

NO: R149

COUNCIL DATE: July 10, 2017

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## REGULAR COUNCIL

TO: **Mayor & Council** DATE: **July 4, 2017**

FROM: **General Manager, Planning & Development** FILE: **6520-20**  
(Birdland Area)

SUBJECT: **Birdland Area Neighbourhood – Request for Zoning Changes**

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## RECOMMENDATION

The Planning & 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 Birdland Area Neighbourhood for revisions to the zoning provisions that apply to the lots in the neighbourhood;
3. Upon completion of the neighbourhood consultation process, direct staff to provide a report to Council, complete with recommendations, and that this process activate the provisions of Section 463 of the *Local Government Act, RSBC 2015, c 1 (LGA)* 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 Birdland Area Neighbourhood.

## INTENT

The purpose of this report is to:

- Advise of a rezoning request that has been received by way of a petition from representatives of the Birdland Area Neighbourhood;
- Seek approval 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

On May 26, 2017, the Planning & Development Department received a petition from residents in the Birdland Area Neighbourhood indicating support in the 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 the existing residential character of the neighbourhood – particularly the neighbourhood’s existing views, sense of privacy on private yards, and trees – by limiting the size, height, and lot coverage of houses. Appendix “I” illustrates the location of the Birdland Area Neighbourhood in relation to the defined neighbourhood area.

The representatives of the Birdland Area Neighbourhood propose a CD Zone similar to the CD Zone being proposed in the Cloverdale Slope Neighbourhood, and the CD Zones that were recently approved in the Bolivar Park Neighbourhood and Extension Area in 2016, in the Kwomais Point Park Neighbourhood (Area 1) in 2015, in the St. Helen's Park Neighbourhood in 2006, and in 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 Birdland Area Neighbourhood presented a petition from the owners of 74 lots. Four of these lots are located in a One-Acre Residential (RA) Zone, outside of the neighbourhood boundary defined in Appendix “I.” Within the defined neighbourhood boundary of the Birdland Area Neighbourhood, the owners of 70 lots of the 166 lots (42%) signed the petition, as illustrated in Appendix “II.”

Section 463 of the *LGA* 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 and considered. This 30 day period commences from the date that a building permit application is received, and during this period, Council may pass an additional 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 Birdland Area Neighbourhood is approximately 17.5 hectares (43.2 acres) in area. The area, shown in Appendix “I” of this report, is bounded by 111A Street in the south; 150 Street and Highway 1 in the east; and Glen Avon Drive and the westerly property lines of the lots west of Glen Avon Drive (within the RF Zone) in the west. The area contains 166 lots, all of which are zoned RF and are designated Urban in the Official Community Plan.

The land slopes down to the northwest (Appendix “III”), providing views of the Port Mann Bridge, Eagle Mountain, and Mount Seymour. Lots in the area surrounding the Birdland Area Neighbourhood are zoned RF, RA, Duplex Residential (RM-D), and General Agriculture (A-1), as shown in Appendix “III.” Situated at the south entry point of the Port Mann Bridge, the Birdland Area Neighbourhood is surrounded by City owned greenbelts in the west and Robin Park in the east. Watercourses flow through these greenbelts, including East Bon Accord Creek (a Class A creek) and its tributaries such as Wallace Creek (a Class B creek) and Grommit Creek (a Class B creek). Robin Park consists of a multi-use grass field used for softball, soccer, and ultimate Frisbee, and a small forest grove in its northern portion.

In the Birdland Area Neighbourhood, there are no identified nest trees; however, semi-mature to mature trees exist on private properties, including a combination of native conifers and ornamental deciduous, making the neighbourhood a mixed stand of trees. The neighbourhood has a significant canopy cover. Although native conifers are the dominant trees on the landscape, tree diversity exists, with the presence of Douglas-fir, western hemlock, western red cedar, spruce, cherry, and maple trees. Trees on City boulevards include mostly dogwood, maple, and ash trees.

There are no heritage sites within the study area. The closest heritage site is the Pillath House, which is approximately 230 metres (755 feet) from the southwest boundary of the neighbourhood. The Pillath House is on the Heritage Register and is protected by *Heritage Designation By-law, 1982, No. 7355*.

Within the Birdland Area Neighbourhood, 95% of the lots were created by subdivision in 1958 and 4% of the lots were created by subdivision in 1965. The ages of the houses in the neighbourhood reflect this.

