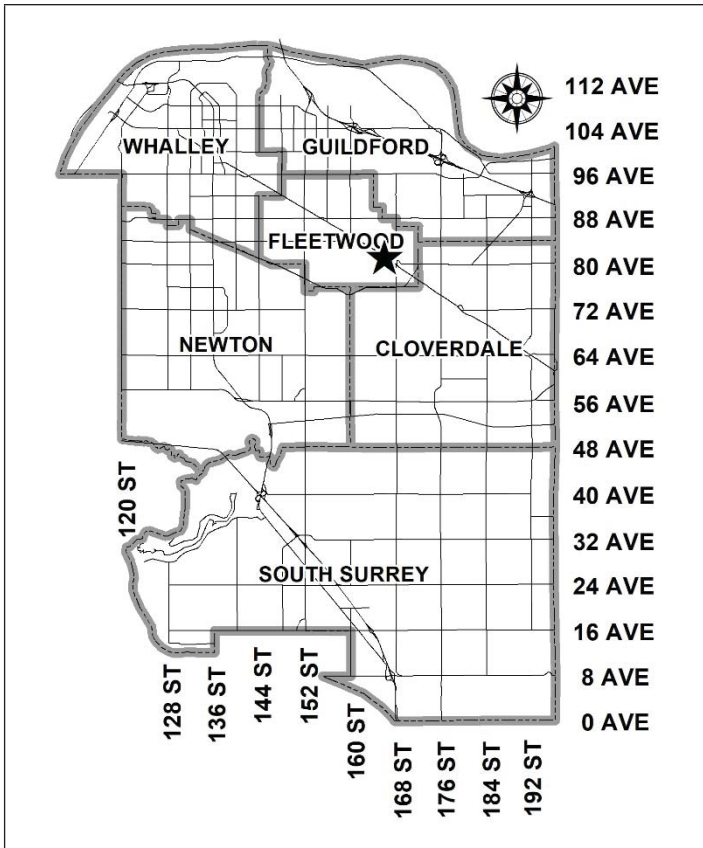


**City of Surrey  
PLANNING & DEVELOPMENT REPORT**

Application No.: 7922-0289-00

Planning Report Date: October 3, 2022



**PROPOSAL:**

- Amend CD Bylaw No. 20167

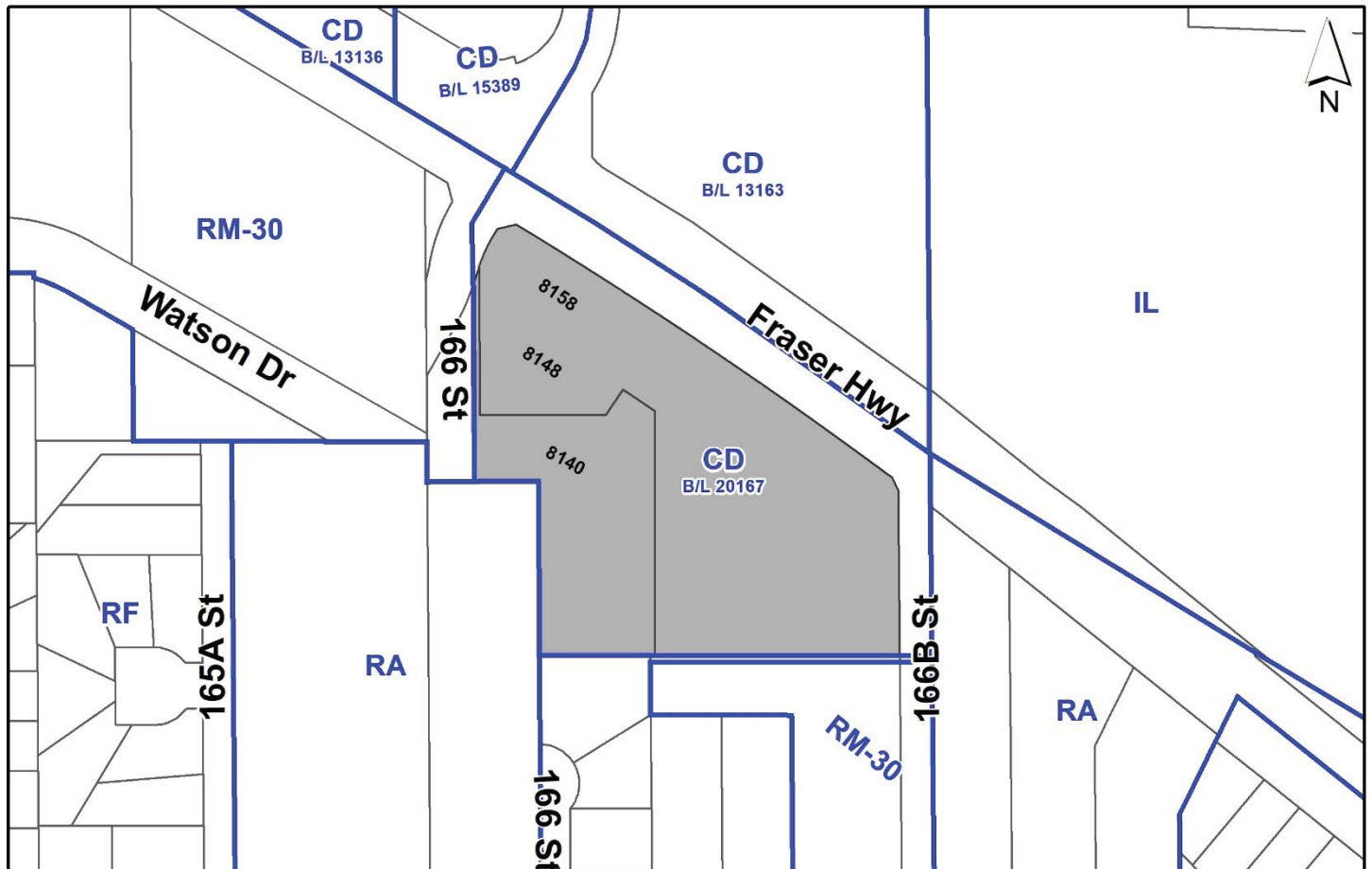
to permit accessory office uses within a portion of the stand-alone amenity building within the proposed multiple residential development.

