

NO: R061

COUNCIL DATE: April 8, 2024

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **April 4, 2024**

FROM: **General Manager, Planning & Development**

FILE: **6880-01**

SUBJECT: **Metro Vancouver Regional Context Statement Amendment Applications**

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## RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Pass two individual resolutions to authorize staff to submit a Regional Context Statement amendment application to Metro Vancouver for:
  - a. Development Application No. 7914-0213-00, in accordance with Council granting Third Reading to *Surrey Official Community Plan Bylaw, 2013, No. 18020, Amendment Bylaw No. 19344*, on September 11, 2017, as shown in Appendix “I”;
  - and
  - b. Development Application No. 7923-0090-00, in accordance with Council granting third reading to *Surrey Official Community Plan Bylaw, 2013, No. 18020, Amendment Bylaw No. 21170*, on February 26, 2024, as shown in Appendix “II”;
2. For Development Application No. 7914-0213-00, authorize the City Clerk to bring forward *Surrey Official Community Plan Bylaw, 2013, No. 18020, Amendment Bylaw, 2024, No. 19344*” for final adoption, subject to the Metro Vancouver Board approving Surrey’s amended Regional Context Statement and approving the Regional Growth Strategy amendments; and
3. For Development Application No. 7923-0090-00, authorize the City Clerk to bring forward *Surrey Official Community Plan Bylaw, 2013, No. 18020, Amendment Bylaw, 2024, No. 21170*” for final adoption, subject to the Metro Vancouver Board approving Surrey’s amended Regional Context Statement and approving the Regional Growth Strategy amendments.

## INTENT

The intent of this report is to seek resolutions from Council to authorize staff to submit Regional Context Statement amendment applications to the Metro Vancouver Board for Development Application Nos. 7914-0213-00 and 7923-0090-00.

## BACKGROUND

In connection with the recent referrals of Development Application Nos. 7914-0213-00 and 7923-0090-00 to Metro Vancouver, staff were advised that Council resolutions regarding a Regional Context Statement amendment were also required prior to Metro Vancouver's consideration of the proposed amendments.

## DISCUSSION

### **Development Application No. 7914-0213-00**

Development Application No. 7914-0213-00 includes:

- *Surrey Official Community Plan Bylaw, 2013, No. 18020* ("OCP") amendment from Agricultural to Suburban;
- Metro Vancouver Regional Growth Strategy ("RGS") amendment from Rural to General Urban, to amend the Urban Containment Boundary to include the development portion of the site within the Metro Vancouver's Sewerage Area;
- Rezoning from "General Agriculture Zone (A-1)" to "Quarter Acre Residential Zone (RQ)";
- Subdivision to create 145 single-family RQ-zoned lots; and
- Agricultural Land Reserve ("ALR") applications for inclusion of a 1.6-hectare (3.9-acre) portion of the property under the BC Hydro power lines at 18115 – 0 Avenue, a non-farm use to permit stormwater runoff into the proposed habitat ponds in the ALR, and subdivision to create a green space lot within the ALR for conveying to the City for conservation purposes.

As outlined in the February 26, 2024 Planning Report (Appendix "III"), this application received third reading from Council on September 11, 2017, and was denied at Metro Vancouver in June 2018. The applicant requested that Council refer the proposal to Metro Vancouver again for consideration of an RGS amendment, and Council directed staff to refer the proposal to Metro Vancouver again. The referral to Metro Vancouver was made on March 21, 2024.

### **Development Application No. 7923-0090-00**

Development Application No. 7923-0090-00 includes:

- OCP amendment from Industrial to Mixed Employment;
- Metro Vancouver RGS amendment from Industrial to Employment;
- Rezoning from "Light Impact Industrial Zone (IL)" to "Comprehensive Development Zone (CD)"; and
- Development Permit for Form and Character for commercial buildings.

The February 12, 2024 Planning Report (Appendix “IV”) was considered by Council and was granted third reading on February 26, 2024. The referral to Metro Vancouver was made on March 21, 2024.

## CONCLUSION

Based on the above information, it is recommended that Council provide two individual resolutions to authorize staff to submit Regional Context Statement amendment applications to the Metro Vancouver Board relating to Development Application Nos. 7914-0213-00 and 7923-0090-00.

*Original signed by*

Don Luymes

General Manager, Planning & Development

Appendix “I” Proposed Amendments to *Surrey Official Community Plan Bylaw, 2013, No. 18020*,  
Regional Context Statement, for Development Application No. 7914-0213-00

Appendix “II” Proposed Amendments to *Surrey Official Community Plan Bylaw, 2013, No. 18020*,  
Regional Context Statement, for Development Application No. 7923-0090-00

Appendix “III” February 26, 2024 Planning Report for Development Application No. 7914-0213-00

Appendix “IV” February 12, 2024 Planning Report for Development Application No. 7923-0090-00

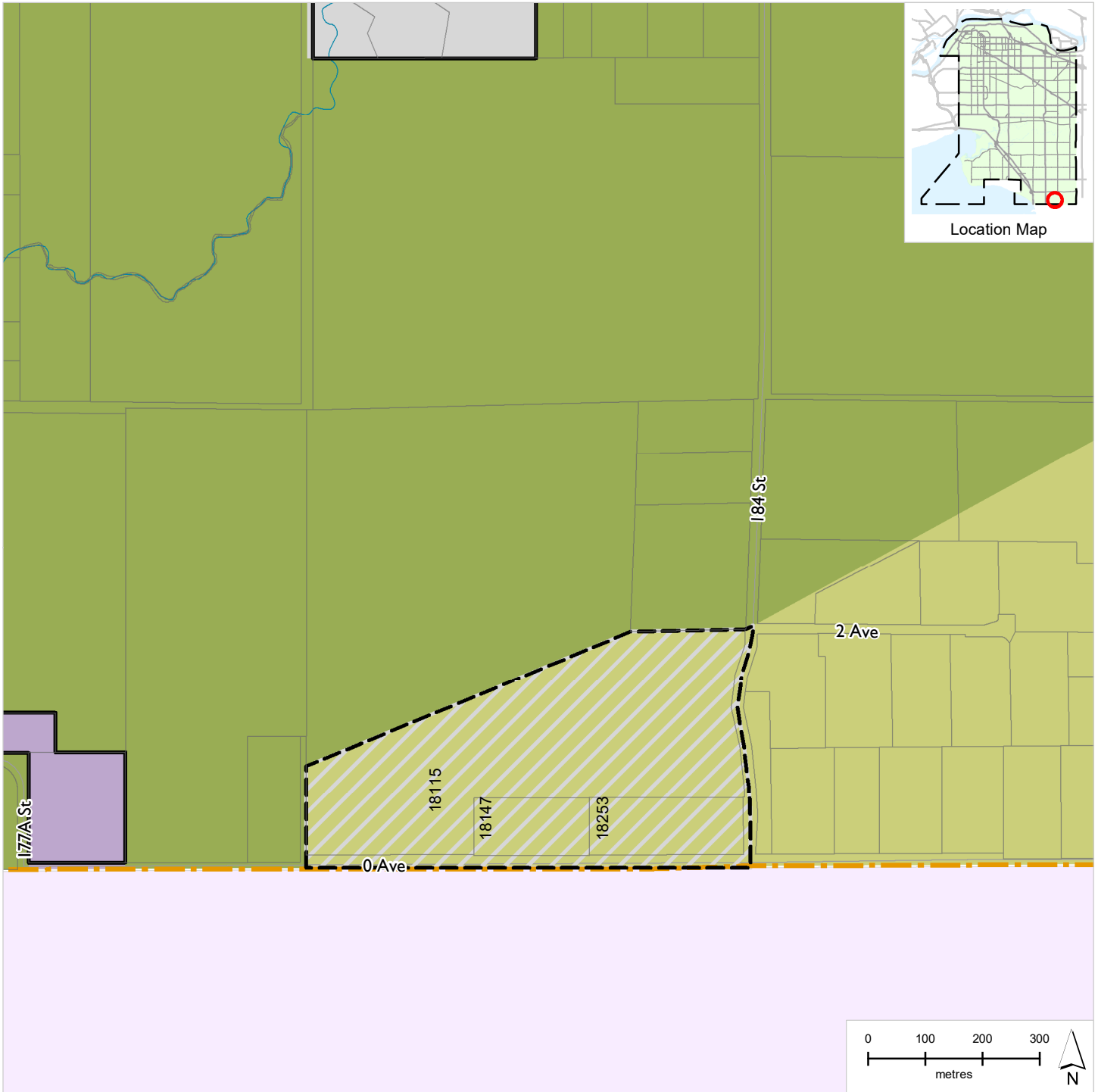
### **Proposed Amendments to Surrey Official Community Plan, Regional Context Statement for Application No. 7914-0213-00**

