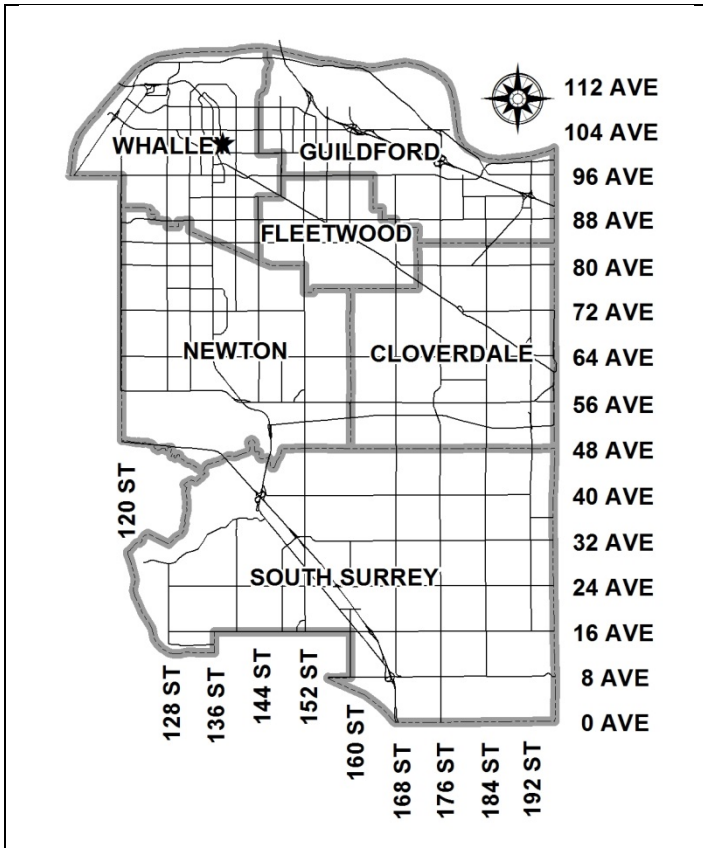


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0098-00

Planning Report Date: April 11, 2016



PROPOSAL:

