

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7922-0190-00

Planning Report Date: June 27, 2022

PROPOSAL:

- **Development Variance Permit**

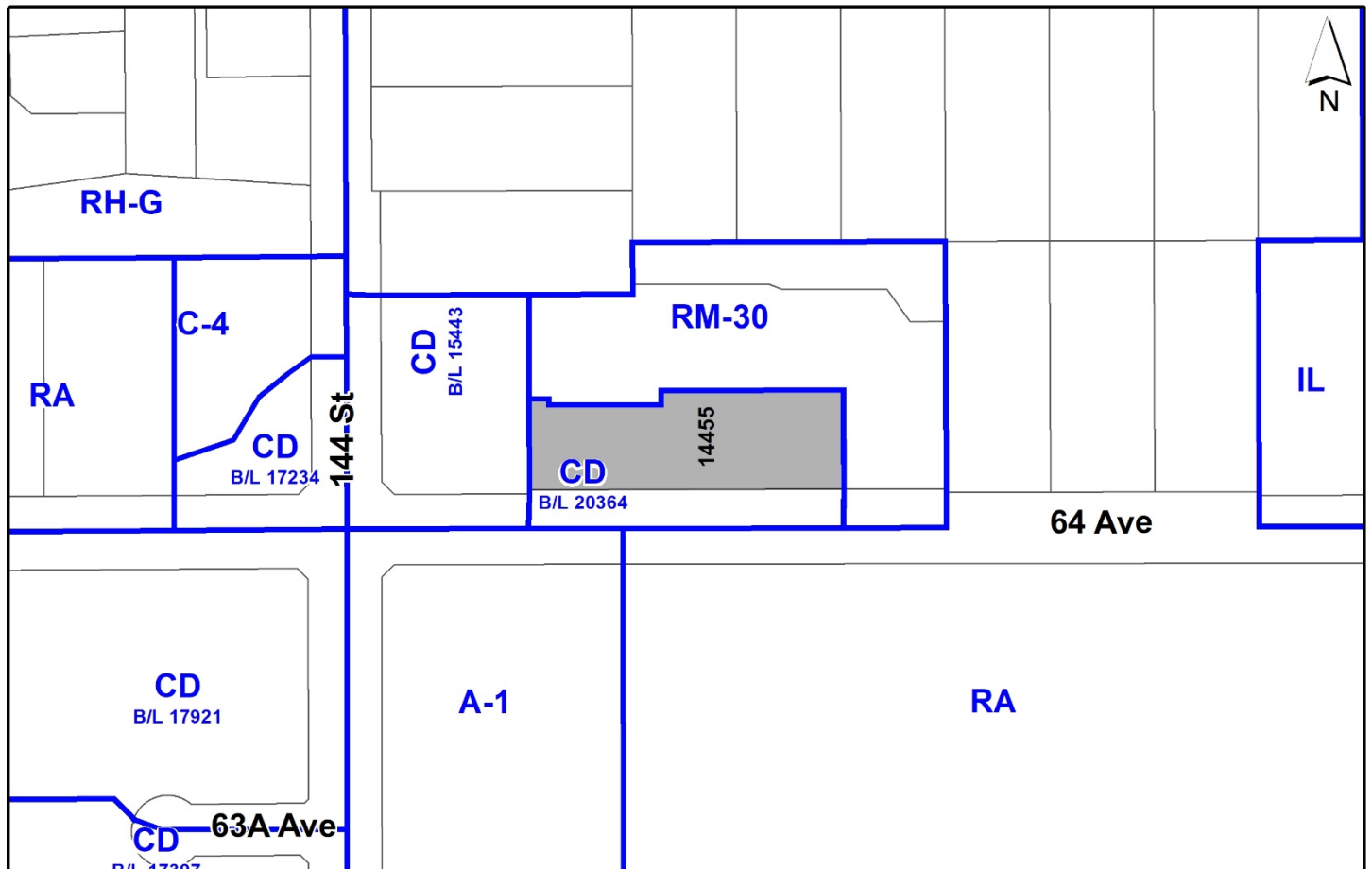
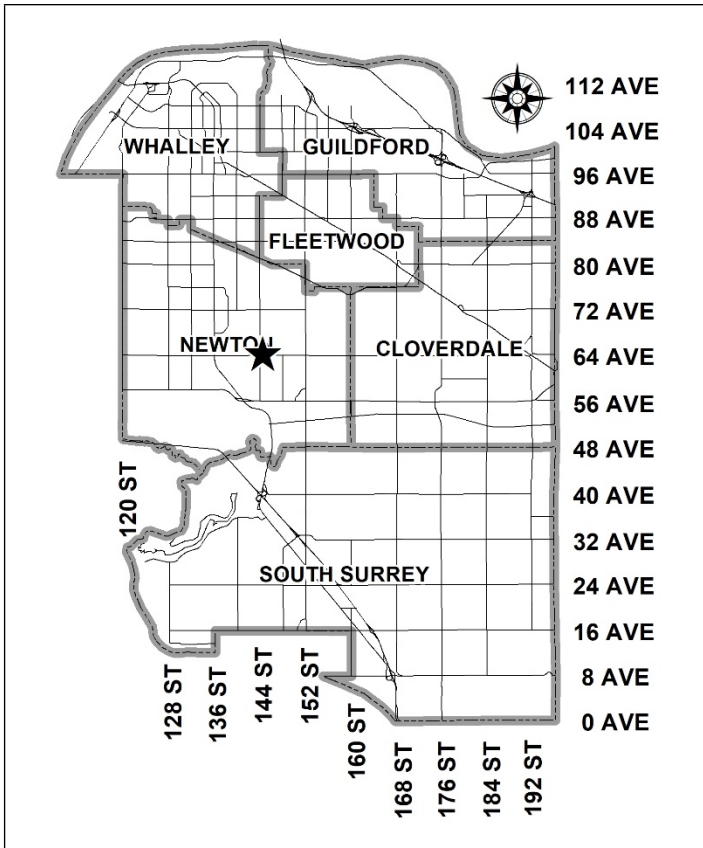
to vary the permitted building height of CD By-law No. 20364.