The following amendments are proposed for Surrey Official Community Plan Bylaw, 2013, No. 18020, Regional Context Statement, Goal 1: Create a Compact Urban Area, 1.1 Urban Containment, as follows:

1. “Figure 51: Regional Growth Strategy Land Use Designation”, as illustrated in Attachment “A”, as follows:
  - a) adjust the Regional Growth Strategy Urban Containment Boundary;
  - b) adjust the Regional Growth Strategy Regional Land Use Designations.

# Proposed Amendments to Regional Context Statement

Development Application No. 7914-0213-00



## LEGEND

- General Urban
- Industrial
- Agricultural
- Rural
- Amend from Rural to General Urban
- Urban Containment Boundary
- Add to Urban Containment Boundary
- United States Border

## **APPENDIX “II”**

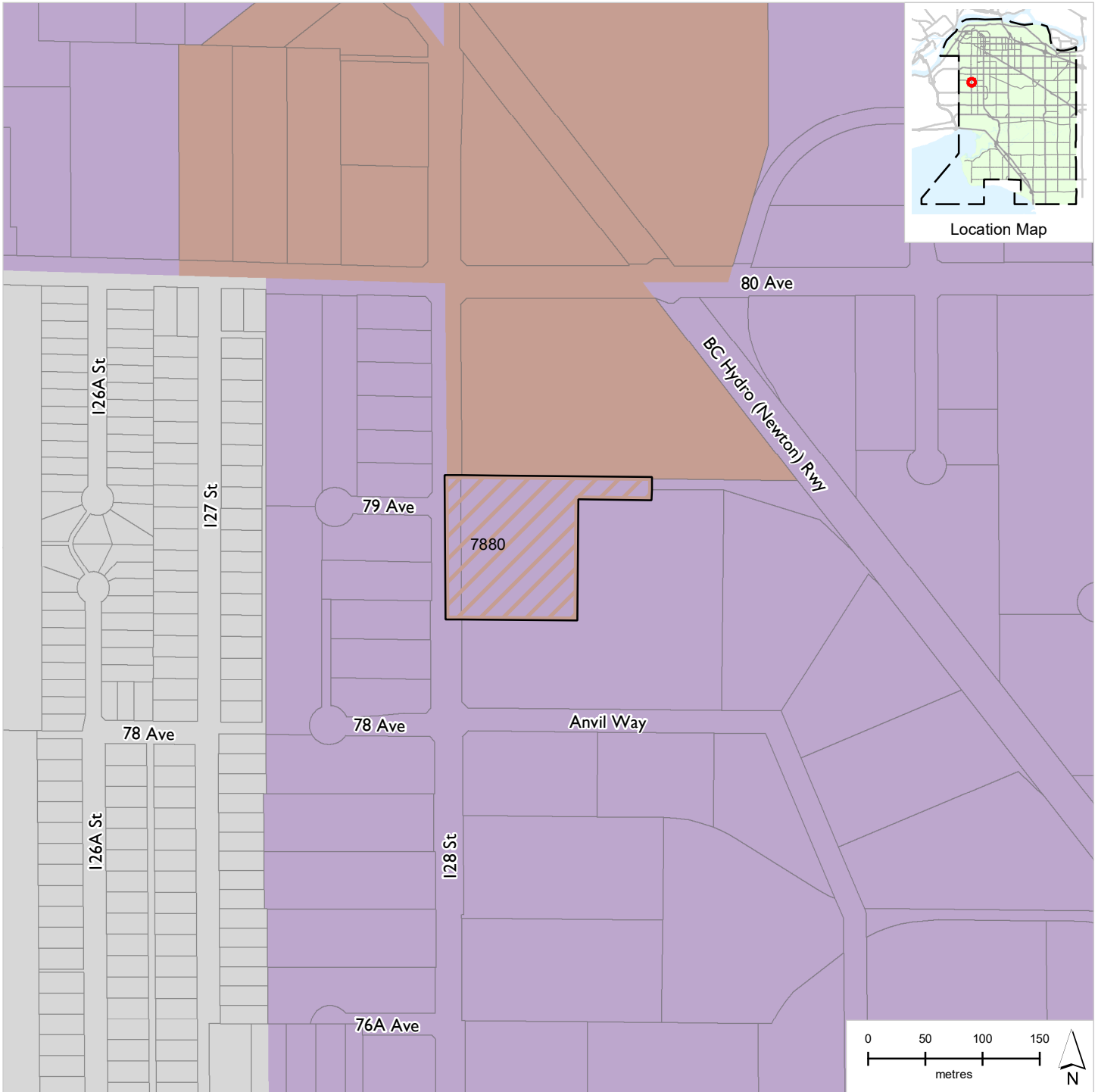
### **Proposed Amendments to Surrey Official Community Plan, Regional Context Statement for Development Application No. 7923-0090-00**

The following amendments are proposed for Surrey Official Community Plan Bylaw, 2013, No. 18020, Regional Context Statement, Goal 1: Create a Compact Urban Area, 1.1 Urban Containment, as follows:

1. “Figure 51: Regional Growth Strategy Land Use Designation”, as illustrated in Attachment “B”, as follows:
  - a) adjust the Regional Growth Strategy Regional Land Use Designations.