**LOCATION:** 8140 - 166 Street  
(8148 and 8158 - 166 Street)

**ZONING:** CD (Bylaw No. 20167)

**OCP DESIGNATION:** Multiple Residential

**NCP DESIGNATION:** Townhouse  
Transitional Residential



## RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for amending CD Bylaw No. 20167.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposing an amendment to Rezoning Bylaw No. 20167 to permit accessory office uses within a portion of the ground floor and the entirety of the second floor of a stand-alone amenity building within a multiple residential development (Nova Development).

## RATIONALE OF RECOMMENDATION

- As part of Development Application No. 7919-0338-00 Rezoning Bylaw No. 20671 was granted Final Adoption by Council at the Regular Council – Land Use meeting on October 19, 2020 (RES.R20-1585). The subject development consisted of 31 townhouse units and three (3), 6-storey apartment buildings containing 341 dwelling units over three levels of underground parking, over four (4) phases. Development Application No. 7919-0338-00 included a General Form and Character Development Permit, encompassing all four proposed phases of development, as well as a Detailed Form and Character Development Permit for Phase 2, consisting of one (1) 6-storey apartment building containing 93 dwelling units.
- Rezoning Bylaw No. 20167 currently restricts office uses, excluding social escort services, methadone clinics and marijuana dispensaries, to the ground floor of multiple unit residential buildings on the subject site.
- Following the granting of Final Adoption to Rezoning Bylaw No. 20167, the applicant amended the proposal to convert a portion of the ground floor and the entirety of the second floor of the stand-alone amenity building which is to be constructed under Phase 1 of the four (4) phase development from indoor amenity to office space.
- The proposed office space is to be used by the developer as permanent office space in addition to a sales centre for the subject multiple residential development and other in-stream or future developments in the City of Surrey.
- There is no change to the Form and Character, or densities of the development approved under Development Application No. 7919-0338-00 as a result of the proposed change of use within a portion of the stand-alone amenity building.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to amend Comprehensive Development Zone (CD) By-law No. 20167 and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) provision of cash-in-lieu contribution to satisfy the indoor amenity space requirement of the RM-70 Zone, at the rate in effect at Final Adoption.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	NCP Designation (Fleetwood Plan – Stage 1)	Existing Zone
Subject Site	Multi-residential development (NOVA) consisting of 31 townhouse units and three (3), 6-storey apartment buildings containing 341 units under Development Application No. 7919-0338-00 (Final Adoption).	Townhouse and Transitional Residential.	CD (Bylaw No. 20167)
North (Across Fraser Highway):	Drive-through restaurants (Tim Horton's), neighbourhood pub and multi-tenant commercial building (Jysk and Rona).	Special Study Area and Mixed Employment.	CD (Bylaw Nos. 15389 & 13163)
East (Across 166B Street):	Acreage residential.	Transitional Residential and Low Rise Residential	RA
South:	Single family residential and ground-oriented townhouses.	Townhouse	RF & RM-30
West (Across 166 Street):	Acreage residential and ground-oriented townhouses (Castle Pines)	Townhouse	RA & RM-30

