change the changes could still be applied to those neighbourhoods that support the changes.

The SRA members expressed concern that Option 3 of Corporate Report No. Co05, establishing a new Single Family Residential Zone, would not address the unauthorized construction as expeditiously as a citywide rezoning of RF properties.

The minutes of the meeting with the SRA representatives are attached as Appendix "B".

Meeting with the Surrey Association of Sustainable Communities

On June 29, 2009, staff met with eight representatives of the SASC. The purpose of the meeting was to:

- Provide an overview of the request by the SRA to modify the RF Zone; and
- Receive feedback from the SASC regarding this issue and the resolution adopted by Council with respect to Corporate Report No. Co05.

The SASC is an umbrella association representing approximately 20 community associations. Representatives from eight of the 20 associations attended the June 29, 2009 meeting with staff. The following community associations were represented at the meeting:

- Country Woods Residents Association;
- Elgin Ratepayers';
- South Westminster Ratepayers Association;
- Semiahmoo Ratepayers Association;
- Ocean Park Community Association;
- Royal Heights Parks Group;
- Surrey Environmental Partners; and
- Bridgeview In Motion.

It was noted that the West Panorama Ridge Association was unable to attend the meeting but advised of their opposition to any increase in allowable house size on RF lots.

The SASC representatives indicated that the SASC has yet to take a position on the proposed modifications of the RF Zone and wanted to use the meeting to obtain more information on this issue. The SASC expressed two main concerns:

1. **Process** – The SASC expressed concern that there was a lack of public consultation prior to Corporate Report No. Co05 proceeding to Council. The SASC requested that there be some sort of public consultation process with affected community associations and the general public; and
2. **Content** – The SASC stated that the information and data in Corporate Report No. Co05 do not establish a justification for the recommendations in the report, namely to proceed with amendments to the RF Zone.

In summary, the main points raised by the SASC were:

1. A lack of public consultation prior to proceeding to Council with recommendations;
2. Inaccurate, misleading and incomplete information within Corporate Report No. Co05;
3. A lack of analysis as to the impacts of the proposed modification on a City-wide basis;
4. A disregard for the environment and the principles within the Sustainability Charter;
5. The creation of a culture where compliance is ignored and rule breaking is encouraged;
6. Inequitable treatment of citizenry in terms of the process to modify the RF Zone as requested by the SRA in relation to the process the residents of the St. Helen's neighbourhood had to go through to achieve the down-zoning of their neighbourhood; and
7. Implications for an over-burdened infrastructure system, and inequitable taxation.

The minutes of the meeting with the SASC representatives are attached as Appendix "C".

Potential Citywide Implications of the Proposed Modifications to the RF Zone

Under Option 2, which received preliminary approval from Council on May 25, 2009, the proposed floor area cap for single-family houses under the RF Zone would be increased from 330 square metres (3,550 square feet) to 422 square metres (4,550 square feet), and the maximum

allowable floor area ratio (FAR) would increase from 0.48 to 0.60. Such changes will allow all home owners under the RF Zone the ability to increase their current house size by approximately 25% or 67 square metres (721 square feet) of additional floor space for lots that are 560 square metres (6,028 square feet) in lot area. Owners of homes located on RF lots that are larger than 560 square metres in area will be able construct additions such the total floor area on the lot is up to 422 square metres (4,550 square feet).

Presently, there are approximately 64,500 single family RF zoned lots in Surrey. The number of RF lots in each of the six communities in Surrey is as follows:

- Whalley 17,303 (27%);
- Newton 13,135 (20%);
- Fleetwood 10,820 (17%);
- South Surrey 8,145 (13%);
- Guildford 8,092 (12%); and
- Cloverdale 6,953 (11%).

It is clear that the proposed modifications to the RF Zone will have citywide implications. The SASC is concerned that insufficient analysis has been undertaken on the potential impacts of proposed changes on the layout, massing and design of single family houses. The SASC members are concerned that these proposed changes may negatively affect the character of established single-family neighbourhoods throughout the City.

