

NO: R219

COUNCIL DATE: December 18, 2023

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **December 14, 2023**

FROM: **General Manager, Engineering**

FILE: **7921-0270-00**

SUBJECT: **Approval of the Sale of Closed Portions of Road Allowance adjacent to 13381 – 102A Avenue, 10262 – 133A Street, 10284 – 133A Street and 13390/92 – 103 Avenue (Step 2)**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report for information; and
2. Authorize the sale of a 168 m² portion of closed road allowance adjacent to 10284 – 133A Street and 13390/92 – 103 Avenue and a 195.1 m² portion of closed road allowance adjacent to 13381 – 102A Avenue, 10262 – 133A Street, 10284 – 133A Street and 13390/92 – 103 Avenue under previously approved terms for this closure and sale as outlined in Corporate Report No. R180; 2023, a copy of which is attached to this report as Appendix “1”.

INTENT

The purpose of this report is to seek Council’s approval to sell the closed portions of road for consolidation with the adjacent development lands at 13381 – 102A Avenue, 10262 – 133A Street, 10284 – 133A Street and 13390/92 – 103 Avenue.

DISCUSSION

On October 30, 2023, Council authorized the Engineering Department (Resolution No. R23-2157 related to Corporate Report No. R180;2023) to proceed with the closure and sale of portions of redundant road allowance having an area of 363.1 m² for the purpose of allowing consolidation with and to allow subdivision of the properties known as 13381 – 102A Avenue, 10262 – 133A Street, 10284 – 133A Street and 13390/92 – 103 Avenue. Council’s approval of the sale of these portions of closed road allowance is now required to complete this next step in the road closure process as stipulated by the *Community Charter*.

The *Community Charter* requires that Council’s approval to close and sell roads be obtained on two separate occasions. The first such approval is at the beginning of the closure process when Council is requested to authorize the “cancellation of highway” for the portion of road to be closed and consolidated. The second such approval is near the end of the related development application process when Council’s authorization is required to formally dispose of the closed portion of road as part of the required statutory obligations. In accordance with Section 40 of the *Community Charter*

it is now in order for Council to authorize this next step in the road closure and sale process. Subsequent to Council's authorization staff will provide public notification of the disposition by way of advertising in local newspapers pursuant to the requirements of the Community Charter.

CONCLUSION

It is recommended that Council approve the sale of these closed portions of road allowance adjacent to 13381 – 102A Avenue, 10262 – 133A Street, 10284 – 133A Street and 13390/92 – 103 Avenue under the previously approved terms for this closure and sale as outlined in the attached Corporate Report No. R180; 2023.

Scott Neuman, P. Eng.
General Manager, Engineering

ML/kd

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Appendix “I” - Corporate Report No. R180;2023

NO: R180

COUNCIL DATE: October 30, 2023

REGULAR COUNCIL

TO: Mayor & Council

DATE: October 26, 2023

FROM: General Manager, Engineering

FILE: 7921-0270-00

XC: 0910-40-237

SUBJECT: Proposed Road Closures adjacent to 13387 – 102A, 13381 – 102A Avenue, 10262 – 133A Street, 10284 - 133A Street and 13390/92 – 103 Avenue, Land Exchange and Volumetric Lease of a Portion of City Land

RECOMMENDATION

The Engineering Department recommend that Council:

1. Authorize the City Clerk to bring forward a Bylaw to close and remove the dedication as highway of a 432m² portion of unconstructed 103 Avenue road allowance adjacent to 10284 - 133A Street and 13390/92 – 103 Avenue and a 341.3m² portion of unopened road allowance between 13387 – 102A, 13381 – 102A Avenue, 10262 – 133A Street, 10284 - 133A Street and 13390/92 – 103 Avenue (as illustrated in Appendix "I");
2. Approve the disposition of 10262 – 133A Street (PID: 010-985-841) and a 454m² westerly portion of City land located at 13381 - 102A Avenue (PID: 012-326-984), and two portions of unconstructed road allowance adjacent to 13387 – 102A, 13381 – 102A Avenue, 10262 – 133A Street, 10284 - 133A Street and 13390/92 – 103 Avenue of 168m² and 195.1m² totaling 363.1m² (as illustrated in Appendix "II");
3. Approve the acquisition of a 1,100.6m² easterly portion of 13390/92 – 103 Avenue (PID: 011-262-338) (as illustrated in Appendix "III") ; and
4. Approve the execution by the General Manager, Engineering of a sub-surface volumetric lease agreement for the life of the proposed adjacent tower development with 1172367 B.C. Ltd. to allow 1172367 B.C. Ltd. to construct and occupy a 388.27m² sub-surface portion of City land, for underground parking facilities;

The above mentioned properties are subject to compliance with the notice provisions of Sections 26 and 94 of the *Community Charter*, S.B.C. 2003, c. 26.

INTENT

The purpose of this report is to seek Council's approval to close and remove two portions of unopened road allowance, approve the disposition of City land and two portions of road allowance along with the concurrent acquisition of a portion of land, and authorize the execution by the General Manager, Engineering of a subsurface volumetric lease agreement to allow for an ideal configuration of both the future bus layover and the proposed adjacent tower development.

