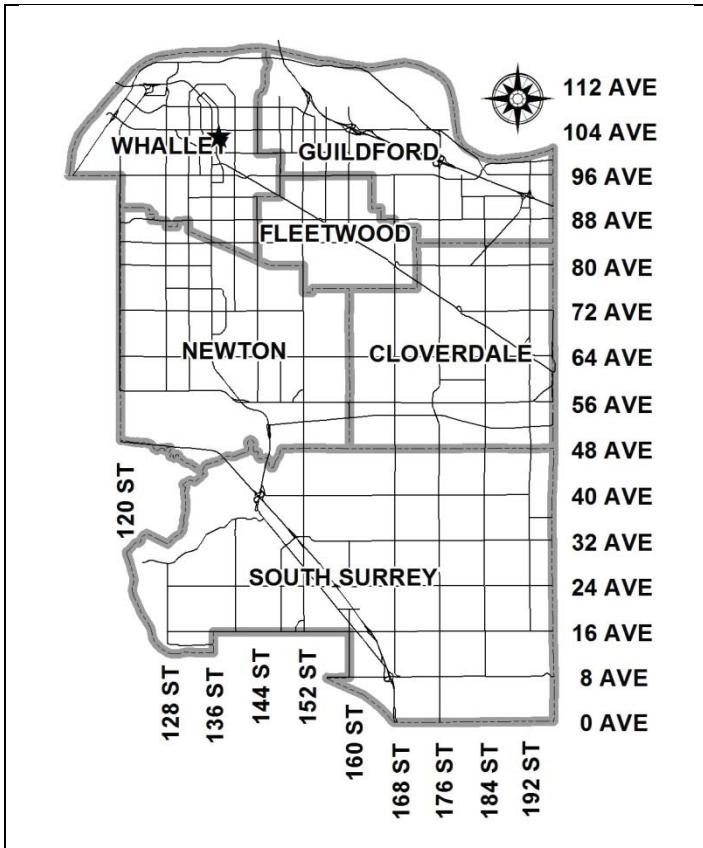


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7917-0062-00

Planning Report Date: May 8, 2017



**PROPOSAL:**

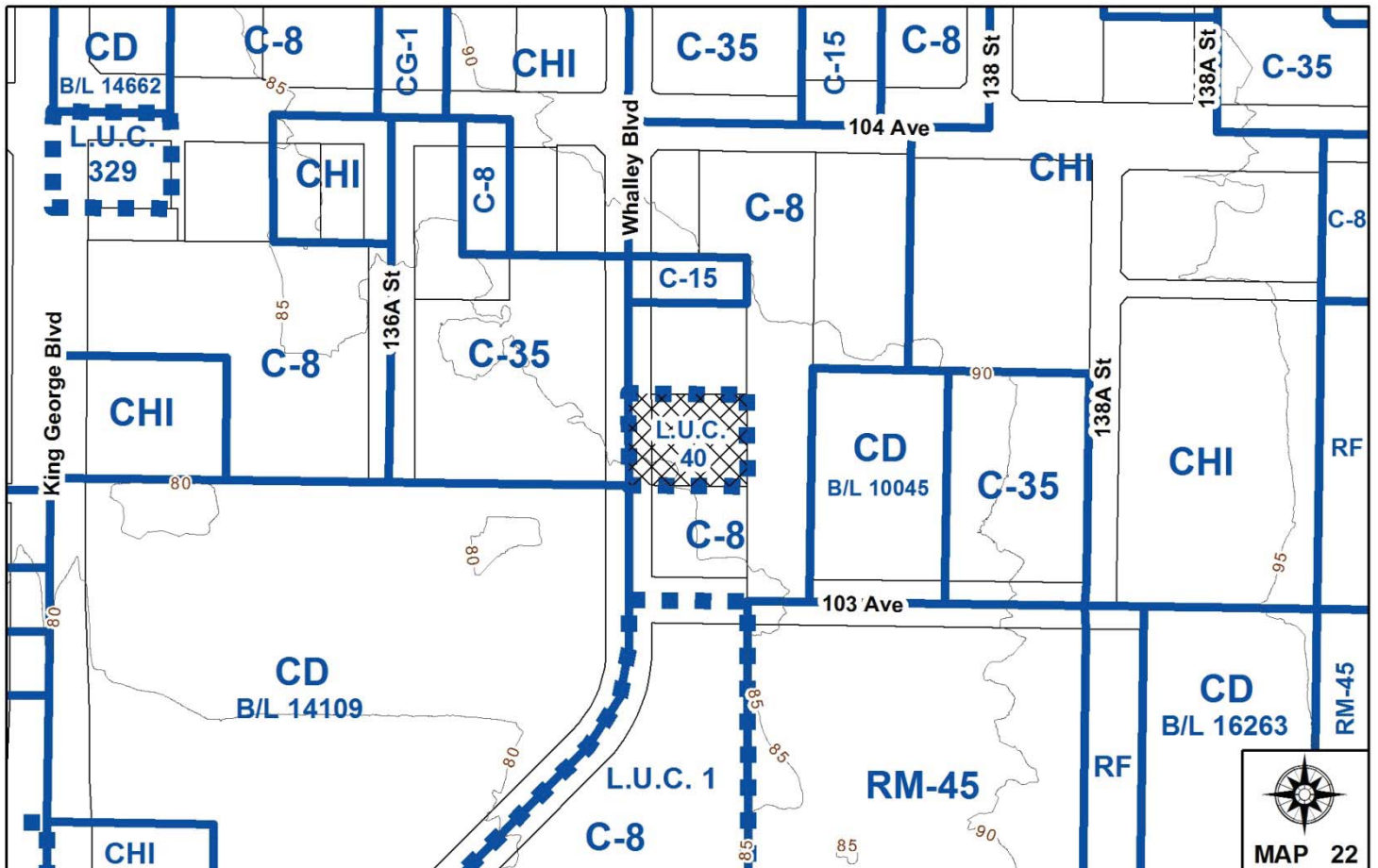
- **Terminate Land Use Contract No. 40**