A further concern raised by the SASC is that the resulting larger house size presents an opportunity for the owners to convert the new space into multiple secondary suites. This, in turn, creates issues related to street parking, school capacity, public facilities, and garbage services.

Public Consultation

The Planning and Development Department is intending to move forward with a series of public information meetings/open houses with the citizens of Surrey during the fall of 2009 to present and receive feedback on the proposed modifications to the RF Zone, as described in Option 2 of Corporate Report No. Coo5. Staff will prepare illustrative material in the form diagrams and photographs comparing various house designs under the current RF Zone and the proposed modified RF Zone.

To ensure that all Surrey residents have an opportunity to attend, information meetings/open houses will be held in each of the following communities:

- Newton;
- Whalley;
- Guildford-Fleetwood;
- Cloverdale-Clayton; and
- South Surrey

The public consultation process, as described above, will commence in September 2009 and will take approximately two to three months to complete. Staff will forward a further report to Council on the results of the public consultation process later this fall, together with recommendations.

While the SRA supports some public consultation, it is concerned about the length of time this process may take. The SRA is anxious to proceed with the proposed modifications to the RF Zone and voiced concerns on the public consultation process as being time-consuming and on the possible outcome being lack of community acceptance of any proposed changes to the RF Zone.

Alternative Course of Action

Although, staff is not recommending this course of action, Council could

- Approve amendments to Surrey Zoning By-law, 1993, No. 12000 (the "Zoning By-law"), as documented in Appendix I of Appendix "A" of Corporate Report Co05; and
- Instruct the City Clerk to introduce the necessary amendment by-law for the required readings and set a date for the related public hearing.

The concern with this approach is that the community reaction is unknown and follow-up work may be necessary as a result of the public hearing. The feedback from the SASC suggests that there are concerns in the community that need to be heard and considered in advance of proceeding to a public hearing. In the end, proceeding to a public hearing now will not necessarily result in a shorter overall timeframe to reach a resolution that is acceptable to the community than proceeding with a more involved public consultation process at this time in advance of proceeding the by-law amendment process.

CONCLUSION

This report outlines a public consultation process involving a series of public information meetings/open houses throughout the City. It is estimated that this process would take approximately three months, followed by a report to Council later this fall on the results of the public consultation complete with recommendations.

Based on the above discussion, it is recommended that Council authorize staff to proceed with public consultation as generally described in this report to receive public input on a modified Single Family Residential (RF) Zone, as described in Option 2 in Corporate Report No. Co05, which is attached as Appendix "A" to this report.

Original signed by
Jean Lamontagne
General Manager,
Planning and Development

DC:saw

Attachments:

Appendix "A" - Corporate Report No. Co05

Appendix "B" - Minutes of June 15, 2009 Meeting with the SRA

Appendix "C" - Minutes of June 29, 2009 Meeting with the SASC



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. Ro8-2118]:

"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 municipalise.

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 has 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 Westminister (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