LOCATION: 14455 - 64 Avenue

ZONING: CD (By-law No. 20364)

OCP DESIGNATION: Multiple Residential

NCP DESIGNATION: Mixed Use Commercial-Residential (Apartments)



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing to increase the maximum building height to allow for proper insulation of the upper floor.

RATIONALE OF RECOMMENDATION

- The proposal complies with the Multiple Residential designation in the Official Community Plan (OCP).
- The proposal complies with the Mixed Use Commercial-Residential (Apartments) designation in the South Newton Neighbourhood Concept Plan (NCP)
- The proposed density and building form are appropriate for this part of South Newton.
- The proposal complies with the Development Permit requirements in the OCP for Form and Character.
- The increase in height by 0.6 metres is very minimal and will not be visible to the townhouse residents to the north. Only a slightly higher stair in the northwest corner of the building is visible on the elevation facing the townhouses to the north.
- The added height is visible on the one gabled bay facing 64 Avenue.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7922-0190-00 (Appendix II) varying the following, to proceed to Public Notification:
 - (a) to increase the maximum building height of the Comprehensive Development (CD) Zone (By-law No. 20364) from 18 metres to 18.6 metres for the principal building.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	NCP Designation	Existing Zone
Subject Site	Vacant	Mixed Commercial/ Residential Apartments	CD (By-law No. 20364)
North:	Townhouses	Townhouses	RM-30
East:	Townhouses	Townhouses	RM-30
South (Across 64 Avenue):	Sullivan Heights Park	Existing and Future Parks	A-1/RA
West:	Esso Gas Station and On the Run convenience store	Townhouses 15 upa or Mixed Commercial/ Residential Townhouses	CD By-law No. 15443

Context & Background

- The subject site is 4,371.2 square metres, located in the South Newton Neighbourhood Concept Plan (NCP), on the north side of 64 Avenue.
- The site was redesignated to Multiple Residential in the Official Community Plan (OCP), and "Mixed Use Commercial Residential (apartments)" in the South Newton NCP and rezoned to CD (By-law No. 20364) as part of Development Application No. 7919-0284-00. A Development Permit for Form & Character for a mixed-use building was also issued as part of the same application.
- The site is currently vacant and has no trees. The site is relatively flat.

DEVELOPMENT PROPOSAL

Planning Considerations

- The building height in CD Zone By-law No. 20364 was reflective of the exact building height being proposed as part of Development Application No. 7919-0284-00. However, in making the roof top amenity flush at the amenity room floor level, the applicant had to introduce extra height in the roof over the fourth floor and raise the fifth floor amenity level to accommodate sloped insulation under the outdoor amenity pavers. Accordingly, there is an increase of 0.55 metres in the height of the building.
- All other aspects of the original development permit, such as floor area, number of units and proposed parking spaces remained unchanged, and are summarized below.

