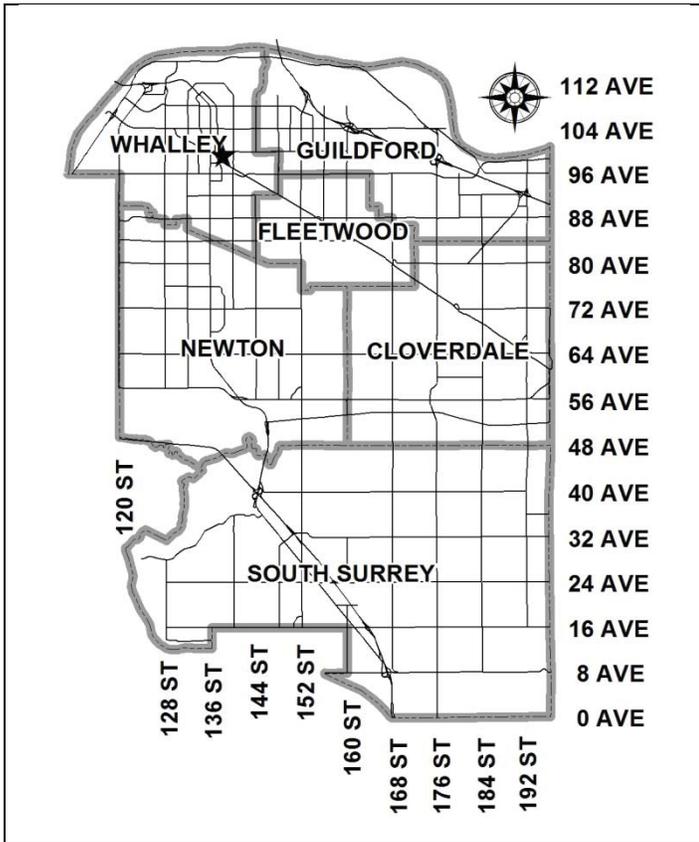


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0058-00

Planning Report Date: May 8, 2017



PROPOSAL:

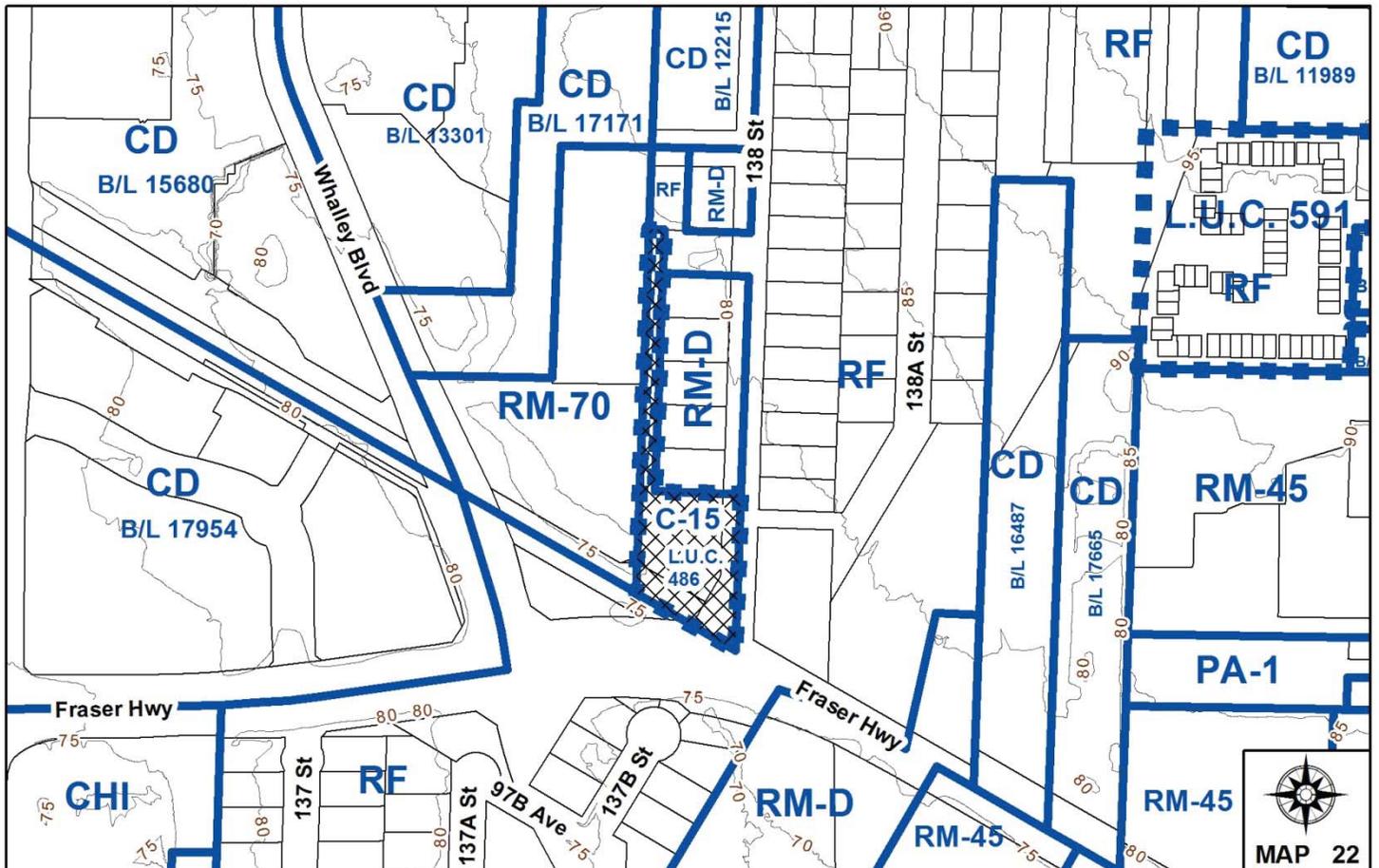
- **Terminate Land Use Contract No. 486**

to permit the existing underlying C-15 Zone to come into effect.

LOCATION: 9825, 9827, 9829, 9831, 9833, 9835, 9837, and 9839 138 - Street

LUC AND UNDERLYING ZONING: LUC No. 486 (C-15 Zone underlying)

OC DESIGNATION: Multiple Residential



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 486.

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. 486 was adopted by Authorization By-law, 1978, No. 5579 on September 25, 1978.
- LUC No. 486 permits commercial uses on the first floor, while permitting residential accommodation consisting of eleven (11) units on the second floor of the building.
- 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. 486 is terminated and the one-year grace period ends, the current underlying C-15 Zone will automatically come into effect and will regulate the subject lot.
- The "Town Centre Commercial Zone (C-15)" permits retail and service commercial facilities, offices, recreation and associated uses as well as residential uses, developed in a comprehensive manner.
- 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. 486 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.
- 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. 486 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. 486, 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: Three-storey, mixed-use building

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Duplex	Multiple Residential	RM-D
East (Across 138 Street):	House and non-conforming mobile homes	Multiple Residential	RF
South:	City-owned vacant land, formerly Fraser Highway alignment	Central Business District	RF
West:	Apartment tower	Central Business District	RM-70

DISCUSSION

- LUC No. 486 was adopted by Authorization By-law, 1978, No. 5579 on September 25, 1978.
- LUC No. 486 currently regulates a three-storey stratified, mixed-use building in the Surrey City Centre area, located on the northwest corner of Fraser Highway and 138 Street.
- The subject site is designated as "Multiple Residential" under the Official Community Plan (OCP) with an underlying "Town Centre Commercial Zone (C-15)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 486 permits commercial uses on the first floor, while permitting residential accommodation consisting of eleven (11) 2-level dwelling units on the second and third floors of the building.
- The creation of eighteen (18) strata lots consisting of seven (7) on the ground floor and eleven (11) 2-level units on the second and third floors, was subsequently approved under Strata Plan No. NW1286.
- 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. 486 is terminated and the one-year grace period ends, the current underlying "Town Centre Commercial Zone (C-15)" Zone will come into effect and will regulate the use of the land.

- The "Town Centre Commercial Zone (C-15)" permits retail and service commercial facilities, offices, recreation and associated uses as well as residential uses development in a comprehensive manner.
- 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 37 Town Centre Commercial Zone (C-15) of Surrey Zoning By-law, 1993, No. 12000, as amended

INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 486.

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

RT/da



Part 37 - C-15, Town Centre Commercial Zone

Town Centre Commercial Zone

Part 37

C-15

A. Intent

This Zone is intended to accommodate and regulate the development of retail and service commercial facilities, offices, recreation and associated uses as well as residential uses developed in a comprehensive manner, serving a town of several communities.

B. Permitted Uses

Amendments: 12333, 07/25/94; 12715, 12/04/95; 13251A, 03/16/98; 13564, 11/16/98; 14120, 10/16/00; 13769, 01/22/01; 15064, 07/21/03; 17687, 10/01/12; 19073, 02/20/17

Land and *structures* shall be used for the following uses only, or for a combination of such uses:

1. *Retail stores* excluding the following:
 - (a) *adult entertainment stores*; and
 - (b) *secondhand stores* and *pawnshops*.
2. *Personal service uses* excluding *body rub parlours*.
3. *General service uses* excluding *drive-through banks*.
4. *Eating establishments* excluding *drive-through restaurants*.
5. *Neighbourhood pubs*.
6. *Liquor store*.
7. Office uses excluding:
 - i. *social escort services*

- ii. *methadone clinics*
- 8. *Tourist accommodation.*
- 9. *Indoor recreational facilities.*
- 10. *Parking facilities.*
- 11. *Entertainment uses excluding arcades and adult entertainment stores.*
- 12. *Assembly halls.*
- 13. *Community services.*
- 14. *Child care centres.*
- 15. *Multiple unit residential building* may be provided subject to such use forming an integral part of the commercial uses on the *lot*.
- 16. Cultural Uses

C. Lot Area

Not applicable to this Zone.

D. Density

Amendments: 14120, 10/16/00; 14390, 5/22/01; 19073, 02/20/17

1. In Areas as described and outlined on the maps attached as Schedule F attached to this By-law, the *floor area ratio* shall not exceed 0.1 provided that the *gross floor area* on the *lot* does not exceed 300 square metres [3,230 sq. ft.]. The *floor area ratio* shall not exceed 1.50 if amenities are provided in accordance with Schedule G of this By-law, provided that not more than 67% of the developed floor area may be used as a *multiple unit residential building*.
2. In areas other than those specified in Sub-section D.1 of this Zone, the *floor area ratio* shall not exceed 1.50 provided that not more than 67% of the developed floor area may be used as a *multiple unit residential building*.

E. Lot Coverage

The maximum *lot coverage* shall be 80%.

F. Yards and Setbacks

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

Use	<i>Setback</i>	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>	<i>Side Yard on Flanking Street</i>
<i>Principal and Accessory Buildings and Structures</i>		2.0 m. [7 ft.]	7.5 m. [25 ft.]	3.0 m.* [10 ft.]	2.0 m. [7 ft.]

Measurements to be determined as per Part 1 Definitions, of this By-law.

* The *side yard setback* may be reduced to 0.0 metre if the *side yard* adjoins a *lot* other than a *residential lot*.

G. Height of Buildings

Measurements to be determined as per Part 1 Definitions, of this By-law:

1. *Principal building*: The *height* shall not exceed 14 metres [45 ft.].
2. *Accessory buildings and structures*: The *height* shall not exceed 4.5 metres [15 ft.].

H. Off-Street Parking and Loading/Unloading

Amendments: 13774, 07/26/99; 18719, 05/30/16

1. Refer to Table C.1, Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. No parking shall be permitted within the *front yard* or within any *side yard* which abuts a *flanking street*.
3. *Tandem parking* may be permitted as specified:

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. Except in those portions where a *building* abuts the *lot line*, screen planting at least 1.5 metres [5 ft.] high in a strip at least 1.5 metres [5 ft.] wide and a solid decorative fence at least 1.5 metres [5 ft.] high shall be provided along all *lot lines* separating the developed portion of the *lot* from any *residential lot*.
5. Loading areas, garbage containers and *passive recycling containers* shall be screened from any adjacent *residential lot*, 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. Garbage containers and *passive recycling containers* shall not be located within any required *setbacks* adjacent any *residential lot*.
2. The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Part.
3. *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*.
4. *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*.

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 acres]	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; 17181, 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 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.
9. Provincial licensing of *neighbourhood pubs* is regulated by the Liquor Control and Licensing Act R.S.B.C.