BACKGROUND

Property Description

The overall site consists of five properties located west of Simon Fraser University's Engineering building, south of 103 Avenue, east of 133A Street and north of 102A Avenue in the City Centre. The three properties located at 10262 – 133A Street, 13381 – 102A Avenue and- 13387 -102A Avenue are City owned properties (the "City Properties") which are currently operating as a temporary public paid parking lot. The Developer is the owner of the two properties located at 10284 – 133A Street and 13390/92 – 103 Avenue (the "Developer Properties") as illustrated in the attached Appendix "III".

There are two portions of road allowance, being the "Development Road Closure Area" and the "City Road Closure Area", proposed for closure totalling 773.3m², comprising a 432m² portion of unconstructed 103 Avenue road allowance and a 341.3m² portion of road allowance between the City Properties and the Developer's Properties. The Developer has proposed to acquire a 168m² portion of 103 Avenue and a 195.1m² portion of road allowance between the City Properties and the Developer's Properties identified as the Development Road Closure Area illustrated in the attached Appendix "I".

The Developer and the City have agreed to an exchange of land in which the Developer will acquire all of 10262 – 133A Street and a 454m² westerly portion of 13381 - 102A Avenue (the "City Transfer Area"), as well as the Development Road Closure Areas and consolidate it with the Developer's Properties in exchange of City acquiring a the 1,100.6m² easterly portion of the Developer's property located at 13390/92 – 103 Avenue (the "Developer's Transfer Area") resulting in five lots being consolidated into two lots as illustrated in Appendix "II".

Zoning, Plan Designations and Land Uses

The Developer's Properties, the City Properties and the road closure areas are identified as Downtown in the Official Community Plan and High Rise Residential – Type 1 in the City Centre Land Use Plan.

DISCUSSION

Purpose of Road Closure and Land Exchange

The road closures and land exchange contemplated under Development Application No. 7921-0270-00 are intended to facilitate the consolidation and rezoning of five lots into two lots to create a proposed lot for tower development purpose (the "Subject Development Site") known as the Manhattan and a proposed lot (the "City Development Lot") to accommodate a future bus layover facility as illustrated in the attached Appendix "IV".

Under Development Application No. 7921-0270-00, the Developer is seeking approval to rezone the Subject Development Site from Single Family Residential (RF) Zone to Comprehensive Development (CD) Zone based on Multiple Residential 135 (RM-135) and Community Commercial (C-8) Zone to permit the development of a 43-storey mixed use tower with a 8-storey apartment podium, 343 square metres of ground floor commercial space and approximately 516 residential dwelling units including 94 rental units (the “Manhattan”).

The Developer’s Transfer Area will be conveyed to the City and will be consolidated, as illustrated in the attached Appendix “II”, to create the City Development Lot which will become the future site for the relocation of the City Centre bus layover. The delivery of the bus layover is required to facilitate the relocation of the existing bus loop in the City Centre, to accommodate the future City Centre block development between University Drive and City Parkway immediately south of City Hall.

As illustrated in Appendix “IV” attached to this report, the Master Plan concept indicates the footprint of the proposed Manhattan project and the future bus layover stall layout to the east. Appendix “V” attached to this report illustrates a rendering of the proposed Manhattan project. The proposed road closure, disposition of City lands and acquisitions were referenced in the September 25, 2023 Planning Report to Council related to application 7921-0270-00.

The proposed road closures have been circulated to all potentially concerned City Departments and Divisions for review and none have expressed objections.

As required under Section 40 (4) of the *Community Charter*, all utility companies potentially affected by the proposed road closure have been consulted and none have expressed any objections.

Purpose of the Volumetric Lease

The volumetric lease area (the “Lease”) will consist of a 388.27m² sub-surface portion of the City Development Lot and will be retained in fee simple by the City to accommodate portions of an underground parking facility under development application 7921-0210-00, as illustrated in Appendix “III”. The Lease will be sub-surface and will encapsulate the entire area between the top and bottom of a section of the Manhattan underground parking facility. The sub-surface area between the top of the underground parking facility and the surface will be excluded from the Lease and will function and operate as part of the future City Centre bus layover.

City staff and representatives from the Developer have finalized the terms and conditions of the Lease, subject to City Council approval.

Land Value

The Developer has agreed to provide compensation to the City equivalent to the difference in market value of the Development Road Closure Area, the City Transfer Area, the Lease and the Developer’s Transfer Area as determined by an independent accredited appraiser.

All area calculations contained in this report are approximate and subject to final survey.

CONCLUSION

The terms of the agreement related to the disposition of the various land interests are considered reasonable. The sale of the City Transfer Area, concurrently with the receipt of the Developer's Transfer Area, allows for an ideal configuration of both the future bus layover and the proposed adjacent Manhattan tower development.



Scott Neuman, P.Eng.,
General Manager, Engineering

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Appendices available upon request.

- Appendix "I" – Land Exchange Area's
- Appendix "II" – Development Layout
- Appendix "III" – Aerial Photograph of Site
- Appendix "IV" – Master Plan of Development
- Appendix "V" – Rendering of Development