	Proposed
Lot Area	
Gross/Net Site Area:	4,371.2 square metres
Number of Lots:	1
Building Height:	18.6 metres
Unit Density:	137 uph / 56 upa
Floor Area Ratio (FAR):	1.50
Floor Area	
Residential:	5,571 square metres
Commercial:	979 square metres
Total:	6,550 square metres
Residential Units:	
1-Bedroom:	21 units
2-Bedroom:	39 units
Total:	60 units

Referrals

Engineering: The Engineering Department has no objection to the proposed variance.

Transportation Considerations

- Access, circulation through the site and parking are not proposed to change from the original Development Permit No. 7919-0284-00.

POLICY & BY-LAW CONSIDERATIONS

Regional Growth Strategy

- The proposal complies with the General Urban designation in the RGS.

Official Community Plan

Land Use Designation

- The proposal complies with the Multiple Residential designation in the OCP.

Secondary Plans

Land Use Designation

- The proposal complies with the Mixed Use Commercial Residential (apartments) in the South Newton NCP.

Development Variance Permit

- The applicant proposes a building height variance increase from 18 metres to 18.6 metres under Comprehensive Development By-law No. 20364 to allow for appropriate insulation under the rooftop outdoor amenity space.
- The increase in height by 0.6 metres is very minimal and will not be visible to the townhouse residents to the north. Only a slightly higher stair in the northwest corner of the building is visible on the elevation facing the townhouses to the north.
- The added height is visible on the one gabled bay facing 64 Avenue.
- Staff support the requested variances to proceed for consideration.

DEVELOPMENT PERMITS

Form and Character Development Permit Requirement

- A minor amendment to the Development Permit No. 7919-0284-00 will be required should Council approve this additional height variance. The amendment can be processed by staff through the applicant's Building Permit application.
- The proposed development generally complies with the Form and Character Development Permit guidelines in the OCP and the design guidelines in the South Newton Neighbourhood Concept Plan (NCP).

TREES

- No trees are being impacted by the requested variance.

INFORMATION ATTACHED TO THIS REPORT

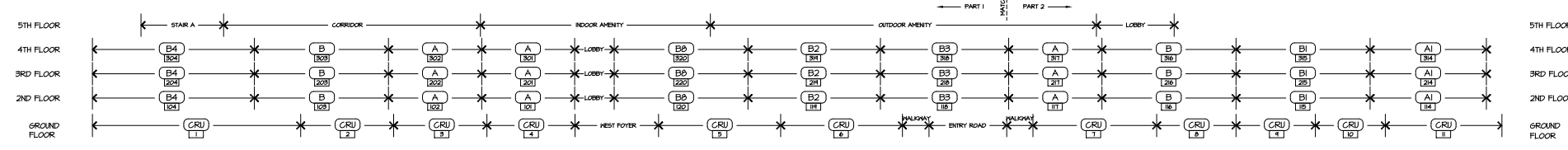
The following information is attached to this Report:

- Appendix I. Survey Plan, Site Plan, Building Elevations, Landscape Plans and Perspective
- Appendix II. Development Variance Permit No. 7922-0190-00
- Appendix III. Comprehensive Development Zone, By-law No. 20364