- 84% were built between 1958 and 1959;
- 10% were built in the 1960s;
- 1% were built in 1971;
- 2% were built in the 1980s; and
- Less than 1% (one house) was built in 2014.

No houses were built in the two decades from the 1990s to 2000s.

There are currently three vacant lots. Two of these are undersized lots located adjacent to Highway 1, owned by the BC Transportation Financial Authority, and do not meet the RF Zone's minimum lot size requirement.

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).

With the exception of the two vacant lots owned by the BC Transportation Financial Authority, lots in the Birdland Area Neighbourhood range from 632 square metres (6,806 square feet) to 2,044 square metres (22,006 square feet or 0.51 acre), with a median lot size of 704 square metres (7,581 square feet). Lot dimensions in the neighbourhood vary, but typical lot dimensions are approximately 18 metres (60 feet) in width and 36 metres (120 feet) in depth.

Approximately 42% of the houses in the neighbourhood are 2,000 to 2,200 square feet, one storey and basement bungalows, "BC Boxes," and split level homes. Houses under 1,700 square feet make up 27% of the houses in the neighbourhood and mostly consist of single storey ranchers and some split level homes. Less than 7% of the houses in the neighbourhood are over 2,600 square feet, consisting of one storey and basement bungalows and "BC Boxes," and 2 storey houses.

## Proposed Neighbourhood Consultation Process

Subject to Council approval, staff proposes that a City-led public consultation process be undertaken, as described in the following section of this report, to determine the level of neighbourhood support for the rezoning that has been proposed by the Birdland Area Neighbourhood. This process will accurately determine the level of support in the neighbourhood for the requested rezoning and related provisions. While acknowledging that the Birdland Area Neighbourhood has submitted a package representing the results of a neighbourhood survey that shows that approximately 42% 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 of it, 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. To date, the Planning & Development Department has received correspondence and communication in opposition to the proposed rezoning from the owners of 4 lots within the Birdland Area Neighbourhood.

The proposed neighbourhood consultation process includes the following components:

- City staff will work with the representatives of the Birdland Area Neighbourhood to develop the detailed zoning provisions of a proposed CD Zone that meets the objectives of the Birdland Area Neighbourhood while remaining in a format consistent with the *Surrey Zoning By-law, 1993, No. 12000*.
- The representatives of the Birdland Area Neighbourhood will hold an 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 to respond to any questions about the rezoning process.
- On the basis of the comments received at the open house, the representatives of the Birdland Area Neighbourhood, in consultation with City staff, will revise or fine-tune the proposed zoning provisions. Staff will work with the Birdland Area Neighbourhood representatives to prepare a draft CD Zone.
- 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.
- Staff will provide a report for Council consideration that includes the results of the consultation process and the related survey, as well as provides recommendations in relation to whether or not the rezoning process should be formally commenced.

This process is similar to the process that is currently in progress for the Cloverdale Slope Neighbourhood and that was undertaken for the Bolivar Park Neighbourhood and Extension Area, the Kwomais Point Park Neighbourhood (Area 1), the St. Helen's Park Neighbourhood, and the Royal Heights Park Neighbourhood.

While the proposed rezoning is being developed and considered by both the neighbourhood and by Council, staff recommends that the provisions of Section 463 of the *LGA* be activated by way of a Council resolution. This will create a temporary moratorium on new construction 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.

## **SUSTAINABILITY CONSIDERATIONS**

The Birdland Area Neighbourhood rezoning request and proposed neighbourhood consultation process are aligned with the following Sustainability Charter 2.0 desired outcomes (DO):

### **Inclusion**

DO21: All residents have opportunities to be meaningfully engaged in civic issues and to contribute to community life.

### **Built Environment & Neighbourhoods**

DO1: Surrey is comprised of distinct, diverse and compact neighbourhoods and Town Centres, with an engaging public realm.

### **Health & Wellness**

DO8: Residents feel a sense of belonging and connectedness, and have opportunities for social interaction in their neighbourhoods and community.

## **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 Birdland Area Neighbourhood for revisions to the zoning provisions that apply to the lots in the neighbourhood;
- Upon completion of the neighbourhood consultation process, direct staff to provide a report to Council, complete with recommendations, and that this process activate the provisions of Section 463 of the *LGA* in respect of withholding building permits for dwellings that are in conflict with the proposed zoning provisions set out in this report; and
- Instruct the City Clerk to forward a copy of this report and the related Council resolution to representatives of the Birdland Area Neighbourhood.

