

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0373-00

Planning Report Date: September 11, 2017

PROPOSAL:

- **Terminate Land Use Contract No. 587**

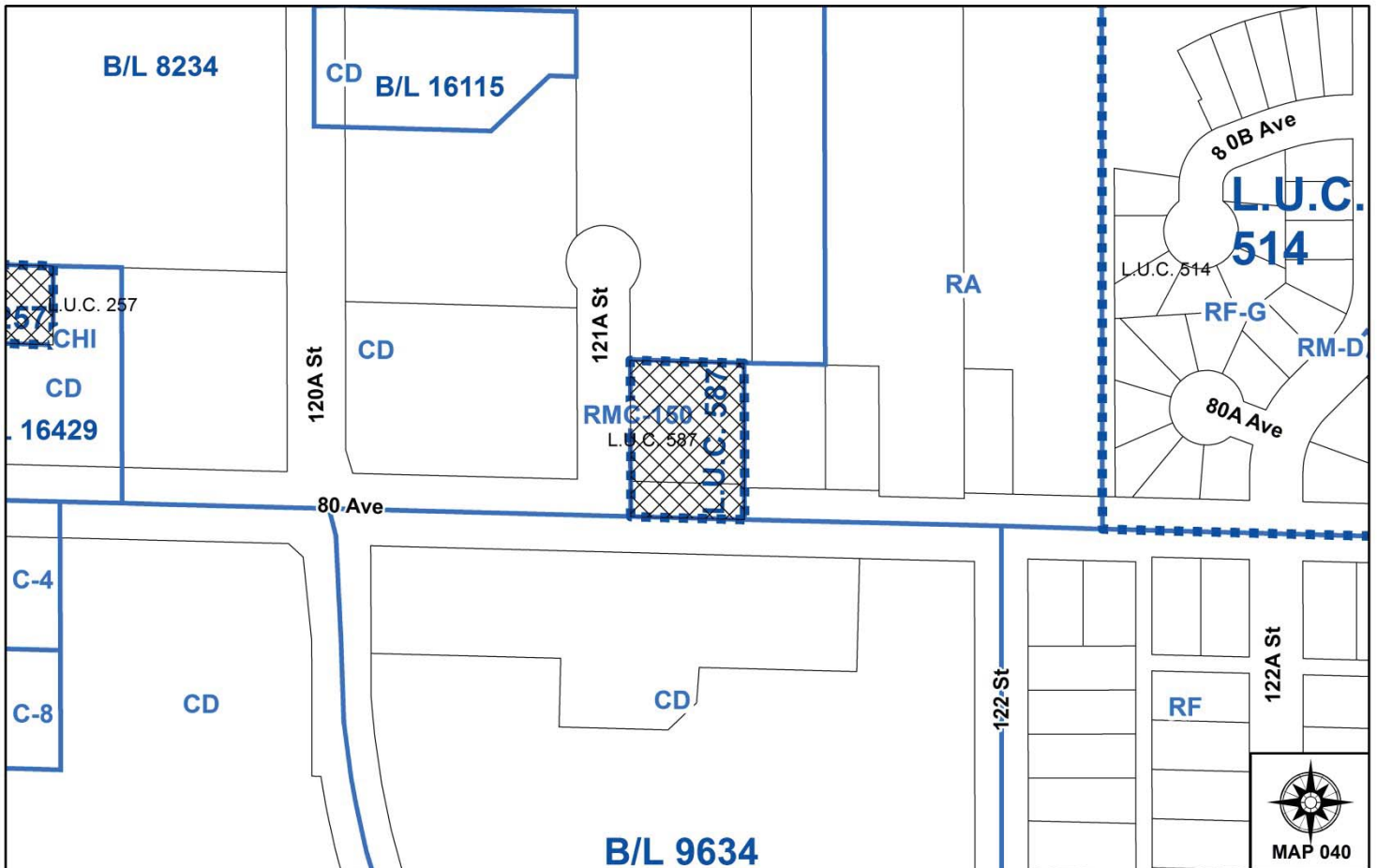
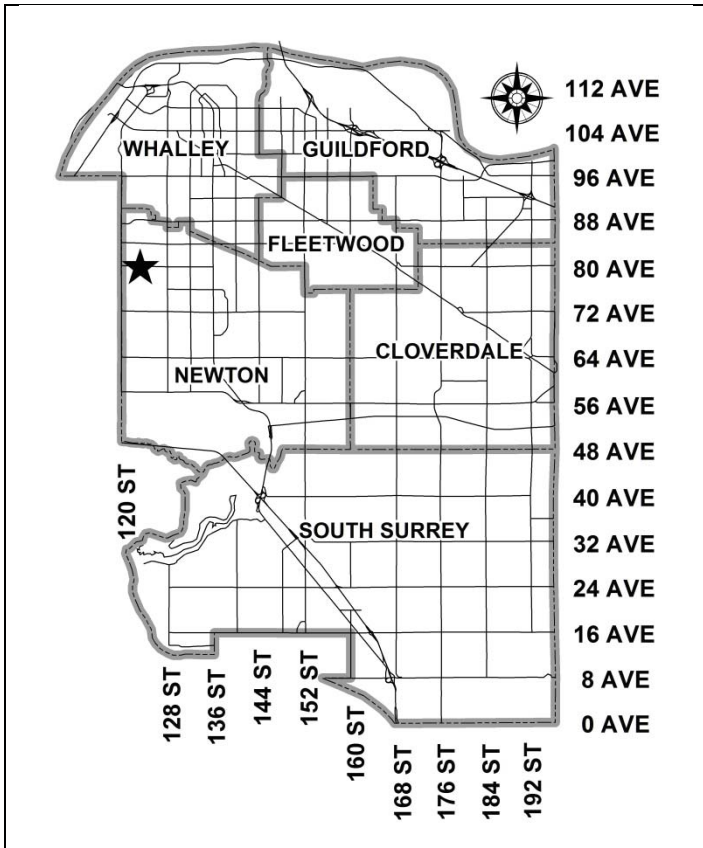
to permit the existing underlying RMC-150 Zone to come into effect.

