

NO: **R095**

COUNCIL DATE: **May 25, 2015**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **May 25, 2015**

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

FILE: **6520-20 (Bolivar Park)**

SUBJECT: **Bolivar Park Neighbourhood - Request for Zoning Changes**

RECOMMENDATION

The Planning and Development Department recommends 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 Bolivar Park neighbourhood for revisions to the zoning provisions that apply to the lots in the neighbourhood;
3. Direct staff to provide a report complete with recommendations to Council upon completion of the neighbourhood consultation process, and that this activity is intended to activate the provisions of Section 929 of the *Local Government Act* in respect of withholding building permits for dwellings that are in conflict with the proposed zoning provisions set out in this report; and
4. Instruct the City Clerk to forward a copy of this report and the related Council resolution to representatives of the Bolivar Park Committee, Oversized Houses.

INTENT

The purpose of this report is to:

- advise of a rezoning request that has been received by way of a package representing the results of a neighbourhood survey from the Bolivar Park Committee, Oversized Houses ("BPCOH");
- seek endorsement for a City-led process to determine the level of neighbourhood support for the requested rezoning; and
- seek authorization to withhold the issuance of building permits for 30 days for dwellings that do not conform to the requested rezoning while the rezoning is being prepared and considered by Council.

BACKGROUND

The Planning and Development Department received a package dated April 23, 2015, from the BPCOH indicating support in the Bolivar Park neighbourhood for rezoning by Council initiative from Single Family Residential (RF) Zone to Comprehensive Development (CD) Zone. The purpose of this neighbourhood rezoning would be to preserve existing views in the neighbourhood by limiting building height and to preserve the existing residential character of the neighbourhood. Appendix I shows the boundaries of the area within which the rezoning is proposed. Appendix II illustrates the location of Bolivar Park in relation to the defined neighbourhood area.

The proposed zoning is similar to the rezoning that was proposed in the Al Cleaver Park and Tom Hopkins Ravine Park Neighbourhood in 2013, and approved in the St. Helen's Park Neighbourhood in 2006 and the Royal Heights Park Neighbourhood in 2007 (amended by Council in 2011). The CD Zone, as proposed, would permit smaller houses with a lower building height than is permitted under the current RF Zone. In support of their request, the BPCOH presented the results of a survey of the owners of 81 lots of the 87 lots within the defined neighbourhood area (Appendix III). The survey indicates that the owners of approximately 83% of the 87 lots are in favour of the requested rezoning, 3% are opposed, 7% abstained, and 7% did not respond.

Section 929 of the *Local Government Act* allows the City to withhold the issuance of building permits for 30 days for dwellings that do not conform to the provisions of a plan or zoning bylaw that is being prepared. This 30-day period commences from the date that a building permit application is received, and during this period, Council may pass a further resolution extending the period of withholding permit issuance for a further 60 days, allowing time for Council to make a decision on the proposed bylaw. The intention of this provision is to prevent a "rush" of development that is incompatible with Council's ultimate plan for an area, while also limiting the period of time that such a moratorium is in effect.

DISCUSSION

The subject neighbourhood is approximately 6.7 hectares (16.6 acres) in area. The area, shown in Appendix II of this report, is bounded by 136 Street, 114 Avenue, 138 Street, 113 Avenue, and the southerly property lines of the lots to the south of 113 Avenue. The area contains 87 residential lots, all of which are zoned Single Family Residential (RF) Zone. The land slopes down to the north providing views of the North Shore Mountains and the Fraser River. Bolivar Park, which is a large community park with multiple baseball fields, is mostly forested along the northern edge of the neighbourhood, with multiple natural area paths and trails and a playground. To the east of the neighbourhood is Surrey Traditional Elementary School. To the south of the neighbourhood is James Ardiel Elementary School.

The subject neighbourhood and the surrounding area is designated Urban in the Official Community Plan. Most of the lots in the surrounding areas are zoned RF with a few lots zoned Single Family Residential Secondary Suite (RF-SS) Zone, Duplex Residential (RM-D) Zone, or Comprehensive Development (CD) Zone. Within the neighbourhood, 75% of the lots were created by subdivision in the mid-1950s to mid-1960s (1954 – 1966); 23% of the lots were created in 1911, but all have houses that were built from the mid-1950s to early 1980s (1957 to 1981), except for one built in 1936. These lots were created under the Restricted Single Family Residential (R-F(R)) Zone the precursor of the current RF Zone. The R-F(R) Zone stipulated that lots within the Zone must have:

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

In comparison, the current RF Zone stipulates that lots must:

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

The majority of the houses in the neighbourhood:

- were built between the 1950s and the 1960s (the most common building year being 1958);
- are of moderate size (1000 – 3000 square feet);
- are either one storey with a large basement or two storeys; and
- have low pitched roofs.