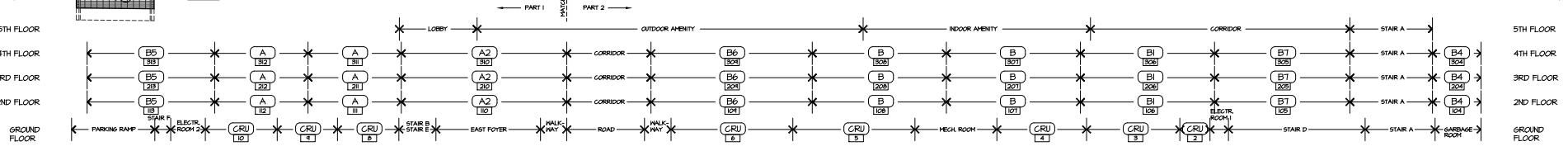
approved by Shawn Low

Jeff Arason
Acting General Manager
Planning and Development

LFM/cm



1 OVERALL SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



2 OVERALL NORTH ELEVATION
SCALE: 3/32" = 1'-0"

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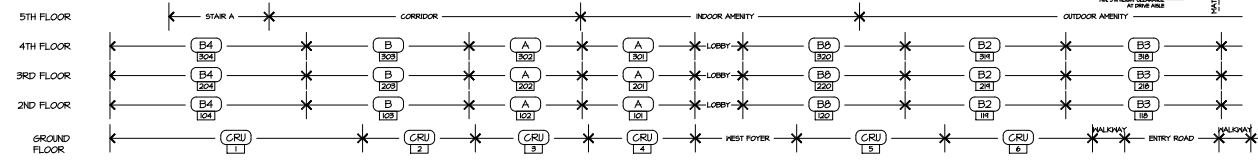
NO.	DATE	BY	REVISION

CLIENT: URBANCO BC LTD.
 PROJECT: 14455 64 AVE SURVEY MIXED-USE COMMERCIAL AND APARTMENT BUILDING
 SHEET CONTENTS: ELEVATIONS OVERALL

barnett dembek
 UNIT 135, 7338 130 STREET, SURREY, B.C. V3W 1H8
 PHONE: (604) 597-7100
 FAX: (604) 597-2099
 EMAIL: mail@darkltx.com

CLIENT NO.	SHEET NO.
PROJECT NO.	A-7.01
PROCD	REV. NO.

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SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

NOTE:
PROVIDE #1 HIGH INDIVIDUAL BLACK METAL ADDRESS NUMBERS ON REAR OF GRU DOORS. NO OTHER SIGNAGE ON REAR ELEVATIONS.

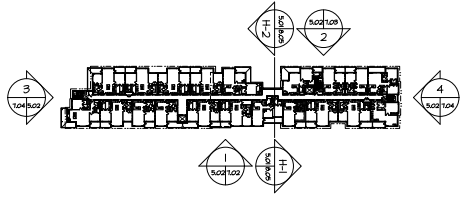
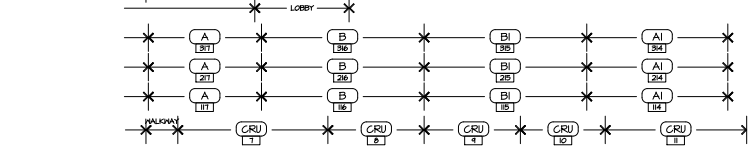
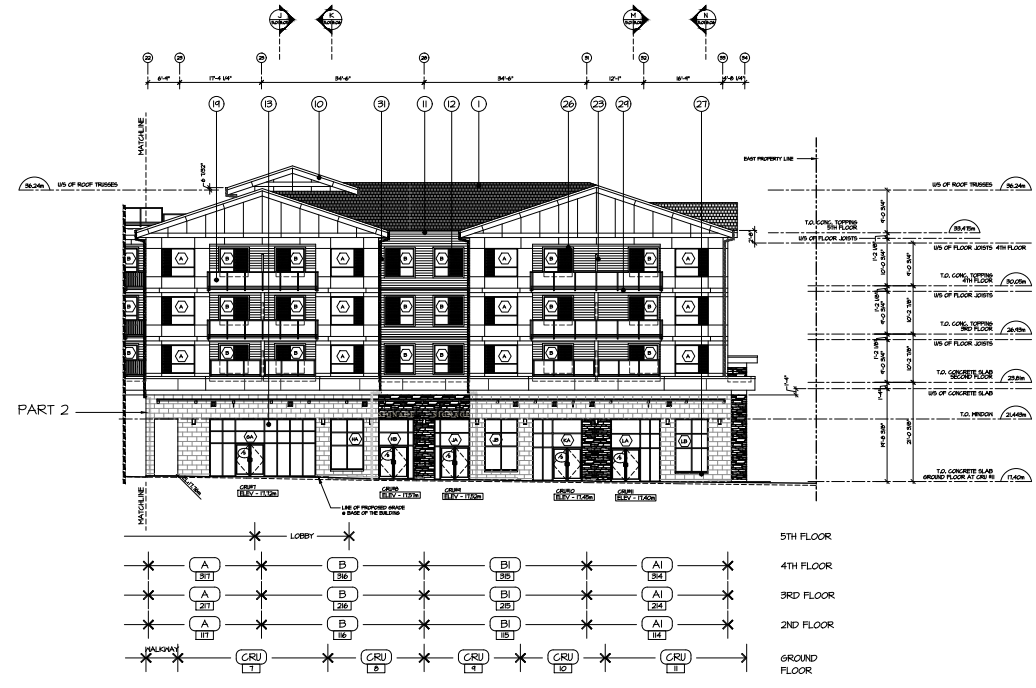
NOTE:
WALLS AND WINDOWS FACING 64 AVENUE TO BE CONSTRUCTED PER RECOMMENDATIONS OF ACoustICAL CONSULTANT.