LOCATION: 12149 - 80 Avenue

LUC AND UNDERLYING LUC No. 587

ZONING: (RMC-150 Zone underlying)

OCP DESIGNATION: Multiple Residential



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 587.

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. 587 was adopted by Authorization By-law No. 5764 on November 27, 1978.
- LUC No. 587 permits high rise office structures, retail commercial uses, service commercial uses, recreational and cultural uses, and high rise residential structures.
- 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. 587 is terminated and the one-year grace period ends, the current underlying "Multiple Residential Commercial 150 Zone (RMC-150)" will automatically come into effect and will regulate the subject lot.
- The "Multiple Residential Commercial 150 Zone (RMC-150)" permits high density, high-rise multiple unit residential buildings and ground-oriented multiple unit residential buildings, child care centres, and the following uses, provided that they do not constitute a singular use on the lot: retail stores, personal service uses, general service uses, eating establishments, neighbourhood pubs, office uses, indoor recreational facilities, entertainment uses, and community services.
- 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. 587 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. It should be noted, however, that most of the LUCs in Surrey have had Termination By-laws adopted by Council following a Public Hearing and are within the one-year grace period.
- 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. 587 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. 587, 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: Vacant lot.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Multiple residential building.	Multiple Residential	CD (By-law No. 8234)
East:	Single family dwelling.	Multiple Residential	RA
South (Across 80 Avenue):	Multiple residential building.	Multiple Residential	CD (By-law No. 9634)
West (Across 121A Street):	Multiple residential building.	Multiple Residential	CD (By-law No. 8234)

DISCUSSION

- LUC No. 587 was adopted by Authorization By-law No. 5764 on November 27, 1978.
- LUC No. 587 regulates one (1) vacant lot. The subject area is located in Newton at civic address 12149 – 80 Avenue.
- The subject area is designated Multiple Residential under the Official Community Plan (OCP) and has an underlying "Multiple Residential Commercial 150 Zone (RMC-150)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 587 permits high rise office structures, retail commercial uses, service commercial uses, recreational and cultural uses, and high rise residential structures.
- The original LUC area was intended to be comprehensively developed under Development Agreement No. 587-1. This Development Agreement included high rise residential uses with ground oriented commercial spaces, a retail shopping centre, and a movie theatre. Development Agreement No. 587-1 was never completed by the property owners. On March 24, 1986, Council adopted Partial Discharge By-law No. 8233 which removed LUC No. 587 from a majority of the original LUC area. However, the parcel at civic address 12149 - 80 Avenue was not included in this discharge by-law. It is now in order for LUC No. 587 to be removed from the remaining parcel.