With the exception of one house that was built within the past year (2015), new house construction has not taken place in the neighbourhood for over 20 years (the last four houses that were built before 2015 were built in 1993, 1985, 1981, and 1980). Only 16% of the houses in the neighbourhood have been constructed after the neighbourhood's building boom in the 1950s and 1960s. Hence, the character of the neighbourhood has been substantially unchanged since it was first developed.

The house built in 2015 is approximately 415 square metres (4467 square feet) in floor area. The RF Zone permits a maximum floor area of 465 square metres (5000 square feet) on each lot, in addition to an in ground basement, which is not counted toward the floor area.

The intention of the BPCOH is to preserve existing views in the neighbourhood by limiting building height and to preserve the existing residential character of the neighbourhood by limiting the maximum density and floor area of new homes below that permitted in the current RF zone. The BPCOH have requested that a CD Zone be adopted for their neighbourhood that contains the following restrictions:

- the maximum floor area ratio (FAR) be reduced from 0.60 as allowed under the RF Zone for the first 560 square metres (6,000 square feet) of lot area and 0.35 FAR for the remaining lot area in excess of 560 square metres, including the garage or carport, but not including in ground basement and an accessory building up to a maximum of 108 square feet, to a maximum density of 0.45 FAR; and
- the maximum height of the house to be reduced from 9 metres (30 feet) as allowed under the RF Zone to 7.6 metres (25 feet) in the CD Zone;

If the requested rezoning is adopted, any new houses in the neighbourhood would generally be limited to two-storeys, consistent with the existing homes in the neighbourhood.

Proposed Neighbourhood Consultation Process

Subject to Council approval, staff is proposing that a City-led public consultation process, as described in the following section of this report, be undertaken to determine the level of neighbourhood support for the rezoning that has been proposed by the BPCOH. This process will accurately determine the level of support in the neighbourhood for the requested rezoning and related provisions. While acknowledging that the BPCOH has submitted a package representing the results of a neighbourhood survey that shows that approximately 83% of the owners of lots in the neighbourhood support a rezoning, it is important that the City undertake due diligence to ensure that the owners who support the rezoning clearly understand the implications and that the degree of support within the neighbourhood is verified. While the owners in favour of the proposed rezoning take pride in their neighbourhood and wish to maintain its character, the rezoning proposal does have implications that may be of concern to other owners who bought their lots on the basis of the development potential that is available under the RF Zone.

The following is a description of the proposed neighbourhood consultation process:

1. City staff will work with the BPCOH to develop the detailed zoning provisions of a proposed CD zone that meets the objectives of the BPCOH in a format consistent with the Zoning Bylaw;
2. The BPCOH will hold a neighbourhood open house/meeting to gauge the level of support for the proposed zoning provisions. City staff will 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;
3. On the basis of the comments received at the open house, the BPCOH, in consultation with City staff will revise or fine-tune the proposed zoning provisions. Staff will work with the BPCOH representatives to prepare a draft CD Zone;
4. Staff will send a survey by registered mail to each lot owner whose property is proposed to be included in the rezoning. The mail out will contain detailed information on the provisions of the draft CD Zone and a questionnaire to which each owner will be requested to respond. This survey will be used to determine the extent of support or opposition on the part of the owners of lots that will be directly involved in the rezoning; and
5. Staff will provide a report to Council for consideration that includes the results of the consultation process and the related survey and provides recommendations in relation to whether or not the rezoning process should be formally commenced.

The above-described process is similar to the process that was undertaken for each of the Al Cleaver Park and Tom Hopkins Ravine Park, St. Helen's Park, and Royal Heights neighbourhoods, respectively.

While the proposed rezoning is being developed and considered by both the neighbourhood and by Council, staff recommends that the provisions of Section 929 of the *Local Government Act* be activated by way of a Council resolution. This will create a temporary moratorium on development that is incompatible with Council's ultimate vision for the neighbourhood. If the proposed rezoning is not approved by Council, the existing

zoning provisions of the RF Zone would continue to prevail and building permits consistent with the existing zoning would be issued.