# Proposed Amendments to Regional Context Statement

Development Application No. 7923-0090-00

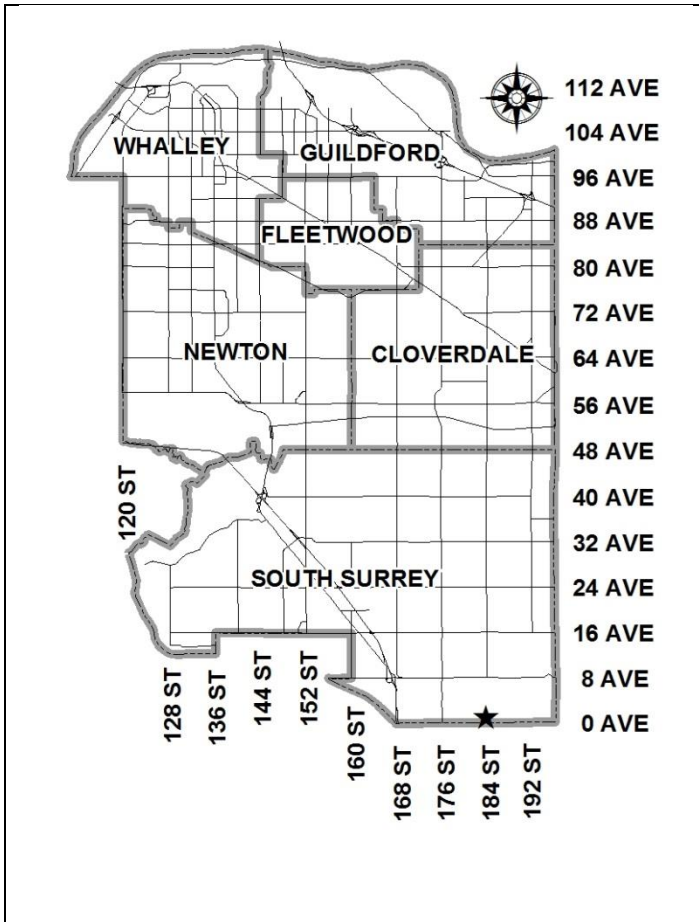


## LEGEND

- General Urban
- Industrial
- Employment
- Amend from Industrial to Employment

# APPENDIX "III"

City of Surrey  
**ADDITIONAL PLANNING COMMENTS**  
 Application No.: 7914-0213-00  
 Planning Report Date: February 26, 2024

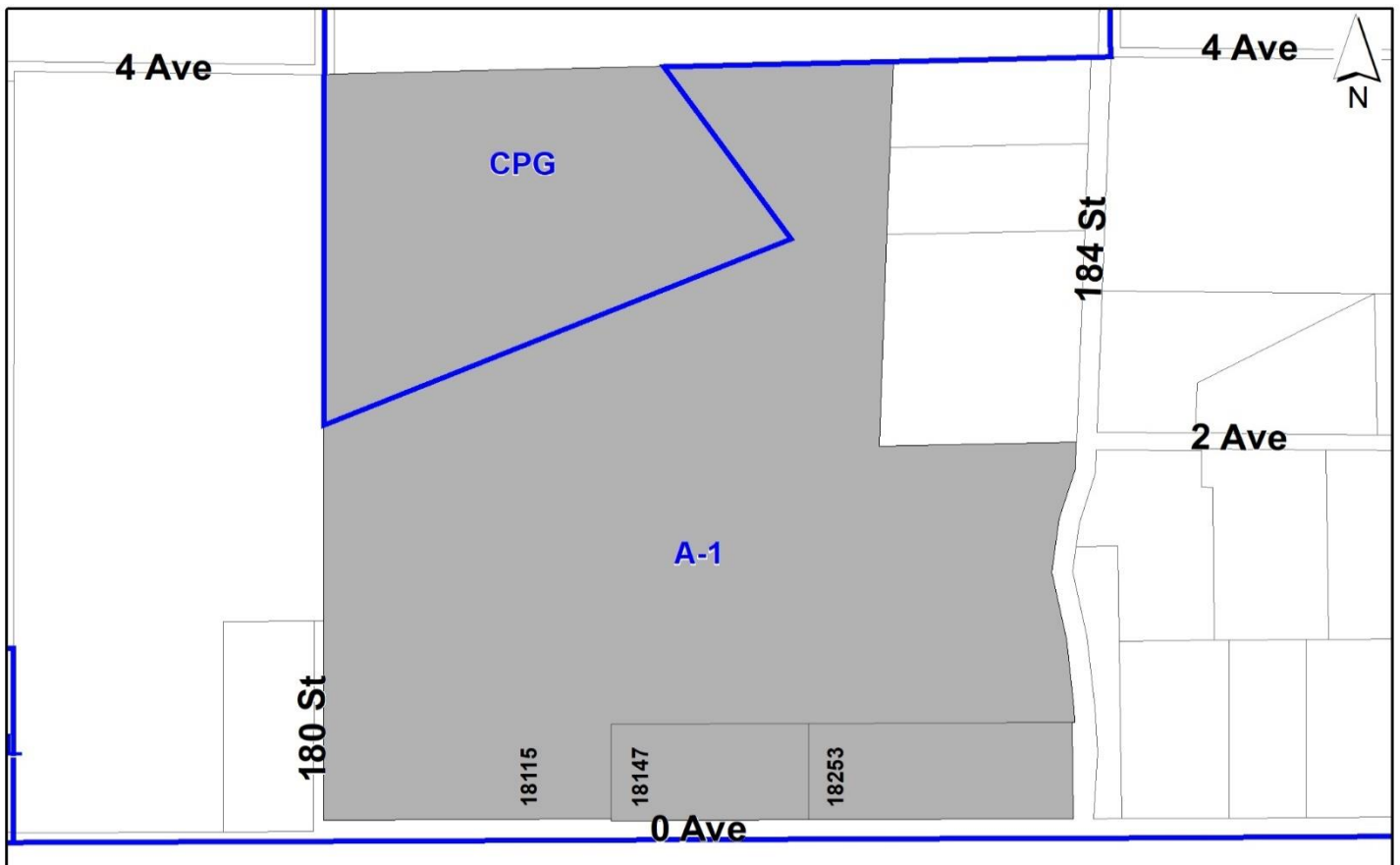


**PROPOSAL:**

- **Regional Growth Strategy** Amendment from Rural to General Urban for a portion of the site
- **OCP Amendment** for a portion of the site from Agricultural to Suburban
- **Rezoning** from A-1 to RQ, from A-1 to CPG, and from CPG to A-1
- **Development Permit**
- **ALR inclusion, Non-Farm Use, and Subdivision**

to allow subdivision into approximately 145 single family lots.

**LOCATION:** 18115, 18147 and 18253 - 0 Avenue  
**OWNER:** Lapierre Holdings Ltd.  
 Hazelmere Golf & Tennis Club  
**ZONING:** A-1 and CPG  
**OCP DESIGNATION:** Agricultural





**RECOMMENDATION SUMMARY**

- That Council refer Development Application No. 7914-0213-00 to Metro Vancouver for reconsideration of a Regional Growth Strategy Amendment (RGS).

**DEVIATION FROM PLANS, POLICIES OR REGULATIONS**

- The proposal is a significant departure from existing City of Surrey policies and plans and Metro Vancouver's RGS.

**RATIONALE OF RECOMMENDATION**

- Development Application No. 7914-0213-00 was granted Third Reading on September 11, 2017. At Council's direction, the application was referred to Metro Vancouver in October 2017 for decision to:
  - amend the Metro Vancouver Regional Growth Strategy (RGS) designation for the non-Agricultural Land Reserve (ALR) portion of the site from Rural to General Urban;
  - amend the Urban Containment Boundary to include the non-ALR portion of the site; and
  - include the non-ALR portion of the subject site within the Greater Vancouver Sewerage and Drainage District's (GVS&DD) Fraser Sewerage Area.
- On June 22, 2018 Metro Vancouver defeated the proposed Metro Vancouver amendment bylaw. The application has been dormant since that time.
- The applicant is requesting that Council refer the proposal to Metro Vancouver for reconsideration of an RGS amendment.