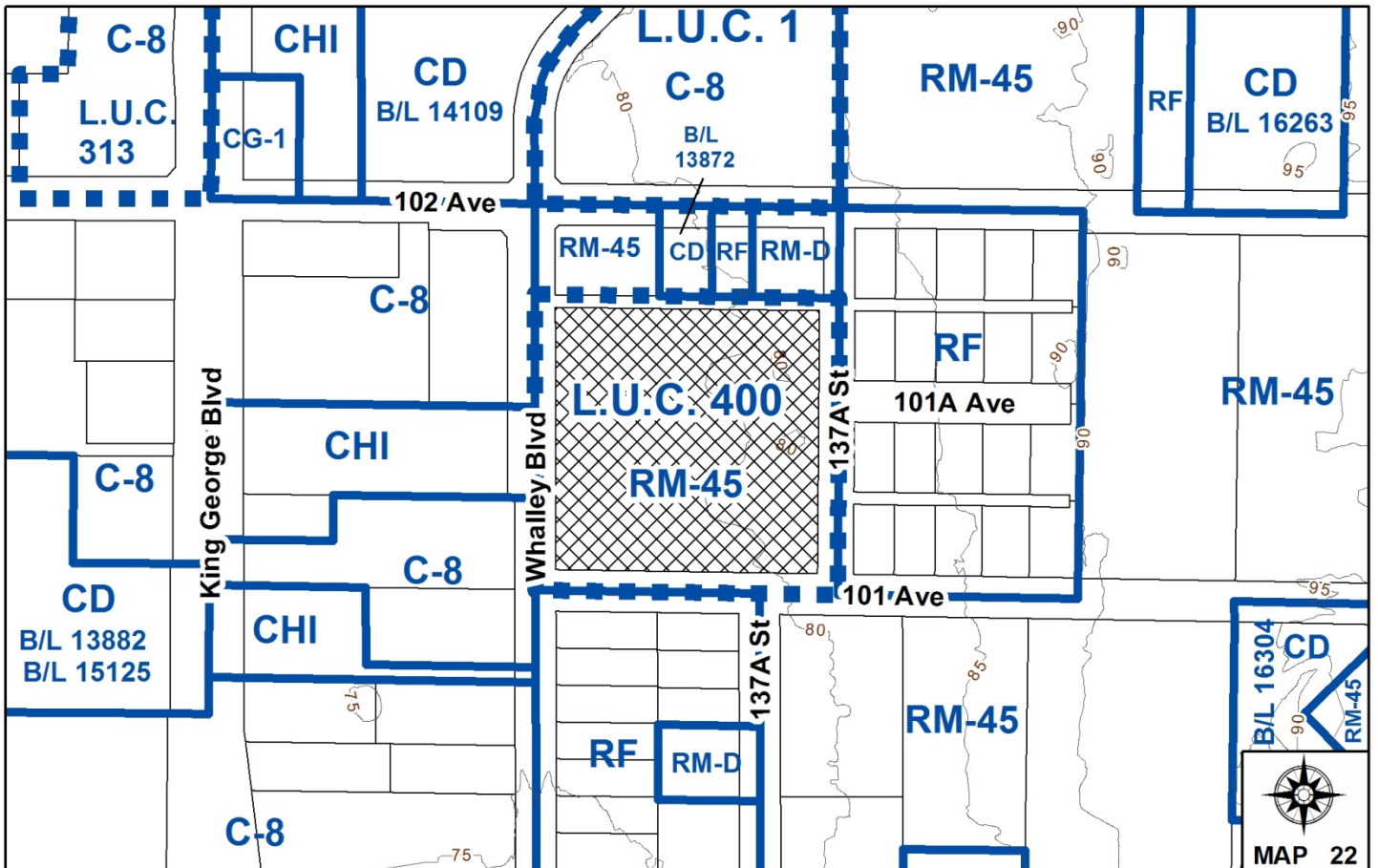
- Terminate Land Use Contract No. 400

to permit the existing underlying RM-45 Zone to come into effect.

LOCATION: 10138 - Whalley Boulevard
 (Including 10139 - 137A Street)

LUC AND UNDERLYING ZONING: LUC No. 400 (RM-45 Zone underlying)

OCPC DESIGNATION: Central Business District



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 400.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024.
- On June 15, 2015, City Council endorsed the recommendations in Corporate Report No. R122, which outlined a process with respect to the early termination of LUCs in Surrey.
- In accordance with recent legislative changes, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period.
- City staff are now moving forward with LUCs to be terminated, in accordance with the approved process described in Corporate Report No. R122, which prioritizes based on business development or the simplicity of the termination.
- LUC No. 400 was adopted by By-law No. 5512 on July 31, 1978.
- LUC No. 400 permits “residential multiple family use...in two low-rise apartment buildings with permitted ancillary uses thereto”.
- Once LUC No. 400 is terminated and the one-year grace period ends, the current underlying RM-45 Zone will come into effect and will regulate the subject site.

RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 400 and a date be set for Public Hearing.

BACKGROUND

- In the early 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*) that allowed local governments to enter into Land Use Contracts (LUCs) with land owners and/or developers that incorporated zoning, development control and servicing issues into one document. As a result, on lands within an LUC, the LUC became the governing land use control and, in some instances, the subdivision and development control as well.
- Although LUCs are an agreement between the City and land owners/and developers, all LUCs were adopted by By-law. The first LUC in Surrey was adopted by City Council by By-law on August 7, 1972.
- In the late 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*), eliminating the ability of municipalities to enter into LUCs.
- Approximately 370 LUCs were adopted in Surrey, most of which remain in effect.
- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024, should they choose to do so.
- On June 15, 2015, Council approved the recommendations in Corporate Report No. R122, which outlined a proposed process with respect to the early termination of LUCs in Surrey, which prioritizes based on business development or the simplicity of the termination.
- As a result, City staff are now moving forward with the termination of LUC No. 400 in accordance with the approved process.

PUBLIC NOTIFICATION

Early termination of LUCs is a Council-initiated project that does not require the consent of landowners within the LUC being terminated. A Development Proposal Sign has not been installed and no pre-notification letters have been mailed.