*Original signed by*

Jean Lamontagne

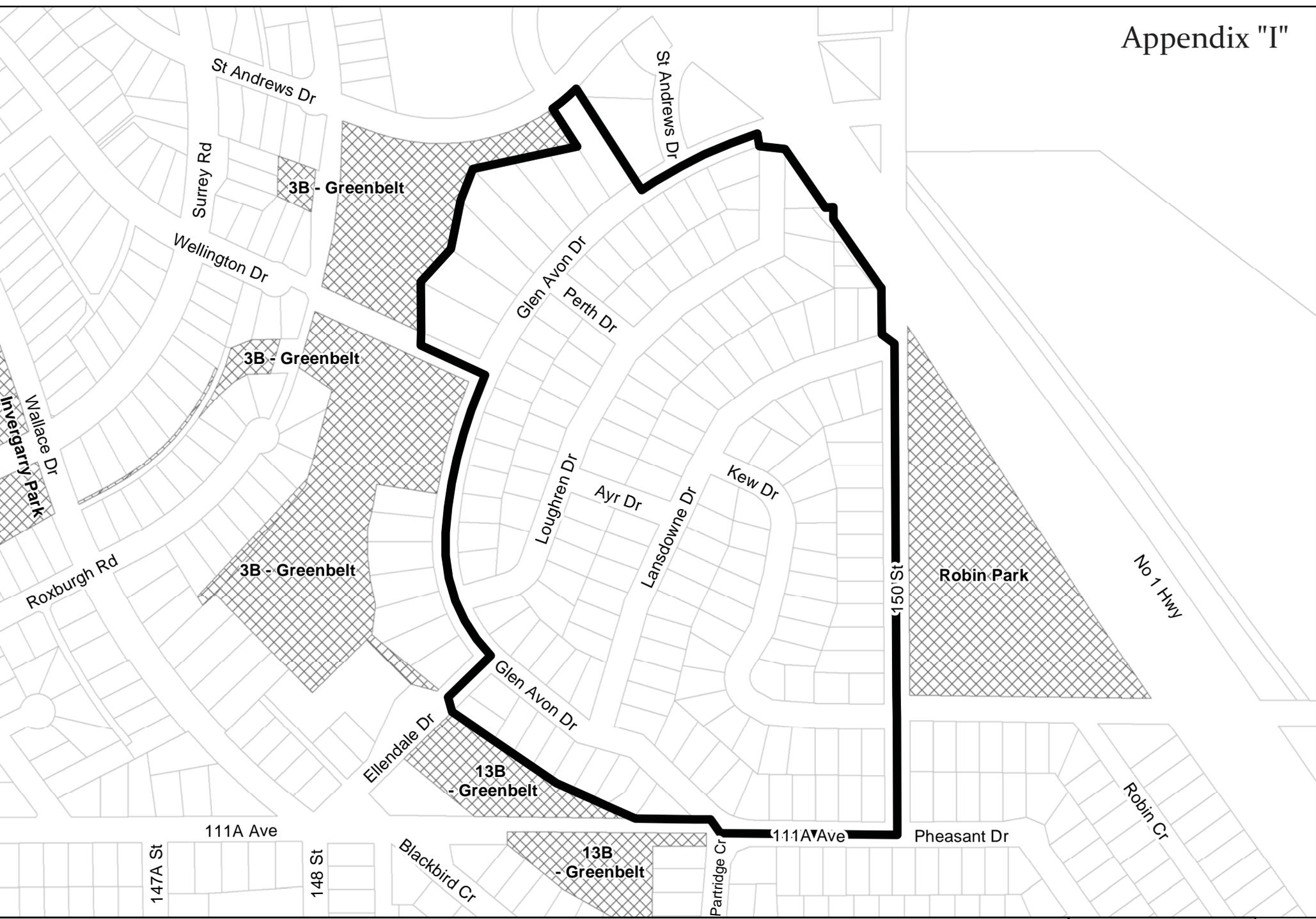
General Manager, Planning & Development

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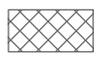
Appendix "I" - Boundaries of the Birdland Area Neighbourhood Proposed Rezoning Area