LEGEND:

CRU - FLOOR GRADE & CRU

- JAMES HARDIE - ARCTIC WHITE
- JAMES HARDIE - THIER DARK
- JAMES HARDIE - YEARN GRAY
- MODERA LEDGESTONE - GRANITE
- MODERA LEDGESTONE - DUAL GREY
- MODERA LEDGESTONE - CHARGOAL GREY
- MODERA LEDGESTONE - MOUNTAIN CEDAR
- MODERA LEDGESTONE - BRICKBANK
- MODERA LEDGESTONE - BIRCHBANK

- 1 HIGH PROFILE LAMINATED ASPHALT SHINGLE ROOFING
- 2 HIGH PROFILE LAMINATED ASPHALT SHINGLE ROOFING
- 3 HARDIE PANEL SINGING CAN EASY TRIM REVEALS
- 4 HARDIE PANEL SINGING CAN EASY TRIM REVEALS
- 5 HARDIE SOFFIT 'YEARN GRAY'
- 6 1" PROFILE HARDIE BOARD - THIER DARK
- 7 RUSTIC SERIES HARDIE PANEL SINGING CAN EASY TRIM REVEALS 'MOUNTAIN CEDAR'
- 8 RUSTIC SERIES HARDIE SOFFIT 'MOUNTAIN CEDAR'
- 9 1" PROFILE HARDIE PLANK RUSTIC SERIES 'MOUNTAIN CEDAR'
- 10 1" PROFILE HARDIE TRIM ON 1/4" TYPED HARDIBOARD FASCIA - 'YEARN GRAY'
- 11 1" PROFILE HARDIE TRIM FASCIA - 'YEARN GRAY'
- 12 VINYL FRAMED WINDOW SLIDERS - 'TRITE'
- 13 STOREFRONT GLAZING - DARK BRONZE ANODIZED ALUMINUM
- 14 LEDGESTONE
- 15 WOODGRAIN RENAISSANCE 1/2" HANGERY UNITS - 'BRICKBANK'
- 16 CORRUGATED METAL PANEL SINGING - 'DUAL GREY'
- 17 1/2" H.S.S. METAL CANOPY CAN INHERIT IT PROTECTED GLAZING OVER TOP - DARK BRONZE ANODIZED ALUMINUM
- 18 TYPED GRAY ALUMINUM PROJECT RAILINGS - 'CHARGOAL'
- 19 TYPED GRAY ALUMINUM GLAZED RAILINGS - 'CHARGOAL'
- 20 SOFFIT HOARDED POT LIGHT
- 21 1/2" HIGH CLEAR ANODIZED ALUMINUM LETTERS OFFSET 1" FROM FRAMED WALL FACE ON LEVEL LIGHTING BEHIND
- 22 1/2" H.P. FRAME AND EASYSIT BELLIES - DARK BRONZE ANODIZED ALUMINUM
- 23 PREPACT SCREEN - HARDIE BOARD AND HARDIE TRIM COLOR TO MATCH ADJACENT WALL
- 24 SLICE SHOWN BELIEF TO INTERSECT OF 100 STEEL CANTILEVER SUPPORT
- 25 BUILT-UP POOD COLUMN
- 26 1" HARDIE TRIM AROUND THE WINDOW
- 27 1" PROFILE HARDIE TRIM PANEL OF WOODGRAIN RENAISSANCE 1/2" HANGERY UNITS - BRICKBANK NO. 10
- 28 1" PROFILE HARDIE TRIM FASCIA - 'YEARN GRAY'
- 29 1" PROFILE HARDIE TRIM FASCIA - 'MOUNTAIN CEDAR'
- 30 LAMINATED SOFFIT, DARK TRIM
- 31 DOWNPOUT (CONCEALED)