to permit the existing underlying C-8 Zone to come into effect.

**LOCATION:** 10322, 10324 and 10326 - Whalley Boulevard

**LUC AND UNDERLYING ZONING:** LUC No. 40 (C-8 Zone underlying)

**OC DESIGNATION:** Central Business District



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 40.

### 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.
- LUC No. 40 was adopted by Authorization By-law, 1974, No. 4151 on July 22, 1974.
- LUC No. 40 permits a two-storey commercial building with retail stores on the ground floor and offices on the second floor.
- In accordance with the legislation, 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.
- Once LUC No. 40 is terminated and the one-year grace period ends, the current underlying "Community Commercial Zone (C-8)" will automatically come into effect and will regulate the one (1) subject lot.
- The "Community Commercial Zone (C-8)" permits community shopping centres with a variety of commercial and service uses.
- If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City's Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

## RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 40 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. Over three-quarters of the LUCs in Surrey have now been presented to Council for early termination.
- As a result, City staff are moving forward with the termination of LUC No. 40 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. 40, informing them that Council is considering terminating the LUC. In addition, the Public Hearing notice will be published in two consecutive issues of the Surrey Now-Leader.

SITE CHARACTERISTICS

Existing Land Use: One and two-storey retail/office building.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP Designation</b>	<b>Existing Zone</b>
North:	Single-storey multi-tenant commercial building	Central Business District	C-8
East:	Vacant portion of lot with multi-tenant commercial building fronting 104 Avenue	Central Business District	C-8
South:	Two-storey commercial building	Central Business District	C-8
West (Across Whalley Boulevard):	Vacant 1.9 acre lot	Central Business District	C-35

DISCUSSION

- LUC No. 40 was adopted by Authorization By-law, 1974, No. 4151 on July 22, 1974.
- LUC No. 40 currently regulates one (1) commercial lot in the Surrey City Centre area, addressed as 10322, 10324 and 10326 - Whalley Boulevard.
- The subject site is designated as "Central Business District" under the Official Community Plan (OCP) with an underlying "Community Commercial Zone (C-8)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 40 permits a two-storey commercial building with retail stores on the ground floor and offices on the second floor.
- LUC No. 40 permitted the original two (2) lots to be consolidated into one (1) commercial lot.

- In accordance with the legislation, 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. 40 is terminated and the one-year grace period ends, the current underlying "Community Commercial Zone (C-8)" will come into effect and will regulate the use of the one (1) commercial lot.
- The "Community Commercial Zone (C-8) permits community shopping centres with a variety of commercial and service uses.
- If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City's Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Copy of Part 36 Community Commercial Zone (C-8) of Surrey Zoning By-law, 1993, No. 12000, as amended.

#### INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 40.

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

RT/da



Part 36 - C-8. Community Commercial Zone

## Community Commercial Zone

### Part 36

### C-8

#### A. Intent

This Zone is intended to accommodate and regulate the development of community shopping centres serving a community of several neighbourhoods.