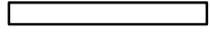
Appendix "II" - Results of Neighbourhood Petition

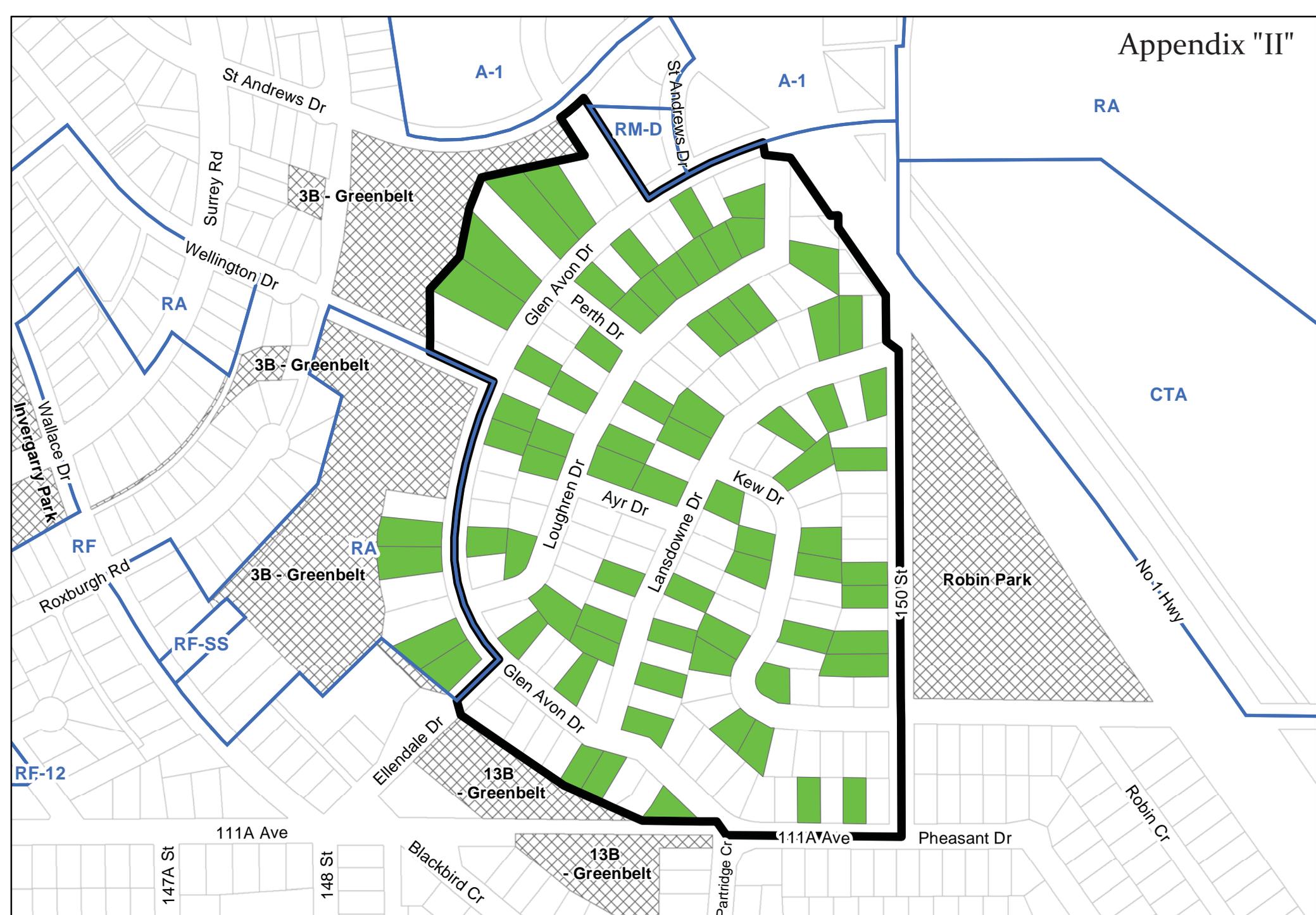
Appendix "III" - Aerial Photograph of Study Area