### Context & Background

- The subject site is designated "Multiple Residential" in the Official Community Plan (OCP), "Townhouse" and "Transitional Residential" in the Stage 1 Fleetwood Plan and is currently zoned "Comprehensive Development Zone (CD)" (CD Bylaw No. 20167).

- Under Development Application No. 7919-0338-00, which received Final Adoption on October 19, 2020, the applicant received approval from Council to construct 31 townhouse units and three (3), 6-storey apartment buildings containing 341 dwelling units over three levels of underground parking, over four (4) phases. Development Application No. 7919-0338-00 included a General Form and Character Development Permit, encompassing all four proposed phases of development, as well as a Detailed Form and Character Development for Phase 2, consisting of one (1) 6-storey apartment building containing 93 dwelling units.
- A three-storey, 700-square metre amenity building is to be constructed under Phase 1 of the development and will be located along the western edge of the subject site, adjacent to 166 Street.
- Under CD Bylaw No. 20167 retail uses, personal service uses, eating establishments under 150 square metres in gross floor area, office uses, general service uses, indoor recreational facilities, community services and child care centres are considered permitted accessory uses but are restricted to the ground floor of a multiple unit residential building on the subject site.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant is proposing an amendment to CD Bylaw No. 20167 in order to permit a portion of ground floor and the entirety of the second floor of a stand-alone amenity building, to be constructed under Phase 1 of the multi-residential development approved under Development Application No. 7919-0338-00, to be used as office space.
- The proposed office space is to be used by the developer as permanent office space in addition to a sales centre for the subject multiple residential development and other in-stream or future developments in the City of Surrey.
- The proposed changes result in an indoor amenity space shortfall of 39 square metres, or the equivalent of 13 dwelling units, based on requirements for 3.0 square metres of indoor amenity space per dwelling unit in the Zoning Bylaw. The applicant will be required to pay cash-in-lieu for the resultant indoor amenity space shortfall in accordance with City policies.

	Proposed
<b>Lot Area</b>	
Net Site Area:	16,025 sq.m.
<b>Number of Lots:</b>	1
<b>Building Height:</b>	19.87 m.
<b>Unit Density:</b>	N/A
<b>Floor Area Ratio (FAR):</b>	1.83 (Net)
<b>Floor Area</b>	
Residential:	29,385 sq.m.
Commercial:	To be determined
Total:	29,385 sq.m.
<b>Residential Units:</b>	

	Proposed
Phase 1: 3-bedroom:	31 dwelling units.
Phases 2, 3 &4: Studio:	22 dwelling units
1-Bedroom:	258 dwelling units
2-Bedroom:	38 dwelling units
3-Bedroom:	23 dwelling units
Total:	<b>372 dwelling units</b>

### Referrals

Engineering: The Engineering Department has no objection to the proposed amendment to CD Bylaw No, 20167.

Surrey Fire Department: No concerns.

### POLICY & BY-LAW CONSIDERATIONS

#### Regional Growth Strategy

- The proposal complies with the “General Urban” designation of the subject site under the Metro Vancouver *Regional Growth Strategy*.

#### Official Community Plan

##### Land Use Designation

- The proposal complies with the “Multiple Residential” designation of the subject site under the Official Community Plan (OCP).

#### Secondary Plans

##### Land Use Designation

- The proposal complies with both the "Townhouse" and "Transitional Residential" designations of the subject site under the Stage 1 Fleetwood Plan.

#### Capital Projects Community Amenity Contributions (CACs)

- On December 16, 2019, Council approved the City’s Community Amenity Contribution and Density Bonus Program Update (Corporate Report No. R224; 2019). The intent of that report was to introduce a new City-wide Community Amenity Contribution (CAC) and updated Density Bonus Policy to offset the impacts of growth from development and to provide additional funding for community capital projects identified in the City’s Annual Five-Year Capital Financial Plan.