CLIENT: URS&CO BC LTD.
PROJECT: 14455 64 AVENUE SUBREY MIXED-USE COMMERCIAL AND APARTMENT BUILDING
SHEET CONTENTS: SOUTH ELEVATION

barnett dembek
UNIT 135, 7338 130 STREET, SURREY, B.C. V3W 1H8
PHONE: (604) 597-7100
FAX: (604) 597-2099
EMAIL: mail@barnett.com

CLIENT NO. SHEET NO. A-102
PROJECT NO. REV. NO. 1000

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7922-0190-00

Issued To:

(the "Owner")

Address of Owner:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations, or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 030-868-149

Lot 1 Section 15 Township 2 New Westminster District Plan EPP81049

14455 - 64 Avenue

(the "Land")

3. Comprehensive Development Zoning By-law, 2001, No. 20364, as amended is varied as follows:
 - (a) In Subsection G1. Heights of Buildings, the maximum building height for Principal Buildings be increased from 18 metres to 18.6 metres
4. This development variance permit applies to only that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.

7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli

CITY OF SURREYBYLAW NO. 20364

A bylaw to amend Surrey Zoning By-law, 1993, No. 12000, as amended

THE COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

1. In this Bylaw, all references to the "Zoning Bylaw" shall be a reference to Surrey Zoning By-law, 1993, No. 12000, as amended.
2. The Zoning Bylaw is hereby further amended pursuant to the provisions of Section 479 of the Local Government Act, R.S.B.C. 2015 c. 1, as amended, by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of the Zoning Bylaw, as follows:

FROM: NEIGHBOURHOOD COMMERCIAL ZONE (C-5)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 030-868-149
 Lot 1 Section 15 Township 2 New Westminster District Plan EPP81049

(14455 - 64 Avenue)

(hereinafter referred to as the "*Lands*")

3. The following regulations shall apply to the *Lands*:

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate a mixed-use development consisting of community commercial uses and *multiple unit residential buildings* with related *amenity spaces*, developed in accordance with a *comprehensive design*.

B. Permitted Uses

1. *Multiple unit residential building*, provided that no residential uses are located on the ground floor.

2. The following uses are permitted at the base of a *multiple unit residential building* provided that the *gross floor area* of each individual business does not exceed 370 square metres:
 - (a) *Retail stores* excluding *adult entertainment stores* and *second-hand stores* and *pawnshops*;
 - (b) *Personal service uses* excluding *body rub parlours*;
 - (c) *General service uses* excluding *funeral parlours* and *drive-through banks*;
 - (d) *Eating establishments* excluding *drive-through restaurants*;
 - (e) *Neighbourhood pubs*;
 - (f) Office uses excluding the following:
 - i. *Social escort services*;
 - ii. *Methadone clinics*;
 - iii. *Marijuana dispensaries*; and
 - (g) *Indoor recreational facilities*;
 - (h) *Community services*; and
 - (i) *Child care centres*.

C. Lot Area

Not applicable to this Zone.

D. Density

1. The maximum *density* shall not exceed a *floor area ratio* of 0.1 or a *building area* of 300 square metres (3,230 square feet), whichever is smaller, to a maximum of one *dwelling unit* on the *Lands*.
2. The maximum *density* may be increased to a *floor area ratio* of 1.50 if amenity contributions (specifically affordable housing, capital projects, police, fire, libraries, parks and, where applicable, underground utilities) are provided in accordance with Schedule G of the Zoning Bylaw.

3. Notwithstanding the definition of *floor area ratio*, for an air space subdivision, the air space parcels and the remainder *lot* of the air space subdivision shall be considered as one *lot* for the purpose of application of Section D of this Zone, and further provided that the *floor area ratio* calculated from the cumulative floor areas of the *buildings* within all of the air space parcels and the remainder *lot* of the air space subdivision shall not exceed the maximum specified in Sub-section D.2 of this Zone.
4. The indoor *amenity space* required in Sub-section J.1 is excluded from the calculation of *floor area ratio*.

E. Lot Coverage

1. The *lot coverage* shall not exceed 45%.
2. Notwithstanding the definition of *lot coverage*, for an air space subdivision, the air space parcels, and the remainder *lot* of the air space subdivision shall be considered as one *lot* for the purpose of application of Section E of this Zone, and further provided that the *lot coverage* within all of the air space parcels and the remainder *lot* of the air space subdivision shall not exceed the maximum specified in Section E.1 of this Zone.