## RECOMMENDATION

That Council refer Development Application No. 7914-0213-00 to Metro Vancouver for reconsideration of a Regional Growth Strategy Amendment.

Alternatively, should Council not support the proposed RGS Amendment, Council may wish to direct that all By-laws associated with Development Application No. 7914-0213-00 be Filed and that Development Application No. 7914-0213-00 be closed.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP/NCP Designation	Existing Zone
Subject Site	18115 - 0 Avenue is vacant farmland that is partially located within ALR. The property has 2 golf course holes on it at the northern portion of property. A small portion of the property is encumbered by a BC Hydro right-of-way. 18147 and 18253 - 0 Avenue are rural acreages that are located outside of the ALR.	Agricultural	CBG and A-1
North:	Golf course and agricultural acreages, within the Agricultural Land Reserve (ALR).	Agricultural	CPG and A-1
East (Across 184 Street):	Agricultural acreages.	Agricultural	A-1
West:	Agricultural acreage within the ALR.	Agricultural	A-1
South (Across 0 Avenue/border):	United States of America.	n/a	n/a

## Proposal

- The applicant is proposing:
  - an Official Community Plan (OCP) amendment from Agriculture to Suburban for the portion of the site located outside of the Agricultural Land Reserve (ALR);
  - Metro Vancouver Regional Growth Strategy (RGS) amendments to:
    - amend the Metro Vancouver Regional Growth Strategy (RGS) designation for the non-Agricultural Land Reserve (ALR) portion of the site from Rural to General Urban;
    - amend the Urban Containment Boundary to include the non-ALR portion of the site; and

- include the non-ALR portion of the subject site within the Greater Vancouver Sewerage and Drainage District's (GVS&DD) Fraser Sewerage Area.
  - to rezone portions of the site from "General Agriculture Zone (A-1)" to "Golf Course Zone (CPG)", from "Golf Course Zone (CPG)" to "General Agriculture Zone (A-1)", and from "General Agriculture Zone (A-1)" to "Quarter Acre Residential Zone (RQ)";
  - a Development Permit for Hazard Lands (steep slopes), Farm Protection and for Sensitive Ecosystems;
  - an Agricultural Land Commission (ALC) application for inclusion of a 1.6 hectare (3.9 acre) portion of the property at 18115 – 0 Avenue under the BC Hydro power lines, a non-farm use to permit stormwater runoff into the proposed habitat ponds in the ALR, and subdivision to create a green space lot within the ALR for conveying to the City for conservation purposes; and
  - subdivision into 145 single family lots, several park lots, a detention pond lot, and a remainder lot in the ALR.
- The proposal is complex and contains many conditions that would need to be resolved prior to final adoption, should the project be supported by Metro Vancouver and the Agricultural Land Commission. These items are comprehensively documented in the July 24, 2017 Planning Report (Appendix I) and include:
  - Submission of a park development plan and acceptance by Parks Recreation & Culture Department;
  - Resolution of lot grading and retaining wall concerns;
  - Raptor management;
  - Approval from Ministry of Forests, Lands and Natural Resource Operations under the Water Sustainability Act;
  - Approval from the Agricultural Land Commission for the items noted above; and
  - Resolution of engineering servicing issues which include:
    - concerns with extension of sanitary servicing to the site;
    - concerns with provision of water for the site; and
    - concerns over long term operational costs associated with the proposed servicing strategies.

## Context & Background

- The project was previously considered three times by Council: on July 27, 2015, on June 27, 2016 and on July 24, 2017 (see Appendix I for the previous planning reports). In the first two planning reports, staff recommended that the proposal not be supported.
- At the June 27, 2016 Regular Council – Land Use meeting, Council considered the proposed Official Community Plan (OCP) amendment from Agricultural to Suburban for the non-Agricultural Reserve (ALR) portion of the site and referred the project back to staff to work with the applicant to:

- “review the site in terms of future residential development and the feasibility of the proposed septic field and existing soil quality and ascertain whether or not a sewer system can indeed be supported;
  - provide completion of the Hazelmere Golf Course Community in terms of estate lots that are viable for the next 50 years with the aim of completing the Golf Course community while maintaining habitat restoration and agricultural uses. Further it was noted that if the area to the east toward o Avenue should be considered for residential development in the future, a full Neighbourhood Concept Plan (NCP) would be expected, but the process would not be initiated at this time;
  - provide detailed information in terms of the available capacity to provide services to this area that would be "stand alone"; and
  - ensure that this project is an extension to complete the build out of the Hazelmere Golf course.”
- After the June 27, 2016 Regular Council – Land Use meeting, staff worked with the applicant on the issues that were noted in addition to other site planning considerations. The project was presented again to Council on July 24, 2017, and the application was granted Third Reading on September 11, 2017.
  - The application was referred to Metro Vancouver for decision in October 2017 to:
    - amend the Metro Vancouver Regional Growth Strategy (RGS) designation for the non-Agricultural Land Reserve (ALR) portion of the site from Rural to General Urban ;
    - amend the Urban Containment Boundary to include the non-ALR portion of the site; and
    - include the non-ALR portion of the subject site within the Greater Vancouver Sewerage and Drainage District’s (GVS&DD) Fraser Sewerage Area.
  - On June 22, 2018 Metro Vancouver defeated the proposed Metro Vancouver amendment bylaw (Appendix II). The application has been dormant since that time.
  - The applicant is requesting that Council refer the proposal to Metro Vancouver for reconsideration of an RGS amendment.

## INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Previous Planning Reports dated July 24, 2017, June 27, 2016, July 27, 2015, and April 13, 2015 (was not considered by Council)
- Appendix II. Metro Vancouver Letter dated July 3, 2018