- The proposed rezoning will not be subject to the Tier 1 CACs as the proposed amendment to CD Bylaw No. 20167 only pertains to the expansion of a previously approved, non-residential use on the subject site.

### **Affordable Housing Strategy**

- On April 9, 2018, Council approved the City's Affordable Housing Strategy (Corporate Report No. Ro66; 2018) requiring that all new rezoning applications for residential development contribute \$1,000 per new unit to support the development of new affordable housing. The funds collected through the Affordable Housing Contribution will be used to purchase land for new affordable rental housing projects.
- The requirement for Affordable Housing contributions was previously addressed as part of Development Application No. 7919-0338-00. The proposed rezoning will not be subject to additional Affordable Housing contributions as no additional dwelling units are proposed beyond the 341 dwelling units previously approved under Development Application No. 7919-0338-00.

### **PUBLIC ENGAGEMENT**

- Pre-notification letters were sent on September 22, 2022, and the Development Proposal Sign installed on September 25, 2022. To date, staff have received no email or telephone responses from neighbouring residents or businesses with respect to the proposal.

### **DEVELOPMENT PERMITS**

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

- The proposal is not subject to a Development Permit for Form and Character as the proposed amendment to Rezoning Bylaw No. 20167 will only facilitate internal changes to the use and configuration of a portion of the western-most stand-alone amenity building.

### **INFORMATION ATTACHED TO THIS REPORT**

The following information is attached to this Report:

Appendix I.	Site Plan
Appendix II.	Amended CD Bylaw No. 20167

*approved by Ron Gill*

Jeff Arason  
Acting General Manager  
Planning and Development



CITY OF SURREY

BYLAW NO. 20167

A bylaw to amend Surrey Zoning By-law, 1993, No. 12000, as amended  
.....

THE COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

- 1. In this Bylaw, all references to the "Zoning Bylaw" shall be a reference to Surrey Zoning By-law, 1993, No. 12000, as amended.
- 2. The Zoning Bylaw is hereby further amended pursuant to the provisions of Section 479 of the Local Government Act, R.S.B.C. 2015 c. 1, as amended, by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of the Zoning Bylaw, as follows:

FROM: MULTIPLE RESIDENTIAL 30 ZONE (RM-30)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 030-538-050  
Lot 1 Section 25 Township 2 New Westminster District Plan EPP72006

(8140 – 166 Street)

(hereinafter referred to as the "Lands")

- 3. The following regulations shall apply to the *Lands*:

**A. Intent**

This Comprehensive Development Zone is intended to accommodate and regulate a mixed-use development consisting of *multiple unit residential buildings* as well as neighbourhood commercial uses and related *amenity spaces*, in accordance with a *comprehensive design*, where *density* bonus is provided.

**B. Permitted Uses**

The *Lands* 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. The following uses are permitted, provided that they ~~are restricted to the ground floor and~~ form part of a *multiple unit residential building* and/or a *indoor amenity space building* on the *Lands*:
  - (a) *Retail stores* excluding *adult entertainment stores*, auction houses, and *secondhand stores* and *pawnshops*;
  - (b) Personal service uses, limited to barbershops; beauty parlours; cleaning and repair of clothing; and shoe repair shops;
  - (c) *Eating establishments*, excluding *drive-through restaurants*, provided that the *gross floor area* of each individual business shall not exceed 150 square metres [1,615 sq. ft.];
  - (d) Office uses excluding *social escort services*, *methadone clinics*, and marijuana dispensaries;
  - (e) *General service uses*, excluding funeral parlours, *drive-through banks* and *vehicle rentals*;
  - (f) *Indoor recreational facilities*;
  - (g) *Community services*; and
  - (h) *Child care centres*.

**C. Lot Area**

Not applicable to this Zone.