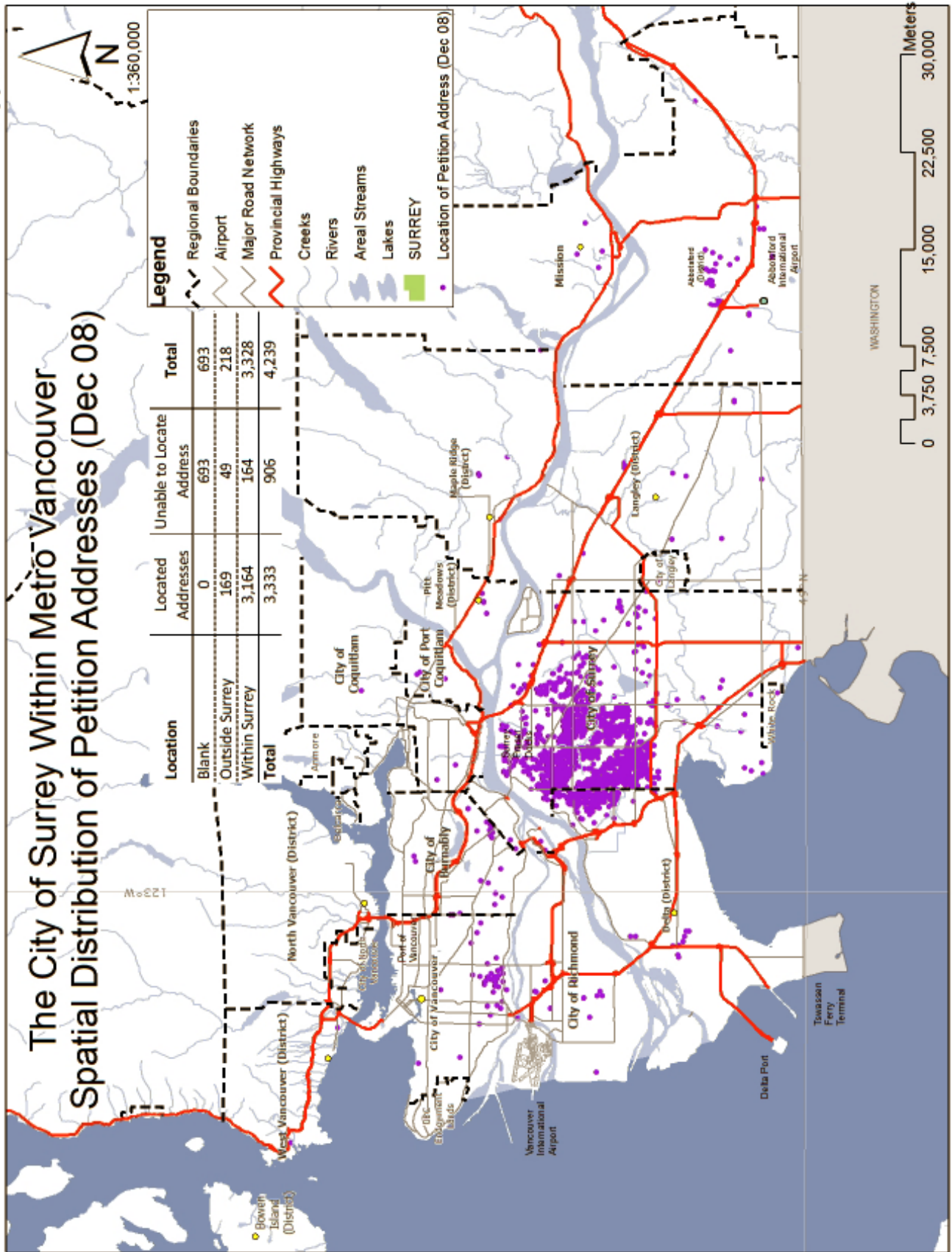
The following amendments are proposed to Part 16 Single Family Residential Zone (RF) of Surrey Zoning By-law, 1993, No. 12000, as amended:

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

Planning Department - Current Planning Petition for Larger Homes

Present

Staff:

Facilitator: Dan Chow
Christopher Atkins
George Fujii
John McKenzie
Gertrude Kwan

Surrey Ratepayers Association:

Baljit Johal
Inderjit Dhillon
Kuldeep Sekhon
Surjit Bahia
Avtar S. Thind
Hardip Gill
P. S. Mand
Kalvinder Singh Bassi

The meeting started at 1:25 p.m.

- Dan briefed the Surrey Ratepayers Association (SRA) representatives on Corporate Report C005 which was considered by City Council on May 25, 2009. It was noted that:
 - Recommendation #1, 2 & 3 were approved;
 - Recommendation #4 was referred back to staff; and
 - Recommendation #5 – no action.
- Dan explained the proposed amendments in Option 2 of the Corporate Report, including:
 - The floor area ratio (FAR) proposed to be increased from 0.48 to 0.60;
 - The maximum floor area proposed to be increased from 3,550 sq.ft. to 4,550 sq.ft.
 - The number of off-street vehicle parking spaces to be increased from 2 to 3. It was noted that this amendment would preclude the outside parking of a house trailer, camper or boat.
- Dan commented that even if the proposed by-law amendments were approved, this could potentially capture about 50% of the illegal construction right now. It would not address all the unauthorized construction to date.
- Dan informed that staff would be meeting with other Associations next week to hear their comments and concerns and to report back to Council.
- SRA provided the following comments:
 - SRA queried and staff confirmed that the space under the covered sundeck would be counted as FAR calculations.