However, the LUC Termination By-law is required to have its own Public Hearing. As a result, the Public Hearing Notice will be delivered to all owners and tenants of properties within LUC No. 400, informing them that Council is considering terminating the LUC. Notice of the Public Hearing will also be delivered to adjoining property owners and tenants within 100 metres (or 3-lot depth, whichever is greater) of the boundaries of LUC No. 400. In addition, the Public Hearing notice will be published in two consecutive issues of the Surrey Now newspaper.

DISCUSSION

- LUC No. 400 was adopted by LUC Authorization By-law, 1978, No. 5512 on July 31, 1978.
- LUC No. 400 regulates one large lot (10138 – Whalley Boulevard) in the central area of Surrey City Centre. The subject lot is occupied by two, three-storey apartment buildings containing approximately 154 units.
- The subject site is designated “Central Business District” under the Official Community Plan (OCP) and has an underlying Multiple Residential 45 Zone (RM-45) under Surrey Zoning By-law, 1993, No. 12000, as amended.
- The subject site is bordered to the east by single family dwellings, to the south by a three-storey apartment building and single family residences, to the west by commercial buildings, and to the north by a variety of multiple residential buildings.
- LUC No. 400 permits “residential multiple family use...in two low-rise apartment buildings with permitted ancillary uses thereto”.
- In accordance with the recent legislative changes, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period. The subject Termination By-law has a one-year grace period.
- Once LUC No. 400 is terminated and the one-year grace period ends, the current underlying RM-45 Zone will come into effect and will regulate the use of the land.
- The RM-45 Zone permits multiple unit residential buildings, ground-oriented multiple unit residential buildings, and child care centres.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Copy of Part 23 Multiple Residential 45 Zone (RM-45) of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 400.

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

RC/dk

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Part 23 - RM-45, Multiple Residential 45 Zone

Multiple Residential 45 Zone

Part 23

RM-45

A. Intent

This Zone is intended to accommodate and regulate the development of medium *density*, medium-rise, *multiple unit residential buildings* and related *amenity spaces*, which are to be developed in accordance with a *comprehensive design*.

B. Permitted Uses

Amendments: 13774, 07/26/99; 17462, 09/12/11

Land and *structures* shall be used for the following uses only, or for a combination of such uses, provided such combined uses are part of a *comprehensive design*:

1. *Multiple unit residential buildings* and *Ground-Oriented Multiple Unit Residential Buildings*.
2. *Child care centres*, provided that such centres:
 - (a) Do not constitute a singular use on the *lot*; and
 - (b) Do not exceed a total area of 3.0 square metres [32 sq.ft.] per *dwelling unit*.

C. Lot Area

Not applicable to this Zone.

D. Density

Amendments: 12333, 07/25/94; 13155, 02/09/98; 17462, 09/12/11; 17704, 07/23/12; 18414, 03/23/15

For the purpose of *building* construction:

1. In Neighbourhood Concept Plan and Infill Areas as described and outlined on the maps attached as Schedule F attached to this By-law, the maximum *density* shall not exceed a *floor area ratio* of 0.1 or *building* area of 300 square metres [3,230 sq. ft.] whichever is smaller. The maximum *density* may be increased to that prescribed in Sub-sections D.3 and D.4 of this Zone if amenities are provided in accordance with Schedule G of this By-law.

2. In areas other than the ones in Sub-section D.1 of this Zone, the maximum *density* shall not exceed that prescribed in Sub-sections D.3 and D.4 of this Zone.
3. Multiple Unit Residential Buildings and Ground-Oriented Multiple Unit Residential Buildings: The *density* shall not exceed a *floor area ratio* of 1.30 and 111 *dwelling units* per hectare [45 u.p.a.].
4. Indoor Amenity Space: The space required in Sub-section J.1(b) of this Zone, is excluded from the calculation of the *floor area ratio*.

E. Lot Coverage

The maximum *lot coverage* shall be 45%.

F. Yards and Setbacks

Buildings and *structures* shall be sited not less than 7.5 metres [25 ft.] from all *lot lines* (measurements to be determined as per Part 1 Definitions, of this By-law).