**D. Density**

For the purpose of *building* construction:

1. The maximum *density* shall not exceed a *floor area ratio* of 0.1 or a *building area* of 300 square metres [3,230 square feet], whichever is smaller, with a maximum of one *dwelling unit* on the *Lands*.
2. The maximum *density* may be increased to a *floor area ratio* of 1.85 if amenity contributions (specifically affordable housing, capital projects, police, fire, libraries, parks and, where applicable, underground utilities) are provided in accordance with Schedule G, Sections A, B, D and E of the Zoning Bylaw.
3. In addition to Sections D.1 and D.2 above, if a *lot* falls within a Centre Specific Capital Project Contribution, as identified in Schedule G, Section C of the Zoning Bylaw, additional amenity contributions (specifically capital projects) are to be provided in accordance with Schedule G, Section C of the Zoning Bylaw.

4. Notwithstanding the definition of *floor area ratio*, for an air space subdivision, the air space parcels and the remainder *lot* of the air space subdivision shall be considered as one *lot* for the purpose of application of Section D of this Zone, and further provided that the *floor area ratio* calculated from the cumulative floor areas of the *buildings* within all of the air space parcels and the remainder *lot* of the air space subdivision shall not exceed the maximum specified in Section D.2. of this Zone.
5. The indoor *amenity space* required in Sub-section J.1(c) of this Zone is excluded from the calculation of *floor area ratio*.
6. *Secure Bicycle Parking Area*: A *secure bicycle parking area* provided in a separate bicycle room located within a *building*, whether located at or above *finished grade*, with convenient access to the outside of the *building*, is excluded from the calculation of the *floor area ratio* to a maximum of 170 sq. m. [1,830 sq. ft.].

**E. Lot Coverage**

1. The *lot coverage* shall not exceed 35%.
2. Notwithstanding the definition of *lot coverage*, for an air space subdivision, the air space parcels and the remainder *lot* of the air space subdivision shall be considered as one *lot* for the purpose of application of Section E. of this Zone, and further provided that the *lot coverage* within all of the air space parcels and the remainder *lot* of the air space subdivision shall not exceed the maximum specified in Section E.1. of this Zone.

**F. Yards and Setbacks**

1. *Buildings and structures* shall be sited in accordance with the following minimum *setbacks*:

<b>Setback</b>	North <i>Yard</i>	East <i>Yard</i>	South <i>Yard</i>	West <i>Yard</i>
<b>Use</b>				
<i>Principal Buildings, Accessory Buildings and Structures</i>	6.5 m [21 ft.]	4.5 m [15 ft.]	7.5 m* [25 ft.]	4.5 m [15 ft.]

Measurements to be determined as per Part 1 Definitions of the Zoning Bylaw.

\* The south *yard setback* may be reduced to 3.0 metres for *ground-oriented multiple unit residential buildings*.

2. Notwithstanding Section F.1 of this Zone, the minimum *setbacks* of *principal buildings* and *accessory buildings and structures* for interior *lot lines* for *lots* created by an air space subdivision may be 0.0 metre [0 ft.].

3. Notwithstanding Section A.3.(d) of Part 5, Off-Street Parking and Loading/Unloading, of the Zoning Bylaw, an *underground parking facility* may be located up to 0.0 metre [1.6 ft.] from any *lot line*.
4. Notwithstanding the definition of *setbacks* in Part 1, Definitions, of the Zoning Bylaw, the following may encroach into the required *building setbacks*:
  - (a) Roof overhangs may encroach up to 1.8 metres [6 ft.];
  - (b) A vertical projection of no more than 0.7 metre [2.3 ft.] in width may encroach up to 1.8 metres;
  - (c) Balconies may encroach up to 2.2 metres [7 ft.];
  - (d) An entry canopy may encroach up to 2.6 metres [8.5 ft.]; and
  - (e) A front porch may encroach up to 3 metres [10 ft.].
5. Notwithstanding Section E.17(b) of Part 4, General Provisions, of the Zoning Bylaw, stairs with more than three risers may encroach into the minimum *building setbacks*.

#### **G. Height of Buildings**

Measurements to be determined as per Part 1 Definitions of the Zoning Bylaw.

1. *Principal buildings*: The *height* shall not exceed 20 metres [66 ft.].
2. *Accessory buildings and structures*:
  - (a) *Indoor amenity space buildings*: The *height* shall not exceed 12 metres [39 ft.]; and
  - (b) *Other accessory buildings and structures*: The *height* shall not exceed 4.5 metres [15 ft.].

#### **H. Off-Street Parking**

1. All commercial, resident and visitor *parking spaces* shall be provided in accordance with Part 5, Off-Street Parking and Loading/Unloading, of the Zoning Bylaw.
2. Notwithstanding Part 5, Off-Street Parking and Loading/Unloading, of the Zoning Bylaw, resident *parking spaces* for non-ground-oriented *multiple unit residential buildings* shall be provided at a ratio of 0.9 *parking space per dwelling unit*.