- SRA requested that consideration be given to exclude the front veranda area from the FAR calculations as these features are intended to provide character to the area so as not to create the "boxiness" of a 2-storey dwelling. They indicated examples in other jurisdiction e.g. City of Burnaby to allow up to maximum 4 ft deep and about 8 – 10 ft in length (i.e. about 40 sq.ft.). Staff indicated that Planning could review this aspect further.
- SRA indicated that Option 2 is acceptable to them.
- They had submitted +/- 4,200 signatures in support. They could bring in more signatures if needed.
- They have another association which they can bring in if needed.
- They did not want to be counted by the number of Associations; but rather by the number of actual votes.
- SRA indicated that they would like City to hold an Open House, in order to gauge the community's support for the proposed revisions. Although concerned, SRA understands that the Public Consultation process can take considerable time to complete.
- SRA noted that houses already been built and did not want to demolish them. These homes should be given "amnesty" (grandfathered), recognizing that they must meet code compliance. Suggest a lot-by-lot CD rezoning to legalize existing non-conforming homes.
- SRA preferred Option 2 to change the RF Zone by-law.
- They were concerned that Option 3 would not address the illegal construction in a speedy manner.
- SRA was aware that they would still need to address building code requirements for the unauthorized construction despite the zoning by-law change.
- SRA suggests that, if some neighbourhoods oppose the change, the concept should still apply to those neighbourhoods that support the change in Zoning. Staff noted that the option for a new zone has not been precluded.

The meeting adjourned at 1:50 p.m.

Planning Department - Current Planning Modifications to the RF Zone; Meeting with Community Associations

Present

Staff:

Facilitator: Dan Chow

- rea Planning
George Fujii
- rea Planning
Raul Allueva
- rea Planning
Henry Herbstreit
- ilding Division
Christopher Atkins
- rea Planning

Surrey Assc. Of Sustainable Community - Representatives:

Mike Proskow

- Country Woods Residents Assc.
- Rosemary Zelinka
- Surrey Assc. Sustainable
Communities
- Elgin Ratepayers
- Sandra Benz
- Southwestminster Ratepayers
Assc.
- Barb Paton
- Semiahmoo Ratepayers Assc.
- Fred Weber
- Ocean Park Community Assc

Grant Rice

- Southwestminster Ratepayers
Assc.
- George C. Davies
- Royal Heights Park Group
- Deb Jack
- Surrey Environmental Partners
- Liz Walker
- Surrey Environmental
Partners/CRONIC
- Sonia Nazar
- Bridgeview In Motion

Executive Summary

The following meeting, held at the direction of Council, involved members of the Surrey Association of Sustainable Communities (SASC), an umbrella association representing approx. 20 community associations. The purpose of the meeting was to consult with, and receive feedback from, the SASC regarding Corporate Report C005. This report was presented to Council on May 25th, 2009 in response to the Surrey Ratepayer's Assc. (SRA) request for the proposed modifications to the RF Zone.

The SASC raised the following concerns:

1. A lack of public consultation prior to proceeding to Council with recommendations;
2. Inaccurate, misleading and incomplete information within the Corporate Report;
3. A lack of analysis as to the impacts of the proposed modification on the City;
4. A disregard for the environment and the principles within the Sustainability Charter;
5. The creation of a culture where compliance is ignored and rule-breaking is encouraged;
6. Inequitable treatment of citizenry, specifically this case vs. downzoning of St. Helen's;
7. Implications for an over-burdened infrastructure system, and inequitable taxation.