CONCLUSION

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

- endorse the neighbourhood consultation process outlined in this report as the basis for determining the level of support in the Bolivar Park neighbourhood for revisions to the zoning provisions that apply to the lots in the neighbourhood;
- request that staff provide a report complete with recommendations to Council upon completion of the neighbourhood consultation process and deem that this activity activates the provisions of Section 929 of the *Local Government Act* in respect of withholding building permits for dwellings that are in conflict with the proposed zoning provisions; and
- instruct the City Clerk to forward a copy of this report and the related Council resolution to representatives of the Bolivar Park Committee, Oversized Homes.

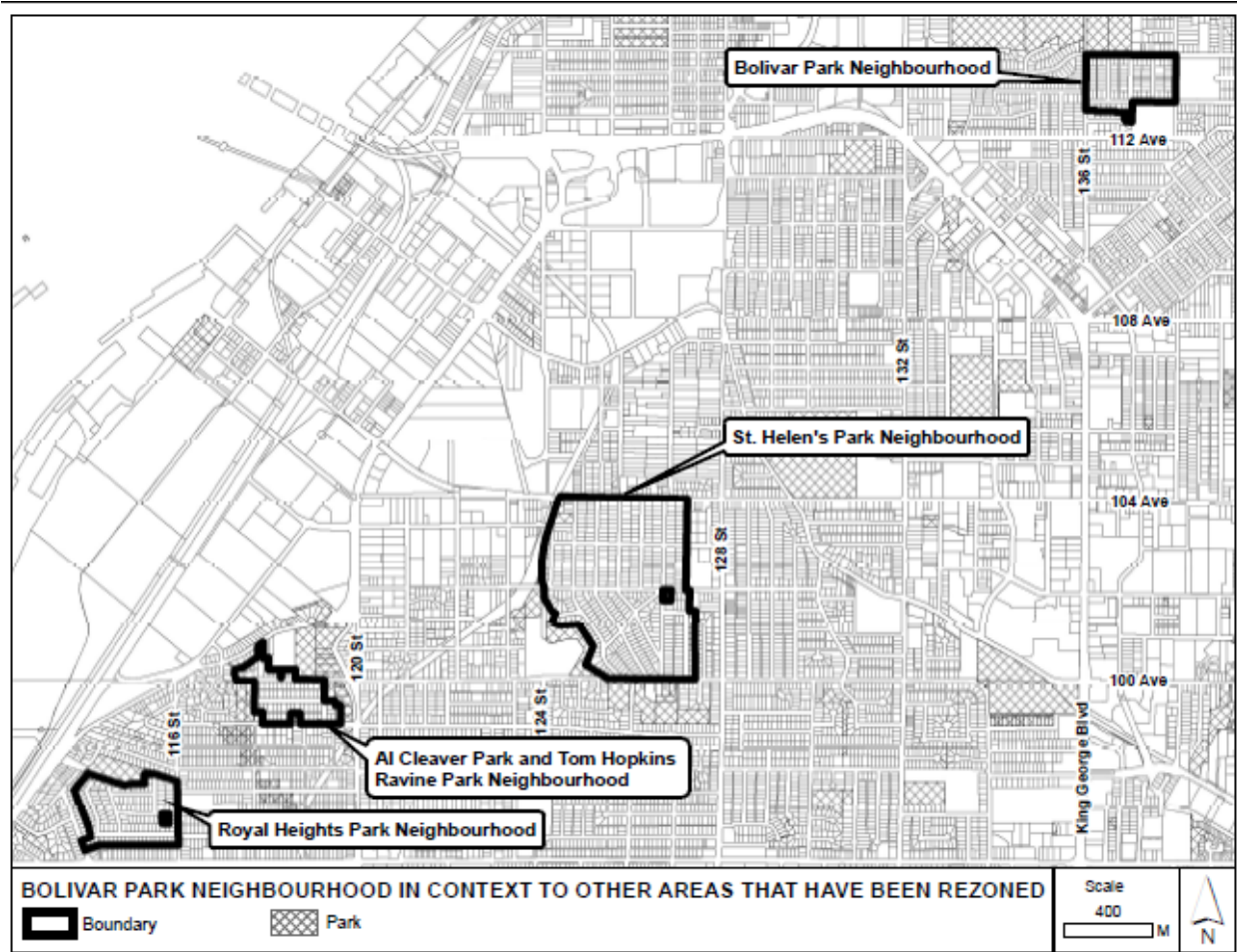
Original signed by
Jean Lamontagne
General Manager,
Planning and Development