**BOUNDARIES OF THE BIRDLAND AREA NEIGHBOURHOOD PROPOSED REZONING AREA**

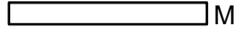
 Boundary
  Park

Scale  
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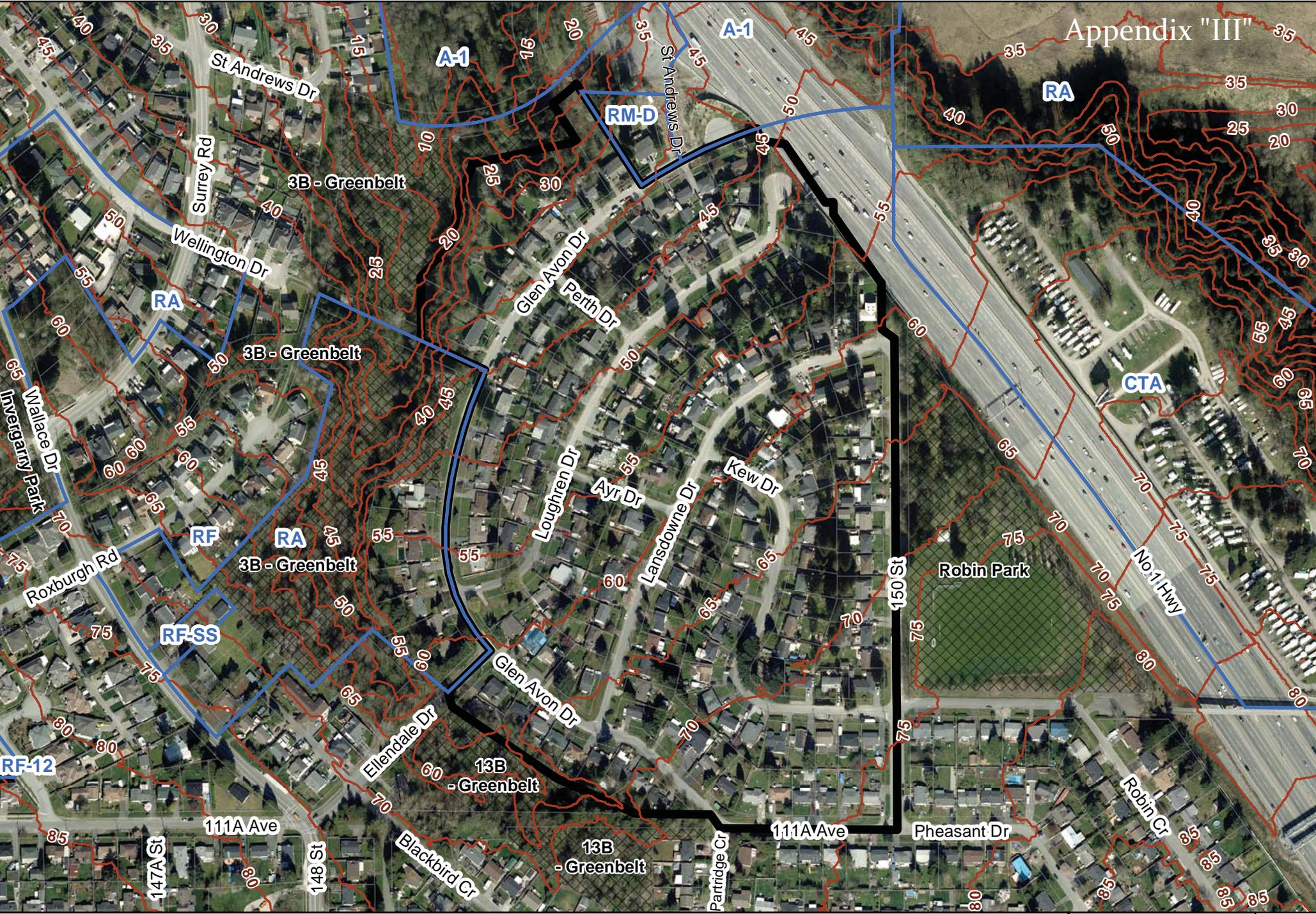


**BIRDLAND AREA NEIGHBOURHOOD RESULTS OF NEIGHBOURHOOD PETITION**

-  Boundary
-  Zoning Boundaries
-  Support
-  Park

Scale  
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**BIRDLAND AREA NEIGHBOURHOOD AERIAL PHOTOGRAPH OF STUDY AREA**

- Boundary
- Zoning Boundaries
- Park
- Contours - 5 metre

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