### **\*Appendices Available Upon Request\***

*approved by Shawn Low*

Don Luymes  
General Manager  
Planning and Development

**APPENDIX "IV" City of Surrey**  
**ADDITIONAL PLANNING COMMENTS**

Application No.: 7923-0090-00

Planning Report Date: February 12, 2024

**PROPOSAL:**

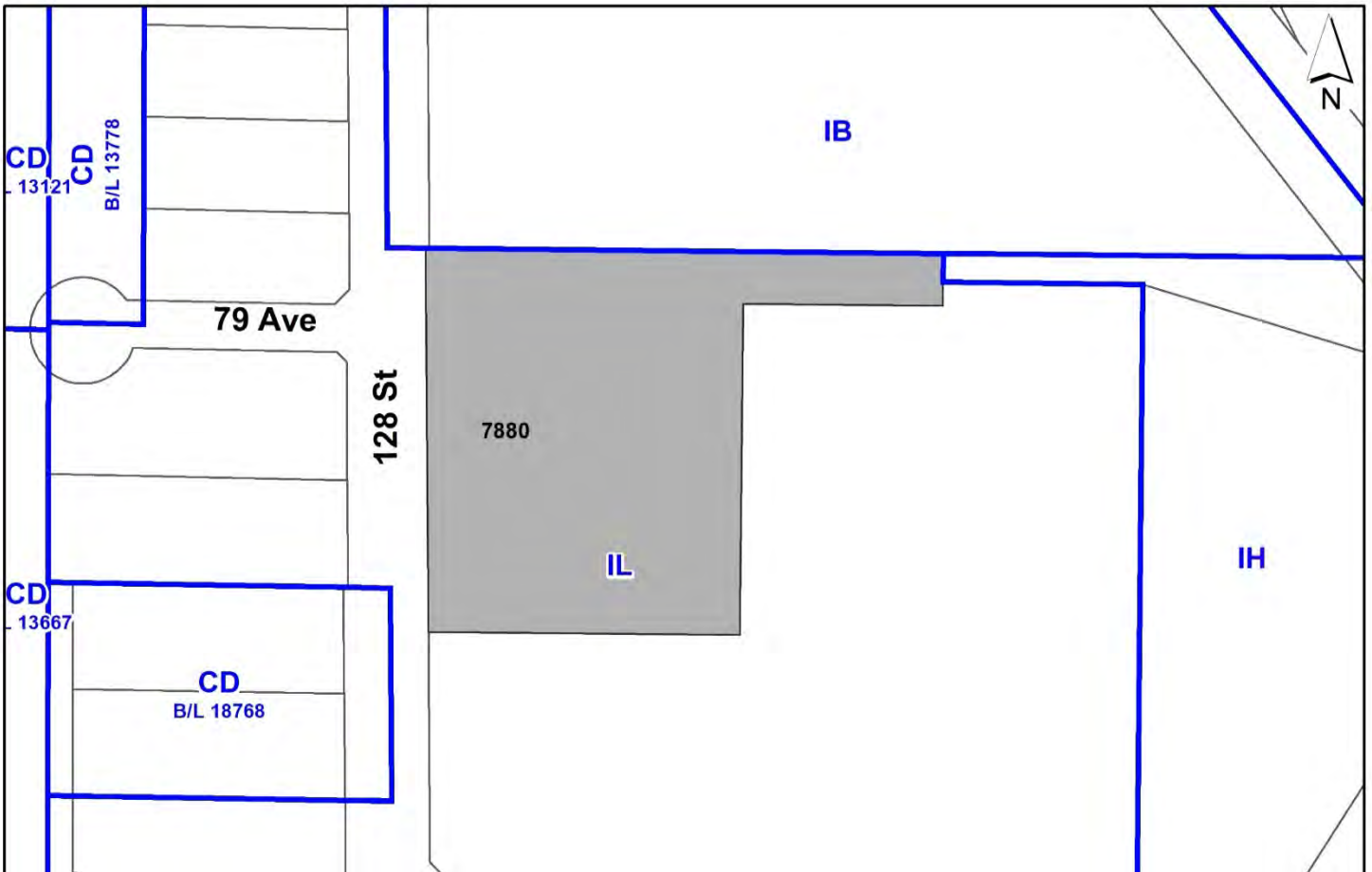
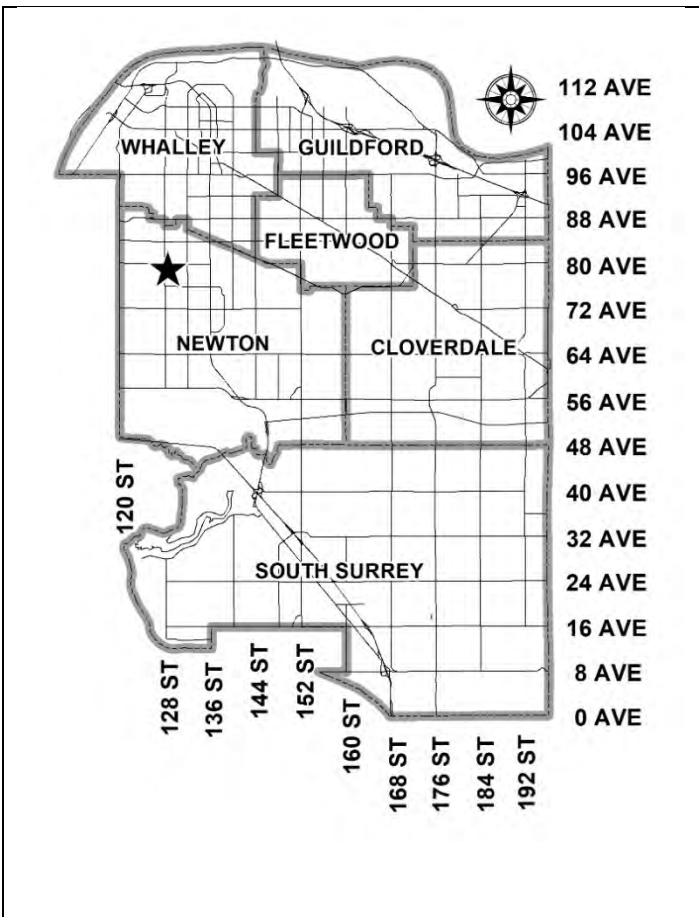
- **Regional Growth Strategy Amendment** from Industrial to Employment
- **OCP Amendment** from Industrial to Mixed Employment
- **OCP Text Amendment** to allow a higher density in the Mixed Employment designation
- **Development Permit**
- **LAP Amendment** to include the subject site in the Central Newton Cultural Commercial District
- **Rezoning** from IL to CD

to permit the development of three commercial buildings and a child care building.

LOCATION: 7880 - 128 Street

ZONING: IL

OCP DESIGNATION: Industrial



## RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
  - OCP Amendment; and
  - Rezoning.
- Refer the application to Metro Vancouver upon Council granting Third Reading for consideration of an amendment to the Metro Vancouver Regional Growth Strategy (RGS) designation from "Industrial" to "Employment".
- Approval to vary the Sign By-law through a comprehensive sign design package.
- Approval to draft Development Permit for Form and Character.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing an amendment to the Official Community Plan (OCP) from Industrial to Mixed Employment and an OCP text amendment to allow a density higher than the 1.0 floor area ratio (FAR) permitted in the Mixed Employment OCP designation.
- Proposing an amendment to the Metro Vancouver Regional Growth Strategy (RGS) from Industrial to Employment.
- Proposing to vary regulations in the Sign By-law by allowing fascia signage on the second storey.

## RATIONALE OF RECOMMENDATION

- At the May 1, 2023, Regular Council- Land Use meeting, Council considered a Stage 1 Planning Report for a proposal to amend the Official Community Plan (OCP), a Metro Vancouver Regional Growth Strategy (RGS) amendment and to rezone the site to a Comprehensive Development (CD) Zone. Staff recommended that the application be referred back to staff to work with the applicant to develop a proposal that complies with the site's Industrial designation in both the OCP and Metro Vancouver's RGS (Appendix VII).
- At the May 1, 2023, Regular Council- Land Use meeting, staff's motion "*That Application 7923-0090-00 be referred back to staff to work with the applicant to develop a proposal that complies with the site's Industrial designation in both the Official Community Plan (OCP) and Metro Vancouver's Regional Growth Strategy (RGS)*" was defeated (RES.R23-939).
- Since that time staff have worked with the applicant to resolve site planning, access, design and other considerations. The proposal is now being presented for Council's consideration and for by-law introduction.