3. Notwithstanding Part 5, Off-Street Parking and Loading/Unloading, of the Zoning Bylaw, visitor *parking spaces* for non-ground-oriented multiple unit residential buildings shall be provided at a ratio of 0.1 *parking space* per *dwelling unit*.
4. For ground-oriented multiple unit residential buildings, fifty percent (50%) of all required resident *parking spaces* shall be provided as parking within the *building envelope*.
5. *Tandem parking* for ground-oriented multiple unit residential buildings shall be permitted as follows:
  - (a) A maximum of fifty percent (50%) 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*; and
  - (d) Both *tandem parking spaces* must be held by the same owner.
6. For non-ground-oriented multiple unit residential buildings, all required resident *parking spaces* shall be provided as *underground parking* and a maximum of nine percent (9%) of all required resident *parking spaces* may be provided as *tandem parking spaces*.
7. For non-residential land-uses, the required *parking spaces* to accommodate company fleet vehicles may be provided as *tandem parking*.
8. Parking within the required *setbacks* is not permitted.
9. No parking shall be permitted in front of the main entrance of a non-ground-oriented multiple unit residential building, except for the purpose of short-term drop-off or pick-up and for accessible 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. 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*.
3. Garbage containers and *passive recycling containers* shall be:
  - (a) Located within the *underground parking* or within a *building* for all non-ground-oriented multiple residential buildings; or

- (b) Screened to a height of at least 2.5 metres by *buildings*, a *landscaping* screen, a solid decorative fence or combination thereof for all ground-oriented multiple residential buildings.

**J. Special Regulations**

- 1. *Amenity space*, subject to Section B.1, Part 4, General Provisions of the Zoning Bylaw, shall be provided on the *lot* as follows:
  - (a) Outdoor *amenity space* in the amount of:
    - i. 3.0 sq. m. [32 sq. ft.] per *dwelling unit*; and
    - ii. 1.0 sq. m. [10 sq. ft.] per *lock-off suite*; and
    - iii. 4.0 sq. m. [43 sq. ft.] per *micro unit*.
  - (b) Outdoor *amenity space* shall not be located within the required *setbacks*;
  - (c) Indoor *amenity space* in the amount of:
    - i. 3.0 sq. m. [32 sq. ft.] per *dwelling unit*;
    - ii. 1.0 sq. m. [10 sq. ft.] per *lock-off suite*; and
    - iii. 4.0 sq. m. [43 sq. ft.] per *micro unit*.
- 2. *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*.
- 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 outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Part.

**K. Subdivision**

- 1. *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>
1.5 hectares [3.7 acres]	30 metres [100 ft.]	30 metres [100 ft.]

All dimensions shall be measured in accordance with Section E.21 of Part 4 General Provisions of the Zoning Bylaw.

- 2. Air space parcels and the remainder *lot* created through an air space subdivision in this Zone are not subject to Section K.1.

## L. Other Regulations

In addition to all statutes, bylaws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in the Zoning Bylaw, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions of the Zoning Bylaw.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of the Zoning Bylaw and in accordance with the servicing requirements for the RM-70 Zone as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions of the Zoning Bylaw.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of the Zoning Bylaw.
5. Sign regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of the Zoning Bylaw.
7. *Building* permits shall be subject to the Surrey Building Bylaw, 2012, No. 17850, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge Bylaw, 2020, No. 20019, as may be amended or replaced from time to time, and the development cost charges shall be based on the RM-70 Zone for the residential portion and the C-5 Zone for the commercial portion.
9. Tree regulations are set out in Surrey Tree Protection Bylaw, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey Official Community Plan Bylaw, 2013, No. 18020, as amended.
11. 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 Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.

4. This Bylaw shall be cited for all purposes as "Surrey Zoning Bylaw, 1993, No. 12000, Amendment Bylaw, 2020, No. 20167".

PASSED FIRST READING on the 14th day of September, 2020.

PASSED SECOND READING on the 14th day of September, 2020.

PUBLIC HEARING HELD thereon on the 5th day of October, 2020.

PASSED THIRD READING on the 5th day of October, 2020.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 19th day of October, 2020.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK