

NO: R015

COUNCIL DATE: February 13, 2023

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **January 26, 2023**

FROM: **General Manager, Engineering**

FILE: **7921-0311-00**

SUBJECT: **Approval of the Sale of a Closed Portion of Road Allowance Adjacent to 9759/61 and 9775 - 137A Street and 13748 Fraser Highway (Step 2)**

RECOMMENDATION

The Engineering Department recommends that Council authorize the sale of a 531.7m² area of closed road allowance adjacent to 9759/61 and 9775 - 137A Street and 13748 Fraser Highway under previously approved terms for this closure and sale as outlined in Corporate Report No. R204; 2022, a copy of which is attached to this report as Appendix "I".

INTENT

The intent of this report is to seek Council's approval to sell the closed portion of road for consolidation with the adjacent development lands at 9759/61 and 9775 - 137A Street and 13748 Fraser Highway.

DISCUSSION

On November 21, 2022, Council authorized the Engineering Department (Resolution No. R22-2167 related to Corporate Report No. R204; 2022) to proceed with the closure and sale of a portion of redundant road allowance having an area of 531.7 m² for the purpose of allowing consolidation with and to allow subdivision of the properties known as 9759/61 and 9775 - 137A Street and 13748 Fraser Highway. Council's approval of the sale of this portion of closed road allowance is now required to complete this final 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 at the end of the 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*. All of the necessary requirements to dispose of this redundant portion of road allowance have been met, and it is now in order for Council to authorize this last step in the road closure and sale process.

CONCLUSION

It is recommended that Council approve the sale of this closed portion of road allowance adjacent to 9759/61 and 9775 - 137A Street and 13748 Fraser Highway under the previously approved terms for this closure and sale as outlined in the attached Corporate Report No. R204; 2022.

Scott Neuman, P. Eng.
General Manager, Engineering

ML/kd/bn

Appendix "I": Corporate Report No. R204;2022

[https://surreybc.sharepoint.com/sites/eng.administration/gm administration/corporate reports/2023/feb 13/approval of sale of closed road - 9759, 9751 and 9775 137a st \(step 2\) \(01312023\).docx](https://surreybc.sharepoint.com/sites/eng.administration/gm%20administration/corporate%20reports/2023/feb%2013/approval%20of%20sale%20of%20closed%20road%20-%209759,%209751%20and%209775%20137a%20st%20(step%202)%20(01312023).docx)

CORPORATE REPORT

APPENDIX "I"

NO: *R204*

COUNCIL DATE: *NOV 28, 2022*

REGULAR COUNCIL

TO: Mayor & Council

DATE: November 21, 2022

FROM: General Manager, Engineering

FILE: 7921-0311-00

SUBJECT: Closure of Road Adjacent to 9759/61 and 9775 - 137A Street and 13748 Fraser Highway

RECOMMENDATION

The Engineering Department recommends that Council authorize the City Clerk to bring forward a Bylaw to close and remove the dedication as highway of a 531.7 m² portion of partially constructed road allowance adjacent to 9759/61 and 9775 - 137A Street and 13748 Fraser Highway, as generally illustrated in Appendix "I" attached to this report, subject to compliance with the notice provisions of the *Community Charter, SBC 2003, c. 26*.

INTENT

The intent of this report is to seek Council's approval to close and remove a portion of road allowance for consolidation with the adjacent properties to allow for the development of a proposed 41-storey purpose-built rental residential building under Development Application No. 7921-0311-00.

BACKGROUND

Property Description

The area of road allowance proposed for closure is a 531.7 m² portion of unconstructed road (the "Road Closure Area") adjacent to 9759/61 and 9775 - 137A Street and 13748 Fraser Highway (the "Adjacent Properties") that will be consolidated to permit the development of a proposed 41-storey purpose-built rental residential building consisting of approximately 401 dwelling units.

Zoning, Plan Designations and Land Uses

The Road Closure Area and Adjacent Properties are currently zoned Single Family Residential (RF) Zone and designated "Downtown" in the Official Community Plan.

DISCUSSION

Purpose of Road Closure

The Road Closure Area is intended to be consolidated and rezoned with the Adjacent Properties under Development Application No. 7921-0311-00. This Development Application is seeking approval to permit the development of a purpose-built rental residential building, as generally illustrated in Appendix "II" attached to this report.

The proposed road closure was referenced in the June 27, 2022 Planning Report to Council pursuant to Development Application No. 7921-0311-00, and the related Rezoning Bylaw was granted Third Reading by Council on July 11, 2022.

The proposed road closure has been circulated to all potentially concerned City departments for review and none have expressed objections to the proposal.

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.

Land Value

The applicant has agreed to provide compensation to the City equivalent to the market value of the Road Closure Area, as determined by an independent appraiser.

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

SUSTAINABILITY CONSIDERATIONS

The proposed road closure and sale supports the City's Sustainability Charter 2.0. In particular, the proposal relates to the Sustainability Charter 2.0 theme of Built Environment and Neighbourhoods, and Infrastructure. Specifically, the road closure supports the following Desired Outcomes ("DO"):

- Neighbourhoods and Urban Design DO6: Land is used efficiently and sensitively, and development minimizes the impacts on the natural environment, viewscape, agricultural land and urban wildlife; and
- Neighbourhoods and Urban Design DO8: The built environment enhances quality of life, happiness and well-being.

CONCLUSION

The Road Closure Area is surplus to the City's needs. The terms of the agreement related to the disposition of the Road Closure Area are considered reasonable. The Road Closure Area, once consolidated with the Adjacent Properties, will enable the land area necessary to facilitate a 41-storey purpose-built residential building in accordance with the requirements of Development Application No. 7921-0311-00.



Scott Neuman, P.Eng.
General Manager, Engineering

PK/kd/cc

Appendices available upon request

Appendix "I" – Aerial Photograph of Site

Appendix "II" – Development Application No. 7921-0311-00 Site Layout