G. Height of Buildings

Measurements to be determined as per Part 1 Definitions, of this By-law:

1. Principal buildings: The *height* shall not exceed 15 metres [50 ft.].
2. Accessory buildings and structures: The *height* shall not exceed 4.5 metres [15 ft.].

H. Off-Street Parking and Loading/Unloading

Amendments: 12333, 07/25/94; 13094, 05/12/97; 13774, 07/26/99; 14120, 10/16/00; 17471, 10/03/11; 18414, 03/23/15; 18434, 04/27/15

1. Resident, visitor and employee *parking spaces* as stated in Table C.6, Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. Fifty percent (50%) of all required resident *parking spaces* shall be provided as *underground parking* or as parking within the *building* envelope.
3. Parking within the required *setbacks* is not permitted.
4. No parking shall be permitted in the front of the main entrance of a *multiple unit residential building*, except for the purpose of short term drop-off or pick-up and parking for the disabled.
5. *Tandem parking* for *ground-oriented multiple unit residential buildings* shall be permitted as follows:
 - (a) For *underground parking*, a maximum of ten percent (10%) of all required resident *parking spaces* may be provided as *tandem parking spaces*;
 - (b) *Dwelling units* with *tandem parking spaces* shall not be permitted direct vehicular access to an adjacent *highway*;
 - (c) *Tandem parking spaces* must be attached to each *dwelling unit*, excluding *parking spaces* provided as *underground parking*; and
 - (d) Both *tandem parking spaces* must be held by the same owner.

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 [5 ft.] 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 screened to a height of at least 2.5 metres [8 ft.] by *buildings*, a *landscaping* screen, a solid decorative fence, or a combination thereof.

J. Special Regulations

1. *Amenity space* shall be provided on the *lot* as follows:
 - (a) *Outdoor amenity space*, in the amount of 3.0 square metres [32 sq.ft.] per *dwelling unit* and shall not be located within the required *setbacks*; and
 - (b) *Indoor amenity space*, in the amount of 3.0 square metres [32 sq.ft.] per *dwelling unit*, of which a maximum of 1.5 square metres [16 sq.ft.] per *dwelling unit* may be devoted to a *child care centre*.
2. *Child care centres* shall be located on the *lot* such that these centres:
 - (a) Are accessed from a *highway*, independent from the access to the residential uses permitted in Section B of this Zone; and
 - (b) 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 [50 sq.ft.] per *dwelling unit*, whichever is greater.

K. Subdivision

Amendments: 13155, 02/09/98

1. For the purpose of subdivision in Neighbourhood Concept Plan and Infill Areas as described and outlined on the maps attached as Schedule F attached to this By-law:
 - (a) Where amenities are not provided in accordance with Schedule G of this By-law, the *lots* created shall conform to the minimum standards prescribed in Section K of Part 12 One-Acre Residential Zone (RA) of this By-law.
 - (b) Where amenities are provided in accordance with Schedule G of this By-law, the *lots* created shall conform to the minimum standards prescribed in Sub-section K.2 of this Zone.

2. *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. [0.5 acre]	30 metres [100 ft.]	30 metres [100 ft.]

Dimensions shall be measured in accordance with Section E.21, Part 4 General Provisions, of this By-law.

L. Other Regulations

Amendments: 13657, 03/22/99; 13774, 07/26/99; 17181, 06/07/10

In addition, land use regulations including the following are applicable:

1. Prior to any use, lands must be serviced as set out in Part 2 Uses Limited, of this By-law and in accordance with the "Surrey Subdivision and Development By-law".
2. General provisions on use are as set out in Part 4 General Provisions, of this By-law.
3. Additional off-street parking and loading/unloading requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of this By-law.
4. Sign regulations are as provided in Surrey Sign By-law No. 13656.
5. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of this By-law.
6. *Building* permits shall be subject to the "Surrey Building By-law" and the "Surrey Development Cost Charge By-law".
7. Development permits may be required in accordance with the *Official Community Plan*.
8. 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 Child Care Licensing Regulation set out under B.C. Reg. 95/2009, as amended.

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