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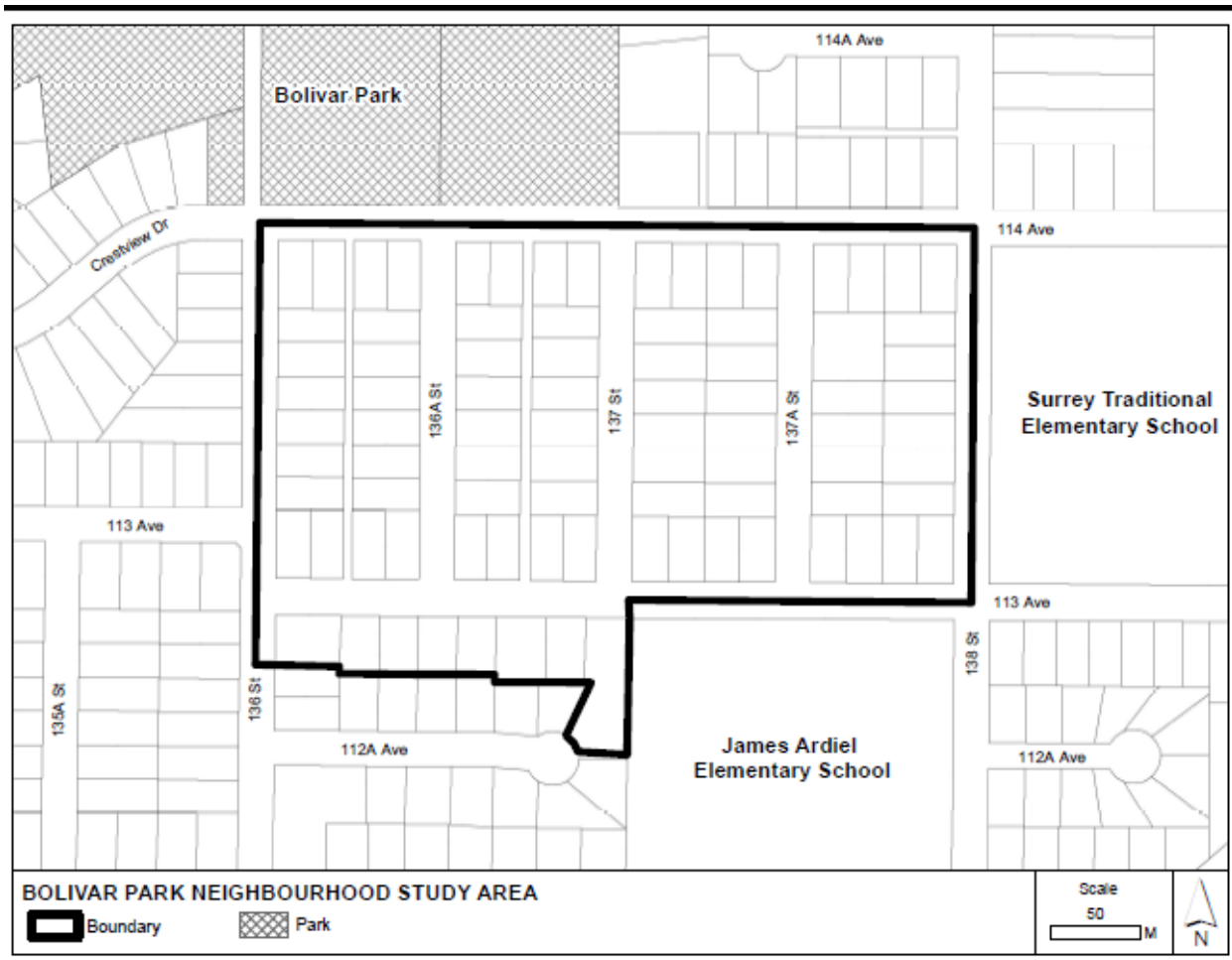
Attachments:

- Appendix I Context map of similar rezoning proposals
- Appendix II Bolivar Park Proposed Rezoning Area
- Appendix III Bolivar Park Neighbourhood Survey Results

Context Map of Similar Rezoning Proposals



Bolivar Park Proposed Rezoning Area



Bolivar Park Neighbourhood Survey Results