#### B. Permitted Uses

Amendments: 12333, 07/25/94; 12715, 12/04/95; 13251A, 03/16/98; 13497, 09/15/98; 13564, 11/16/98; 13769, 01/22/01; 15064, 07/21/03; 15977, 04/24/06; 17462, 09/12/11; 17687, 10/01/12

Land and *structures* shall be used for the following uses only, or for a combination of such uses:

1. *Retail stores* excluding the following:
  - (a) *adult entertainment stores*; and
  - (b) *secondhand stores* and *pawnshops*.
2. *Personal service uses* excluding *body rub parlours*.
3. *General service uses* excluding funeral parlours and *drive-through banks*.
4. *Beverage container return centres* provided that:
  - (a) the use is confined to an enclosed *building* or a part of an enclosed *building*; and
  - (b) the *beverage container return centre* does not exceed a *gross floor area* of 418 sq. metres (4,500 sq.ft.).
5. *Eating establishments* excluding *drive-through restaurants*.
6. *Neighbourhood pubs*.
7. *Liquor store*.

8. Office uses excluding the following:
  - i. *social escort services*
  - ii. *methadone clinics*
9. *Parking facilities.*
10. *Automotive service uses of vehicles less than 5,000 kilograms [11,023 lbs] G.V.W., provided that such use is associated with a use permitted under Section B.1 of this Zone.*
11. *Indoor recreational facilities.*
12. *Entertainment uses excluding arcades and adult entertainment stores.*
13. *Assembly halls.*
14. *Community services.*
15. *Child care centres.*
16. One *dwelling unit* per *lot* provided that the *dwelling unit* is:
  - (a) Contained within the *principal building*; and
  - (b) Occupied by the owner or the owner's employee, for the protection of the businesses permitted on the *lot*.

### C. Lot Area

Not applicable to this Zone.

### D. Density

**Amendments: 14390, 05/22/01**

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 *floor area ratio* shall not exceed 0.1 provided that the *gross floor area* on the *lot* does not exceed 300 square metres [3,230 sq. ft.]. The *floor area ratio* shall not exceed 0.80 if amenities are provided in accordance with Schedule G of this By-law.

2. In areas other than those specified in Sub-section D.1 of this Zone, the *floor area ratio* shall not exceed 0.80.

#### E. Lot Coverage

The maximum *lot coverage* shall be 50%.

#### 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 building*: The *height* shall not exceed 12 metres [40 ft.].
2. *Accessory buildings and structures*: The *height* shall not exceed 4.5 metres [15 ft.].

#### H. Off-Street Parking and Loading/Unloading

**Amendments: 13774, 07/26/99; 18719, 05/30/16**

1. Refer to Table C.1, Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. *Tandem parking* may be permitted as specified:

For company fleet vehicles in all commercial, industrial and mixed-use developments (where commercial or industrial uses are part of the development) required *parking spaces* may be provided as *tandem parking*.

#### I. Landscaping

**Amendments: 17471, 10/03/11**

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. Except in those portions where a *building* abuts the *lot line*, screen planting at least 1.5 metres [5 ft.] high in a strip at least 1.5 metres [5 ft.] wide and a solid decorative fence at least 1.5 metres [5 ft.] high shall be provided along all *lot lines* separating the developed portion of the *lot* from any *residential lot*.
5. Loading areas, garbage containers and *passive recycling containers* shall be screened from any adjacent *residential lot*, to a height of at least 2.5 metres [8 ft.] by *buildings*, a *landscaping* screen, a solid decorative fence, or a combination thereof.
6. Open display or storage shall be completely screened to a height of at least 2.5 metres [8 ft.] by *buildings* and/or solid decorative fence and/or substantial *landscaping* strips of not less than 1.5 metres [5 ft.] in width. No display or storage of material shall be piled up to a height of 2.5 metres [8 ft.] within 5 metres [16 ft.] of the said screens and in no case shall these materials be piled up to the height of more than 3.5 metres [11.5 ft.].

## J. Special Regulations

**Amendments: 13497, 09/15/98**

1. Garbage containers and *passive recycling containers* shall not be located within any required *setback* adjacent any *residential lot*.
2. The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Part.
3. *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*.
4. Land and *structures* shall be used for the uses permitted in this Zone only if such uses do not emit noise in excess of 70 dB(A) measured at any point on any boundary of the *lot* on which the use is located, provided that where a *lot* abuts a *lot* other than an *industrial lot* the noise level shall not exceed 60 dB(A).

**K. Subdivision**

*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 acres]	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 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.

9. Provincial licensing of *neighbourhood pubs* is regulated by the Liquor Control and Licensing Act R.S.B.C.