



Corporate Report

NO: L008

COUNCIL DATE: July 23, 2007

REGULAR COUNCIL – LAND USE

TO: **Mayor & Council** DATE: **July 19, 2007**
FROM: **Acting General Manager, Planning and Development** FILE: **4520-01**
SUBJECT: **Royal Heights Park Delegation – Request for Zoning Changes**

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Endorse the neighbourhood consultation process outlined in this report as the basis for determining the level of support in the neighbourhood for revised zoning provisions for the lots in the area;
3. Direct staff to report back to Council with the results of the neighbourhood consultation process, including the related survey results; and
4. Instruct the City Clerk to forward a copy of this report and the related Council resolution to representatives of the Royal Heights Park Group who appeared before Council.

INTENT

The purpose of this report is to:

- review the rezoning request made by the Royal Heights Park Group when they appeared as a delegation before Council on June 11, 2007; and
- recommend a process to determine the level of neighbourhood support for this rezoning, prior to reporting back to Council on this matter.

BACKGROUND

At the Regular Council – Land Use meeting on June 11, 2007, representatives of the Royal Heights Park Group appeared as a delegation to request that Council rezone their neighbourhood from RF to CD to preserve the character of the neighbourhood. Appendix I shows the boundaries of the requested rezoning.

The proposed zoning is identical to the rezoning recently undertaken in the St. Helen's Park Neighbourhood. The CD Zone would permit smaller houses, with a lower building height than is permitted by the current RF Zone. In support of their request, the delegation presented a 147-signature petition from the owners of 127 lots within the defined neighbourhood area. The area contains one duplex lot, which would not be included in the rezoning.

According to the petition, the owners of approximately 81% of the 127 lots are in favour of the requested rezoning, 11% have expressed opposition and the remaining 8% are either undecided or have not responded.

The delegation also requested that Council place a moratorium on all building permits in the neighbourhood. Subsequent to receiving the delegation, Council passed the following resolution:

"That staff be directed to submit a report and related recommendations to Council on the request of the Royal Heights Property Owners to rezone a specified area within Royal Heights, the boundaries of which area were defined during the presentation to Council, and further that this resolution is intended to activate the provisions of Section 929 of the Local Government Act".

Section 929 of the *Local Government Act* allows Council to withhold building permit applications for a period of 30 days, and subject to a further Council resolution, for a further 60 days in areas where there is a study underway which would result in amendments to the Official Community Plan and/or Zoning By-law. In order to ensure that a "moratorium" on building permits can be imposed and confirm that a rezoning study is underway in this area, pursuant to the provisions of the *Local Government Act*, Council, on June 26, 2007, also introduced and gave First Reading to Rezoning By-law No. 16419. Should Council wish to proceed with the area-wide rezoning of the Royal Heights Park area following the neighbourhood consultation process, as recommended in this report, and after considering the information distilled from this process, Council may give Second Reading to Rezoning By-law No. 16419, with or without amendment, and proceed to Public Hearing. Should Council decide, however, not to proceed with the rezoning, it could simply file Rezoning By-law No. 16419.

DISCUSSION

The Royal Heights Park Neighbourhood

This neighbourhood, to the east of the South Fraser Way, is located within the Royal Heights area, uphill from the South Westminster industrial area. The area of the

requested rezoning contains 126 RF lots and 1 RM-D lot. The area, shown on the map attached as Appendix I to this report, is bounded by Royal Heights Park, 97B Avenue, 116 Street, the southerly property lines of the lots to the south of 96A Avenue and the lane located to the west of Princess Drive. The land slopes to the northwest at about 8% over much of the area and is somewhat steeper at about 14% in the north-westerly portion of the area, providing views over South Westminster and the Fraser River and beyond to the mountains.

The subject neighbourhood and the surrounding area are designated Urban in the Official Community Plan. Most of the lots in the surrounding area are zoned RF, with a few zoned RM-D. The lots within the neighbourhood were created in the late 1950s under the R-F(R) Zone (Restricted Single Family Residential), the predecessor of the current RF Zone. The R-F(R) Zone stipulated the lot size of:

- a minimum of 660 square metres (7,100 square feet);
- a minimum width of 18 metres (60 feet); and
- a minimum depth of 28 metres (90 feet).

In comparison to this, the current RF Zone permits smaller lots requiring:

- a minimum lot area of 560 square metres (6,000 square feet);
- a minimum lot width of 15 metres (50 feet); and
- a minimum required lot depth of 28 metres (90 feet).

Several of the existing lots exceeded the minimum area and dimensions stipulated by the R-F(R) Zone, with a width of up to approximately 23 metres (75 feet) and depth of up to 46 metres (151 feet), and, therefore, are larger than the lot requirements of the current RF Zone. Typical of many houses constructed in the 1950s, a majority of the existing houses are of modest size and are either one-storey rancher homes or one and one-half storey split-level homes with low-pitched roofs. A few are two storey homes. One new house was constructed in 2004 at 11515 – 96 A Avenue. It has a steeper roof than most of the other existing houses in the subject area. It contains a total of approximately 3,490 square feet on two floors. The RF Zone permits a maximum floor area of 3,550 square feet. Additionally, the Zoning By-law permits in-ground basements, which are not counted in the floor area calculation. This newer house, however, has no basement. The setbacks of the house are at or close to the minimum required under the RF Zone.

The Royal Heights Park Group, in their presentation to Council, stated that most of the existing houses in their neighbourhood are uniformly spaced and sized and of styles complimentary to one another. They are concerned that the current RF Zone allows larger houses, which, if built, would have an impact on the long-established character of their neighbourhood. They are also concerned that the larger homes could affect views from the existing houses, result in the removal of the existing mature trees and alter the established landscaping.

Similar to the provisions of the CD Zone adopted for the St. Helen's Park area, the Royal Heights Park Group request that the CD Zone for their neighbourhood contain the following restrictions:

1. Maximum house size to be reduced from 3,550 square feet (330 square metres) as allowable under the RF Zone (including the garage or carport, but not including in-ground basement and any accessory building up to a maximum of 105 square feet) to 3,200 square feet (297 square metres) in the CD Zone, *including* in-ground basement, garage/carport and all accessory buildings;
2. Maximum height of the house to be reduced from 30 feet (9 metres) as allowable under the RF Zone to 22 feet (6.7 metres) in the CD Zone;
3. Side yard setback to be a minimum of 6 feet (1.8 metres) in the CD Zone as opposed to 4 feet (1.2 metres) as is permitted under certain circumstances in the RF Zone; and
4. Roof pitch to be a minimum of 2:12 and a maximum of 6:12 in the CD Zone, in comparison to the RF Zone, which has no restrictions on the roof pitch.

As was noted at the time of St. Helen's Park rezoning, the proposed limitation on the building height, restrictions on the roof slope and the requirement to include any in-ground basement floor area as part of the maximum allowable floor area (resulting in a smaller floor area than permitted by the RF Zone) would put limitations on the house massing. If the requested rezoning were implemented, the new houses (typically square or rectangular shaped) would generally be limited to two-storeys with the main floor on grade and floor to ceiling height of a maximum of 2.44 metres (8 feet) on each floor and a shallow roof pitch. If a steeper roof were desired, the house would then be limited to a single storey with the main floor on grade with an in-ground basement or main floor above grade with a partial basement.

Proposed Neighbourhood Consultation Process

If Council chooses to proceed, considering the significance of a City-initiated area-wide rezoning, a public consultation process, described below, is recommended. The purpose of this process is to fairly and accurately determine the level of support in the neighbourhood for the requested rezoning and proposed zoning provisions. While acknowledging that the Royal Heights Park Group submitted a petition showing nearly 80% support among the property owners in the area, such a significant rezoning as a City-initiative, requires that the City undertake due diligence to ensure that the owners who support the rezoning clearly understand the implications and that the extent of support within the neighbourhood is verified. The proposed process would ensure that best efforts have been undertaken to provide the property owners with a clear understanding of the implications of the proposed restrictions, which will effectively rezone their properties. While the owners in favour of the proposed rezoning take pride in their neighbourhood and would like to maintain its character, the rezoning may have implications to other owners who bought their lots on the basis of the development potential of the RF Zone (e.g., loss of the right to use, enjoy and develop their lots to the full potential under the current zone, which might result in an adverse impact on the value of their lots). The neighbourhood consultation process described below is recommended:

1. The Royal Heights Park Group would hold a neighbourhood open house/meeting to gauge the level of support for the proposed zoning provisions. Staff would attend the meeting as a resource to answer any technical questions about the draft zoning provisions and respond to any questions about the rezoning process;
2. On the basis of the comments received, the Royal Heights Park Group in consultation with City staff would revise or fine-tune the proposed zoning provisions. Staff would work with the Royal Heights Park Group representatives to prepare a draft CD Zone;
3. Staff would send a survey by registered mail to all owners whose properties would potentially be rezoned through this process. The mail out would contain information on the detailed provisions of the draft CD Zone and a questionnaire. This survey would determine the extent of support or opposition by owners whose properties would be directly involved in the rezoning; and
4. Staff would report back to Council on the results of the process and survey and provide recommendations for Council's consideration as to whether to proceed with the rezoning by-law and the required public hearing.

The process recommended above is similar to the process conducted for the St. Helen's Park area rezoning and the process adopted by Council on June 25, 2007, for the rezoning request by the Crescent Park Annex Property Owners.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Endorse the neighbourhood consultation process outlined in this report to establish the level of support in the neighbourhood for revised zoning provisions for the lots in the area;
- Direct staff to report back to Council with the results of the neighbourhood consultation process, including the related survey; and
- Instruct the City Clerk to forward a copy of this report and the related Council resolution to representatives of the Royal Heights Park Group who appeared before Council.