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- The proposal will trigger the requirement for a Metro Vancouver RGS amendment. An RGS amendment from Industrial to Employment would be considered a Type 3 Minor Amendment. It would require an affirmative 50% + 1 weighted vote of the Metro Vancouver Board.
  - The proposed buildings achieve an attractive architectural built form, which utilizes high quality materials and contemporary lines. The street interface has been designed to a high quality to achieve a positive urban experience between the proposed building and the public realm.
  - As this project is proposing ground floor and second floor commercial retail units (CRUs), it is reasonable to allow the second floor retail premises to also have fascia signage. The proposed fascia signs are of an appropriate size and scale in relation to the proposed building.



## RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to amend the OCP Figure 3: General Land Use Designations for the subject site from Industrial to Mixed Employment and a date for Public Hearing be set.
2. A By-law be introduced to amend the OCP Figure 42: Major Employment Areas for the subject site by changing the designation from Industrial to Mixed Employment and a date for Public Hearing be set.
3. A Bylaw be introduced to amend OCP, Table 7a: Land Use Designation Exceptions within the "Mixed Employment" designation by adding site specific permission for the subject site to permit a density up to 2.00 FAR (net calculation), and a date for Public Hearing be set.
4. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 475 of the Local Government Act.
5. Council authorize staff to refer the application to Metro Vancouver for consideration of the following upon the application receiving Third Reading: to amend the Metro Vancouver Regional Growth Strategy (RGS) designation for the site from Industrial to Employment.
6. A By-law be introduced to rezone the subject site from "Light Impact Industrial Zone (IL)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
7. Council approve the applicant's request to vary the Sign By-law as described in Appendix I.
8. Council authorize staff to draft Development Permit No. 7923-0090-00, including a comprehensive sign design package, generally in accordance with the attached drawings (Appendix II).
9. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
  - (b) submission of a road dedication plan to the satisfaction of the Approving Officer;
  - (c) resolution of all urban design issues to the satisfaction of the Planning and Development Department;
  - (d) review of the project by the Advisory Design Panel and resolution of design comments to the satisfaction of the General Manager, Planning & Development Services;

- (e) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;
  - (f) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
  - (g) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;
  - (h) approval from Metro Vancouver for a Regional Growth Strategy site designation amendment from Industrial to Employment;
  - (i) registration of a Section 219 Restrictive Covenant to adequately address the City's needs with respect to public art, to the satisfaction of the General Manager, Planning & Development Services; and
  - (j) registration of an access easement on the neighbouring property to the north at 7928 – 128 Street for the purposes of Fire access on the subject site.
10. Council pass a resolution to amend the Central Newton Cultural Commercial District (CNCCD) to include the subject property within the boundary of the CNCCD, when the project is considered for final adoption.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP/NCP Designation	Existing Zone
Subject Site	Industrial	Industrial	IL
North:	Commercial	Mixed Employment	IB
East and South:	Industrial	Industrial	IL
West (Across 128 Street):	Industrial	Industrial	IL and CD (By-law No. 18768)

### Context & Background

- The subject property is approximately 1.3 hectares in size and is located on the east side of 128 Street and approximately 150 metres south of 80 Ave. in the Newton Industrial area. It is designated “Industrial” in the Official Community Plan (OCP), and “Industrial” in Metro Vancouver’s Regional Growth Strategy (RGS).

- Given the site's current Industrial designation under the RGS, an amendment to the RGS from Industrial to Employment would be required should the proposal be supported by Council. This would involve an affirmative 50% +1 weighted vote of the Metro Vancouver Regional District Board. Metro Vancouver indicates that public engagement opportunities would also be required as part of their process. Public engagement opportunities may include notification on the Metro Vancouver website, request for written comments on the Metro Vancouver website, opportunities for the public to appear as a delegation to the Regional Planning Committee or the Metro Vancouver Regional District Board, conveyance of comments from the Surrey Public Hearing to the Metro Vancouver Regional District Board and/or hosting a public information meeting.
- The subject property is abutting, but not within, the group of properties that make up the Central Newton Cultural Commercial District (CNCCD). Properties within the CNCCD, to the north of the subject site, are designated "Mixed Employment" in the OCP. The intention of the CNCCD is to encourage commercial uses to locate on the lands designated Mixed Employment around the intersection of 80 Avenue and 120 Street, with the intent that, elsewhere in Newton, these uses would not be permitted on Industrial lands to help retain Industrial uses.
- As the subject site is abutting the CNCCD, it is proposed that should Council and Metro Vancouver approve the proposal, the subject lot would be added to the CNCCD plan area.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The subject application includes the following components:
  - A Metro Vancouver Regional Growth Strategy (RGS) amendment from "Industrial" to "Employment";
  - An Official Community Plan amendment from Industrial to Mixed Employment, with a site-specific amendment to allow density beyond the 1.0 FAR limit of the Mixed Employment designation;
  - A Rezoning from "Light Impact Industrial Zone (IL)" to "Comprehensive Development Zone (CD)"; and
  - A Development Permit for Form and Character for commercial buildings.
- The proposal consists of two commercial buildings and one child care building. The commercial building contains commercial retail uses on the ground and second floors and office uses on floors three through five.

	Proposed
<b>Lot Area</b>	
Gross Site Area:	13,453 sq.m.
Road Dedication:	345 sq.m.
Net Site Area:	13,109 sq.m.
<b>Number of Lots:</b>	1
<b>Building Height:</b>	5 storeys (22 metres)
<b>Floor Area Ratio (FAR):</b>	2.0 FAR
<b>Floor Area</b>	
Retail:	10,472 sq.m.
Office:	14,685 sq.m.
Child care:	1,060 sq.m.
Total:	26,218 sq.m.

## Referrals

**Engineering:** The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix III.

**Parks:** Newton Athletic Park is the closest active park with amenities including, outdoor sport courts, a playground, outdoor sport fields, and is 800 metres walking distance from the development. There is no park within a reasonable walking distance with natural area.

**Surrey Fire Department:** No concerns. The applicant is required to register an access easement on the property to the north at 7928 – 128 Street for the purposes of Fire protection on the subject site prior to final adoption.

**Advisory Design Panel:** As part of the updated (December 2023) ADP review process, the application was not subject to review by the ADP prior to Council introduction but will proceed to ADP after Third Reading, should Third Reading be granted. The Panel's recommendations are to be satisfactorily addressed prior to final adoption.

## Transportation Considerations

### Traffic Impacts

- The applicant was required to submit a transportation impact analysis ("TIA") to support the subject proposal. Based on the TIA, the site is anticipated to generate approximately fifteen vehicles per minute in the peak hour.
- Based on the results of the TIA, the applicant is required to provide the following improvements in order to mitigate the site-generated traffic impacts to the surrounding road network and intersections:

- Construction of a new traffic signal at the intersection of 79 Avenue and 128 Street;
- Contribution towards improvements along 128 Street to support increased pedestrian and transit activity; and
- Construction of left-turn bay extensions at the intersection of 80 Avenue and 128 Street.