- 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. 587 is terminated and the one-year grace period ends, the current underlying "Multiple Residential Commercial 150 Zone (RMC-150)" will come into effect and will regulate the use of the land.
- The "Multiple Residential Commercial 150 Zone (RMC-150)" permits high density, high-rise multiple unit residential buildings and ground-oriented multiple unit residential buildings, child care centres, and the following uses, provided that they do not constitute a singular use on the lot, retail stores, personal service uses, general service uses, eating establishments, neighbourhood pubs, office uses, indoor recreational facilities, entertainment uses, and community services.
- 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 27 "Multiple Residential Commercial 150 Zone (RMC-150)" of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 587.

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

ARR/da



Multiple Residential Commercial 150 Zone

Part 27 - RMC-150, Multiple Residential Commercial 150 Zone

Part 27

RMC-150

A. Intent

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

B. Permitted Uses

Amendments: 13564, 11/16/98; 13774, 07/26/99; 13769, 01/22/01; 17462, 09/12/11; 17471, 10/03/11

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 a *lot*; and
 - (b) Do not exceed a total of 3.0 square metres [32 sq.ft.] per *dwelling unit*.
3. The following uses, provided that any one of these uses or a combination thereof do not constitute a singular use on the *lot*:
 - (a) *Retail stores* excluding *adult entertainment stores*;
 - (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*
- (g) *Indoor recreational facilities;*
- (h) *Entertainment uses* excluding *arcades* and *adult entertainment stores*; and
- (i) *Community services.*

C. Lot Area

Not applicable to this Zone.

D. Density

Amendments: 16918, 05/04/09; 17462, 09/12/11; 18414, 03/23/15; 19073, 02/20/17

1. For the purpose of *building* construction, in all areas described and outlined on the maps attached as Schedule F of 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* of development may be increased to that prescribed in Sub-sections D.2 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 the following:
 - (a) *Multiple Unit Residential Buildings and Ground-Oriented Multiple Unit Residential Buildings*: The *floor area ratio* shall not exceed 3.50.
 - (b) *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 33%.

F. Yards and Setbacks

1. All *buildings* and *structures* shall be sited in accordance with the following minimum *setbacks* (measurements to be determined as per Part 1 Definitions, of this By-law):
 - (a) 7.5 metres [25 ft.]; or
 - (b) 50% of the *height* of the *building*;
 from all *lot lines*, whichever is greater.

G. Height of Buildings

Not applicable to this Zone.

H. Off-Street Parking and Loading/Unloading

Amendments: 13774, 07/26/99; 14120, 10/16/00; 17471, 10/03/11; 18719, 05/30/16

1. Resident, visitor and employee *parking spaces* shall be provided as stated in Table C.1 of 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. No parking shall be permitted within 7.5 metres [25 ft.] from any *lot line*.
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 *multiple unit residential buildings* may be permitted as follows:
 - (a) *Dwelling units* with *tandem parking spaces* are permitted directly adjacent to an arterial roadway only if:
 - i. there is an internal access to the parking area; or
 - ii. that roadway has been reconstructed to a 5-lane cross-section; or
 - iii. "No Parking" restrictions are installed to preclude parking along the entire *frontage* of the *lot*.
 - (b) Both *tandem parking spaces* must be held by the same owner.
 - (c) *Tandem parking* is not permitted for units located within 6 metres [20 ft.] from *lot* entrances/exits.

6. 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

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* for the *multiple unit residential building* 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.
4. The uses listed under Section B.4 of this Zone shall be located on the ground floor and second storey and shall have access independent of the residential access.

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 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; 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.