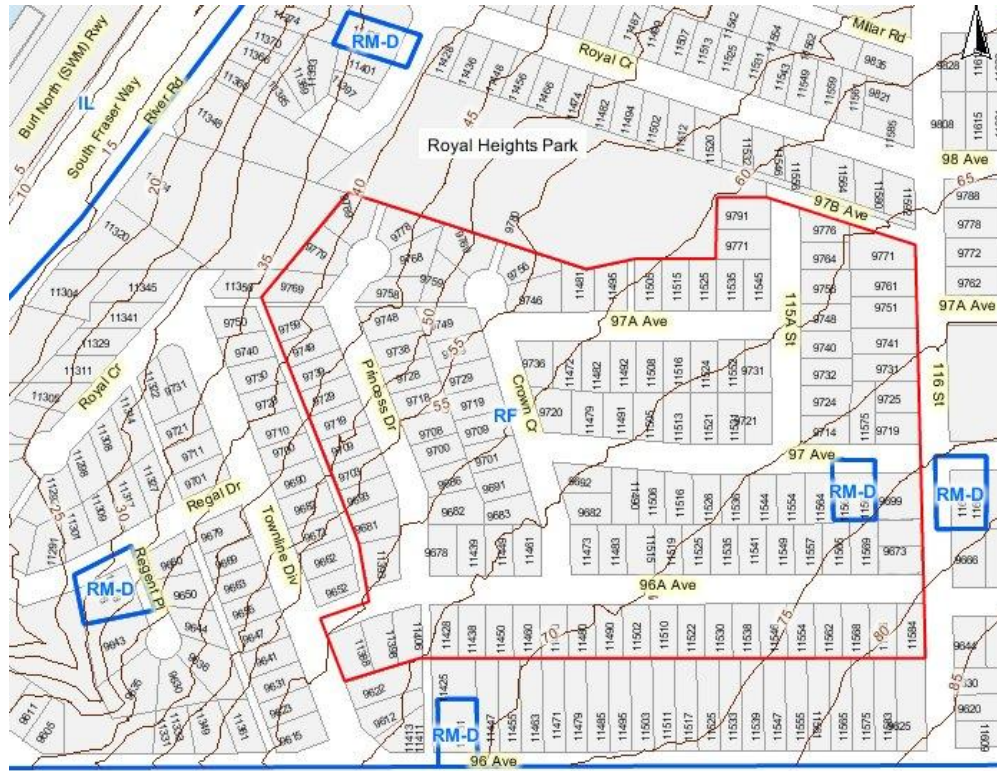
How Yin Leung
Acting General Manager
Planning and Development

BP/kms/saw

Attachments:

Appendix I Maps-Boundaries, Zoning & Topography and Aerial Photo of the Royal Heights Park Neighbourhood

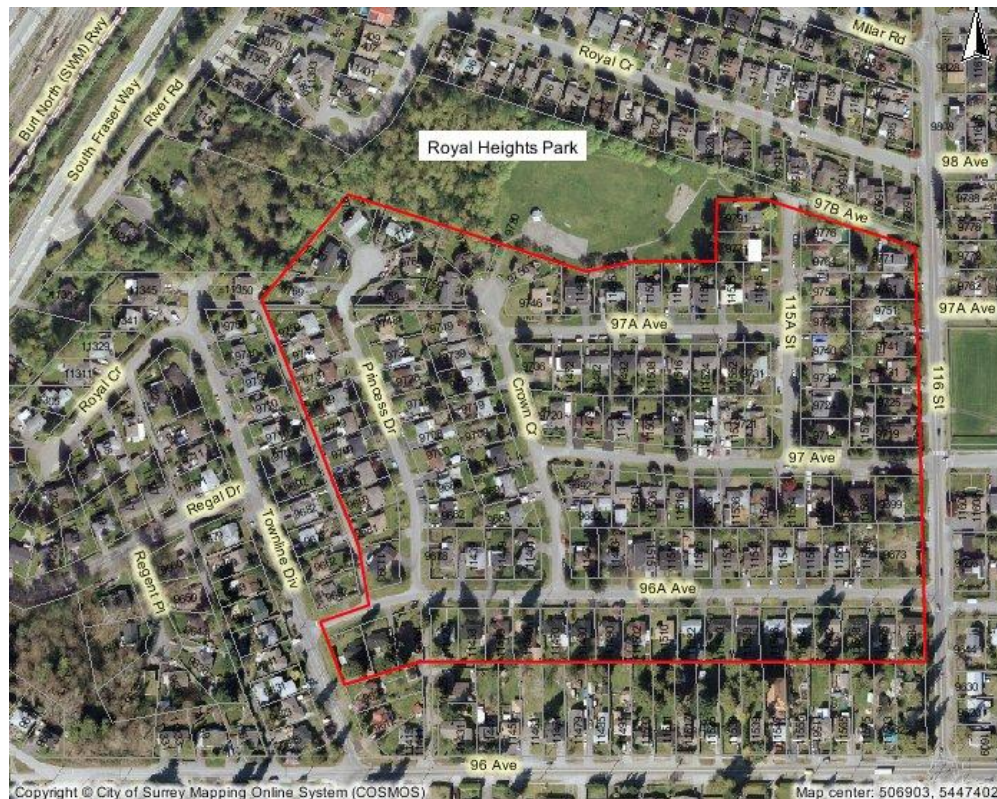
Map – Boundaries, Zoning & Topography



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Map center: 506903, 5447402

Aerial Photo



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