### Access, Parking and Transit

- The subject site is proposed to be accessed via two driveways from 128 Street. The northern driveway is the main access to the site, providing access to the surface parking on the site and all buildings. The northern driveway aligns with 79 Avenue and is proposed to be signalized, allowing for full movement access. The southern driveway provides direct access to the underground parkade.
- According to the Zoning Bylaw, a total of 711 parking spaces are required to be provided on site. The applicant is proposing to provide 713 parking spaces on site, meeting the Zoning Bylaw requirements.
- The site is served by a north-bound bus stop approximately 50 metres away on 128 Street, and by a south-bound bus stop approximately 130 metres away on 128 Street. These bus stops are served by Bus Routes 323 and 393.

### **Sustainability Considerations**

- The applicant has met all of the typical sustainable development criteria, as indicated in the Sustainable Development Checklist. In addition, the applicant is providing a green roof on the centrally located two-storey building.

## **POLICY & BY-LAW CONSIDERATIONS**

### **Regional Growth Strategy**

- The subject site is designated Industrial in Metro Vancouver's Regional Growth Strategy (RGS). The applicant is proposing an amendment to the RGS to redesignate the subject site from Industrial to Employment.
- The proposed RGS amendment would require an affirmative majority (50%+1) weighted vote of the Metro Vancouver Board but would not require a regional public hearing. If Council grants Third Reading to this proposal, then a referral will be made to the Metro Vancouver Board for this aspect of the proposal.

### **Official Community Plan**

#### Land Use Designation

- The subject site is designated Industrial in the Official Community Plan (OCP). The applicant is seeking an OCP designation amendment from Industrial to Mixed Employment and an OCP

text amendment to allow a density higher than the 1.0 floor area ratio (FAR) permitted in the Mixed Employment OCP designation.

#### Amendment Rationale

- The proposed amendment is being brought forward for Council's consideration as per direction received from Council on May 1, 2023.

#### **Land Use Plan Central Newton Cultural Commercial District (CNCCD)**

- The subject property is abutting, but not within, the group of properties that make up the Central Newton Cultural Commercial District (CNCCD). Properties within the CNCCD, to the north of the subject site, are designated "Mixed Employment" in the OCP and are intended to be developed as the only commercial lots in this area (Appendix VI).
- The Central Newton Cultural Commercial District (CNCCD) was developed to provide a legitimate location for a number of existing commercial businesses that had been occupying Industrial land in this area. At the time the area was designated in 2013, there was pressure throughout the Industrial lands in Newton, including in the East Newton Business Park, to introduce banquet halls as well as retail and service uses. A number of these commercial uses had already become established in some areas, in particular at the Payal Centre, which is located on the east side of 128 Street at 82 Avenue. In order to relieve commercial pressure on Industrial lands throughout the community, the Central Newton Cultural Commercial District was established so that cultural and commercial uses could be focused in one area, thus protecting and maintaining the integrity of the remaining industrial lands.
- The intention of the CNCCD is to encourage commercial uses to locate on the lands designated Mixed Employment around the intersection of 80 Avenue and 120 Street, with the intent that, elsewhere in Newton, these uses would not be permitted on Industrial lands.
- As the subject site is abutting the CNCCD, it is proposed that should Council and Metro Vancouver approve the proposal, the subject lot would be added to the CNCCD plan area.

#### **CD By-law**

- The applicant proposes to rezone the subject site from "Light Impact Industrial Zone (IL)" to "Comprehensive Development Zone (CD)", based on the "Community Commercial Zone (C-8)".
- The table below provides an analysis of the development proposal in relation to the requirements of the Zoning By-law, including the "Community Commercial Zone (C-8)", and parking requirements.

<b>C-8 Zone (Part 36)</b>	<b>Permitted and/or Required</b>	<b>Proposed CD Zone</b>
<b>Permitted Uses:</b>	Principal Uses: 1. Retail stores excluding adult entertainment store, 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. 5. Eating establishments excluding drive-through restaurants. 6. Neighbourhood pubs. 7. Liquor store. 8. Office uses excluding social escort services and methadone clinics. 9. Parking facilities. 10. Automotive service uses. 11. Indoor recreational facilities. 12. Entertainment uses. 13. Assembly halls. 14. Community services. 15. Child care centres. 16. Cultural uses. Accessory Uses: One caretaker unit per lot.	Principal Uses: 1. Retail stores excluding adult entertainment store, 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. 5. Eating establishments excluding drive-through restaurants. 6. Neighbourhood pubs. 7. Liquor store. 8. Office uses excluding social escort services and methadone clinics. 9. Parking facilities. 10. Indoor recreational facilities. 11. Entertainment uses. 12. Assembly halls. 13. Community services. 14. Child care centres. 15. Cultural uses. Accessory Uses: One caretaker unit per lot.
<b>Floor Area Ratio:</b>	0.80	2.00
<b>Lot Coverage:</b>	50%	54%
<b>Yards and Setbacks</b>		
North:	7.5m	3.0m
East:	7.5m	3.0m
South:	7.5m	4.0m (with Building 5 at om)
West:	7.5m	4.0m
<b>Height of Buildings</b>		
Principal buildings:	12m	22m
Accessory buildings:	4.5m	4.5m
<b>Parking (Part 5)</b>	<b>Required</b>	<b>Proposed</b>
<b>Number of Stalls</b>		
Retail:	222	222
Office:	364	364
Eating Establishment:	91	96
Child care:	31	31
Total:	711	713

C-8 Zone (Part 36)	Permitted and/or Required	Proposed CD Zone
<b>Bicycle Spaces</b>		
Visitor Parking:	11	28

- The permitted uses proposed in the CD Zone largely reflect the uses of the C-8 Zone with the main differences being that the parking facility use and automotive use are not proposed in the CD Zone. Retail stores are limited to a maximum size of 370 square metres, with the exception that one store may be up to 466 square metres in area. Eating establishments are limited to 150 square metres, except that 640 square metres of eating establishment(s) above 150 square metres may also be permitted. Limiting the retail store size and eating establishment size allows the applicant to meet the Zoning Bylaw parking requirements.
- The CD Zone proposes a higher floor area ratio (FAR) at 2.00 relative to the 0.80 FAR permitted under the C-8 Zone. The proposed FAR reflects the significant amount of retail space and office space proposed on the site.
- The C-8 Zone has a maximum lot coverage of 50% and the applicant is proposing a lot coverage of 54%.
- The proposed setbacks are lower than the C-8 Zone. The proposed 4.0 metre west setback brings the building closer to 128 Street, creating a more urban pedestrian environment and enhances surveillance of the public realm along the street. The 3.0 metre north yard setback allows for the retention of the trees on the neighbouring lot. The 3.0 metre east yard setback and the 4.0 metre south yard setback provide an appropriate interface with the adjacent parcels.
- The CD Zone proposes a 5-story building height at 22 metres relative to the 12 metre building height permitted by the C-8 Zone. The proposed building height reflects the 5-storey proposal.
- The applicant is required to provide 288 retail parking spaces, 367 office parking spaces and 30 child care parking spaces, and 26 eating establishment parking spaces for a total of 711 required parking spaces. The applicant is providing 713 parking spaces in total, exceeding the parking requirement. Sixty-seven (67) parking spaces are proposed as surface parking, with the remainder provided underground.
- The applicant is also providing 28 bike surface parking spaces for the retail space.

### Sign Bylaw

- The applicant is proposing a Comprehensive Sign Design Package to allow for individual unit fascia signs on the second floor.
- The Sign Bylaw does not permit individual businesses on the second floor to each have a fascia sign. As this project is proposing ground floor and second floor commercial retail units (CRUs), it is reasonable to allow the second floor retail premises to also have fascia signage. The proposed fascia signs are of an appropriate size and scale in relation to the proposed building.