F. Yards and Setbacks

1. *Buildings* and *structures* shall be sited in accordance with the following minimum *setbacks*:

<i>Setback</i>	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>
<i>Use</i>			
<i>Principal Buildings, Accessory Buildings and Structures</i>	4 metres	7.5 metres	4.5 metres (East) 6.0 metres (West)

2. Notwithstanding Section F.1 of this Zone, the minimum *setbacks* of *principal buildings* and *accessory buildings* and *structures* for interior *lot lines* for *lots* created by an air space subdivision may be 0.0 metre.

G. Height of Buildings

1. *Principal buildings*: The *building height* shall not exceed 18 metres.
2. *Accessory buildings and structures*: The *building height* shall not exceed 4 metres.

H. Off-Street Parking

1. Resident and visitor *parking spaces* shall be provided in accordance with Part 5 Off-Street Parking and Loading/Unloading of the Zoning Bylaw.
2. All required resident *parking spaces* shall be provided as *underground parking*.
3. *Tandem parking* is not permitted.

I. Landscaping

1. All developed portions of the *lot* not covered by *buildings, structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.
2. Along the developed sides of the *lot* which abut a *highway*, a continuous *landscaping* strip of not less than 1.5 metres in width shall be provided within the *lot*.
3. The boulevard areas of *highways* abutting a *lot* shall be seeded or sodded with grass on the side of the *highway* abutting the *lot*, except at *driveways*.
4. Garbage containers and *passive recycling containers* shall be located within the *underground parking* or within a *building*.

J. Special Regulations

1. *Amenity space*, subject to Section B.1, Part 4, General Provisions of the Zoning Bylaw, shall be provided on the *lot* as follows:
 - (a) Outdoor *amenity space*, in the amount of 3.0 sq. m. per *dwelling unit*;
 - (b) Outdoor *amenity space* shall not be located within the required *setbacks*; and
 - (c) Indoor *amenity space*, in the amount of 3.0 sq. m. per *dwelling unit*.
2. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.
3. *Balconies* are required for all *dwelling units* which are not *ground-oriented* and shall be a minimum of 5% of the *dwelling unit* size or 4.6 square metres per *dwelling unit*, whichever is greater.

K. Subdivision

1. *Lots* created through subdivision in this Zone shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
2,000 sq. m.	30 metres	30 metres

2. Air space parcels and the remainder *lot* created through an air space subdivision in this Zone are not subject to Section K.1.

L. Other Regulations

In addition to all statutes, bylaws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in the Zoning Bylaw, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions of the Zoning Bylaw.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of the Zoning Bylaw and in accordance with the servicing requirements for the C-5 Zone for the commercial portion, and RM-70 for the residential portion, as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions of the Zoning Bylaw.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of the Zoning Bylaw.
5. Sign regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of the Zoning Bylaw.
7. *Building* permits shall be subject to the Surrey Building Bylaw, 2012, No. 17850, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge Bylaw, 2020, No. 20291, as may be amended or replaced from time to time, and the development cost charges shall be based on the C-5 Zone for the commercial portion and RM-70 for the residential portion.
9. Tree regulations are set out in Surrey Tree Protection Bylaw, 2006, No. 16100, as amended.

10. Development permits may be required in accordance with the Surrey Official Community Plan Bylaw, 2013, No. 18020, as amended.
 11. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act S.B.C. 2002, c. 75, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.
 12. Provincial licensing of *neighbourhood pubs* is regulated by the Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267, as amended.
4. This Bylaw shall be cited for all purposes as "Surrey Zoning Bylaw, 1993, No. 12000, Amendment Bylaw, 2021, No. 20364".

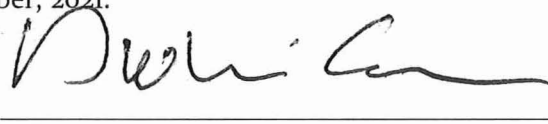
PASSED FIRST READING on the 31st day of May, 2021.

PASSED SECOND READING on the 31st day of May, 2021.

PUBLIC HEARING HELD thereon on the 14th day of June, 2021.

PASSED THIRD READING on the 14th day of June, 2021.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 27th day of September, 2021.



MAYOR



CLERK