City staff committed to presenting the concerns raised by the SASC with City managers, and to take them into consideration when reviewing the options presented in the above-mentioned Corporate Report.

Meeting Minutes

- Staff briefly summarized the background and intent of this meeting.
 - Staff forwarded a report to Council (Corporate Report C005) on May 25th regarding Proposed modifications to the RF Zone, responding to request of the Surrey Ratepayers Assc.
 - Council received a letter from the Surrey Association of Sustainable Communities (SASC) expressing concern regarding the report and the lack of community consultation.
 - Council passed the following resolution: "4. Authorize the Planning & Development to move forward with public information meetings with the citizens of Surrey and then report back to Council".
 - In this regard, staff have had a meeting with the Surrey Ratepayers Association and now wish to receive feedback from the SASC.

- Opening comments from Surrey Assc. of Sustainable Communities (SASC) :
 - At this time, SASC has not taken a position on proposed modifications – consider this meeting to be for "fact-finding."
 - Grateful that Council ordered the consultation.

- SASC expressed two main concerns:
 - Process: there was no Public information meeting/consultation. there was no notification prior to this report proceeding to Council. If SASC member had not reviewed the Council Agenda, it is possible that there may not have been any opportunity to provide comment.
 - Content: the recommendations are not justified by the information in the report. More information is needed to support justifications.

- SASC notes that Council did approve a recommendation from the report (Option #2), and raised the questions as to whether there is a point to consultations with the public.
 - Staff responded that Council directed Staff to investigate the community associations' concerns and consult with them. This may result in revising the options; there is no pre-judged outcome.

- SASC queried what public consultation will look like? Concerned that the early time of this meeting has meant that not every community assc. is able to attend, and is not truly capturing all the community groups. The public at large should also be involved.
 - Staff responded that the intent of this meeting is to serve as an overview of the matter with the SASC. Staff is happy to reconvene with a larger group.

- Staff hope this meeting will provide guidance with respect to the type of consultation required. There is no pre-conceived notion of the process; it is recognized that a larger process may be required.
- Staff requested that the members present go around the table to raise any specific concerns they have with the proposal to modify the RF Zone, which will affect approximately 60,000 homes primarily in the Newton, Whalley, and Fleetwood neighbourhoods.

Round-table Comments:

- The issue of housing affordability and need is a valid issue, but this Corporate Report fails to address it.
- Report is not thorough, and lacks statistical support
 - Information and statistical data within the report is incomplete and misleading.
 - The proposed options will not result in the outcomes claimed in the report.
 - Lacks definitions of "single family home" and "secondary suites".
 - Did not state percentage of people who signed in favour of proposal related to RF residents as a whole (City-wide).
 - No information as to how many live in these larger dwellings.
 - No way of knowing how many people live in secondary suites in Surrey. Does Surrey investigate the number of illegal suites during stop-work inspections?
 - Staff: no, City investigates only the matter directly related to the stop-work.
- No concerns were raised regarding environmental sustainability.
 - How does proposal match up to Sustainability Checklist and Charter?
 - Front yards will be paved over for parking, eliminating permeable surfaces. This will have impact on climate change.
 - Forest canopy will be reduced; increased site coverage does not allow for trees.
 - Opportunity missed – report should have incorporated recommendations that larger houses be required to adopt environmental mitigation features, use less energy.
 - A comment was made that perhaps the Sustainability Charter should be written into law.
- Report does not quantify the impact of proposed increase in house size.
 - No indication of how layout and massing/design implications would change.
 - No map indicating which neighbourhoods would be affected.
 - No assessment of the "tremendous" impact this would have on entire City.
- Citizens of Surrey are not being treated equitably.
 - Downzone process for St. Helen's neighbourhood was lengthy, with thorough and intensive requirements.
 - Surrey Ratepayers Association (SRA) appears to be receiving a greater level of assistance.
 - This process should be as rigid and regulated, not easier.