- The second floor fascia signage will be placed on the lower portion of the second floor on the 128 Street elevation, where it will complement the ground floor CRU signage and not detract from the two-storey design element. On the interior of the site, the second floor signage will be placed higher up on the second floor due to the exterior second floor skywalk.
- The fascia signage will be illuminated channel letter signage. Retail blade signage is also proposed on the ground floor. No free-standing signs are proposed.

### **Public Art Policy**

- The applicant will be required to provide public art or register a Restrictive Covenant agreeing to provide cash-in-lieu, at a rate of 0.5% of construction value, to adequately address the City's needs with respect to public art, in accordance with the City's Public Art Policy requirements. The applicant will be required to resolve this requirement prior to consideration of Final Adoption.

### **PUBLIC ENGAGEMENT**

- Pre-notification letters were sent on April 12, 2023 and again on December 21, 2023 with the updated proposal. The Development Proposal Sign was originally installed on April 13, 2023 and the updated sign was installed on December 22, 2023. Staff received one general inquiry about the proposal – no concerns were identified.

### **DEVELOPMENT PERMITS**

#### **Form and Character Development Permit Requirement**

- The proposed development is subject to a Development Permit for Form and Character.
- The proposed development generally complies with the Form and Character Development Permit guidelines in the Official Community Plan (OCP) and the design guidelines of the Central Newton Cultural Commercial District (CNCCD).
- The applicant has worked with staff to provide an attractive and unique commercial node on 128 Street, located just south of the existing CNCCD. The design includes strong pedestrian focus. The pedestrian experience is enhanced with an ample central outdoor plaza area, and large walkways with commercial “spill out” space. The architectural design has a modern aesthetic with an emphasis on a two-storey expression. The majority of the parking is located underground, and surface parking is minimal with landscaping and safe crossings.
- The site consists of three buildings. There is a northern building along 128 Street, and a larger southern building on 128 Street, which is joined to a central portion of the building via a second floor skywalk to this main building. A separate smaller child care building is located on the eastern portion of the site. With the exception of the child care building, the ground floor and second floors are proposed as commercial retail spaces, connected with a second floor outdoor walkway. The third to fifth floors are proposed as office space.

- The buildings along 128 Street have their massing modulated with a pedestrian breezeway in the south portion of the building, and a significant notch on floors three through five to break up the massing. Further massing refinement is anticipated prior to final adoption.
- The streetscape along 128 Street provides a strong 2-storey expression, differentiating the first and second floor commercial retail units from the office floors above. The two-storey experience highlights individual storefronts with contemporary rectilinear forms to create a more dynamic elevation. The office above uses glazing to create a more typical office character. The elevation uses different materials and colour palette to provide this distinction of uses. The applicant is also stepping back the fifth floor approximately 2.5 metres which reduces the massing along the street and towards the north and south abutting properties.
- A two-storey child care building is proposed in the northeast corner of the site. The ground floor contains classrooms, offices, a staff room and a kitchen/laundry. The second floor contains more classrooms and storage rooms. The 3<sup>rd</sup> floor has an outdoor play area on the roof. A ground floor outdoor play area is also proposed to the east of the building.
- A central outdoor plaza area is a key part of the design and is meant to help activate the site by providing for a social gathering space. The applicant provides 3 scenarios for how the space may be used:
  - Open Space Fountain – typical summer use, with movable chairs and tables, and allows maximum circulation for shoppers;
  - Special Event Market – the inground fountains are turned off and there is more space for tables, market tents, etc.; and
  - Concert/Cultural Event – the inground fountains are turned off, and there is room for a stage and outdoor seating.
- The applicant is also proposing to provide a third floor outdoor amenity area in the southern building along 128 Street and a fifth floor outdoor amenity area in the northeast corner of the main building. These amenity areas for employees include landscaping, outdoor seating and eating areas.
- High quality materials and careful detailing are used to achieve a high quality building treatment. The proposed exterior materials include brick (dark gray, almond), standing seam steel cladding (black), folded wall (heartwood), and glass curtain wall.
- The applicant is required to bring the project to the Advisory Design Panel as a condition of Third Reading. The applicant will be required to satisfactorily address the Panel's comments prior to final adoption.

### Outstanding Items

- There are a number of Urban Design items that remain outstanding that will be addressed prior to Final Adoption. These items include: refinements to the pedestrian realm and building massing, and coordination of drawings.

## Landscaping

- The landscaping includes a mix of trees, shrubs, and ground cover. The landscaping concept will provide a safe pedestrian environment, attractive landscaping features, and a combination of plantings that will provide visual interest throughout the year. It is noted that the landscaping plans will be updated to conform with the attached architectural plans.
- Decorative paving is proposed at the north main vehicular entrance and at the various pedestrian crossings on the site. Permeable concrete unit pavers are proposed for the surface parking spots. Various pedestrian connections are proposed throughout the site.
- A large central pedestrian plaza is proposed with different paving materials, including stone accent tiles, sawcut concrete, and buff limestone tile pavers. The plaza includes trees and seating areas, as well as unique lighting features.
- The proposal also includes third floor and fifth floor outdoor amenity area for employees with some landscaping and seating areas, an outdoor children's play area adjacent to the child care building, and a green roof on the central 2-storey building. Bike racks and benches are proposed throughout the site.

## TREES

- Terry Thrale, ISA Certified Arborist of Woodbridge Tree Consulting Arborists Ltd. prepared an Arborist Assessment for the subject property. The table below provides a summary of the proposed tree retention and removal by tree species:

**Table 1: Summary of Proposed Tree Preservation by Tree Species:**

Tree Species	Existing	Remove	Retain
<b>Alder and Cottonwood Trees</b>			
Alder and Cottonwood	1	1	0
<b>Total (excluding Alder and Cottonwood Trees)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Replacement Trees Proposed (excluding Boulevard Street Trees)</b>		<b>40</b>	
<b>Total Retained and Replacement Trees Proposed</b>		<b>40</b>	

- The Arborist Assessment states that there is one (1) cottonwood tree on the site, which is proposed to be removed. The applicant is proposing to retain the off-site trees along the northern property line, and the underground parkade is setback 3 metres from the north property line.
- For the tree that cannot be retained, the applicant will be required to plant trees on a 1 to 1 replacement ratio. This will require a proposed total of 1 replacement tree on the site. The applicant is proposing 40 replacement trees, exceeding City requirements.

- The new trees on the site will consist of a variety of trees including birch, maples, spruce and cherry trees.
- In summary, a total of 40 trees are proposed to be retained or replaced on the site.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Proposed Variances to the Sign By-law
Appendix II.	Proposed Site Plan, Building Elevations, Landscape Plans and Perspective
Appendix III.	Engineering Summary
Appendix IV.	Summary of Tree Survey, Tree Preservation and Tree Plans
Appendix V.	OCP Redesignation Map
Appendix VI.	CNCCD Inclusion Map
Appendix VII.	Initial Planning Report No. 7923-0090-00, dated May 1, 2023

### **\*Appendices Available Upon Request\***

*approved by Shawn Low*

Don Luymes  
General Manager  
Planning and Development

KB/ar