- Examples of other municipalities not comparable.
 - Report and associated Table suggest that this process will bring Surrey in-line with other municipalities in terms of house size. In reality, proposal would put allowable floor area over and above others.
 - Richmond held up as a good example, but Richmond includes basements in floor area.
- Surrey should include basements in floor area calculation.
 - Current zone allows for up to 5,500 sq.ft. including basement
- Concerns raised regarding future legal implications for illegal construction.
 - Cities are based on principle of voluntary compliance. This principle is at risk.
 - Corporate Report suggests that a future Legal Services/Planning report with respect to properties with stop-work orders will recommend legalizing these properties.
 - This will set a precedent that laws can be broken, then become legal retroactively.
 - Retroactive legalization of illegal construction will be "slap-in-the-face" of every citizen who has complied.
 - All the work Surrey has done over the years (e.g. stop-work orders, other efforts to stop illegal construction) will be thrown out the window.
 - These are changes that will satisfy the petitioners (SRA), but not the rest of Surrey. Petitioners' motivation is clemency from legal decisions, and Staff is going along with this.
 - If we allow this change now, what will prevent this situation (illegal construction followed by retroactive legalization) from re-occurring?
- Enforcement
 - Citizens notice lack of enforcement. Encourages a culture of deception, lack of compliance.
 - SASC requested an explanation of the inspection process. Staff provided details of process.
 - SASC queried whether enforcement is on hold for the duration of this modification/engagement process; i.e. will complaints still be received by the City, will stop-work orders be issued, will violations proceed to Court?
 - Staff responded that City will continue to receive complaints, issue stop-work orders but legal requirement, and Council resolution is that court proceedings/prosecutions cease.
- There is no proof that larger houses are required. SASC commented that there should be evidence of how much additional space is needed.
 - Staff responded that there are households that need the extra space to accommodate extended families.
 - SASC noted that SRA requested a lifting of the house size cap and queried why did the City recommend an increase floor area as well?
- SASC commented that much of the extra space will be used for secondary suites.
 - Secondary suites will not be used for extended families but for revenue suites.

- Increased population resulting from suites will overload schools, public facilities, infrastructure, garbage services, street parking.
- Parking – nowhere to park on local streets because of parking needs of basement suites.
- Concerns raised that Council did not pay enough attention to the report, did not read it thoroughly.
- Newton example
 - Extended families in area have 6 residents/families in household (unclear, to be clarified by SASC).
 - 6,000 sq.ft. house being built across street (possibly under under LUC), 3x larger than previous house on the site. What impact does this have on local environment? This should be assessed per project.
 - No room for trees, increased rainwater run-off.
- Entire process seems complaint driven (i.e. complaints raised by SRA), rather than being driven by staff and based upon staff-identified issues and concerns.
- Financial implications.
 - Infrastructure costs continue to rise.
 - Tax equity: with these large homes, presumably some households are not paying their share.
 - When storm system fails, who will pay?
- This is a major issue that concerns the entire City, not just a neighbourhood.
 - This matter should be put to a referendum

Final Comments and Questions:

- It is critical to deal with this issue properly, now; otherwise these "storms and battles" will continue.
- It was noted that the West Panorama Ridge Assc. was unable to attend but wants to record their opposition to any increase in allowable house size.
- Is it possible to receive a copy of the original request and petition?
 - Staff response: some information, such as addresses and names, may be subject to FOI request. City will release whatever information it is permitted to release.
- Now that the City has heard the concerns of SASC, what are next steps in public participation process?
 - Staff will meet with managers to summarize this meeting and to discuss the appropriate next steps.
 - The City will review and is open to reconsidering all the options within the report; will not pre-judge outcome.

- SASC requested that they be provided a copy of the minutes.
 - Staff will provide them to Rosemary Zelinka, who will circulate them to other members.

- Closing comments:
 - Staff thanked the members of the SASC for their input. Their comments will be taken into consideration when reviewing options.
 - Staff also offered their apologies for failing to adequately consult with the community associations and failing to adequately deal with this matter.

The meeting ended at 10:40 am.