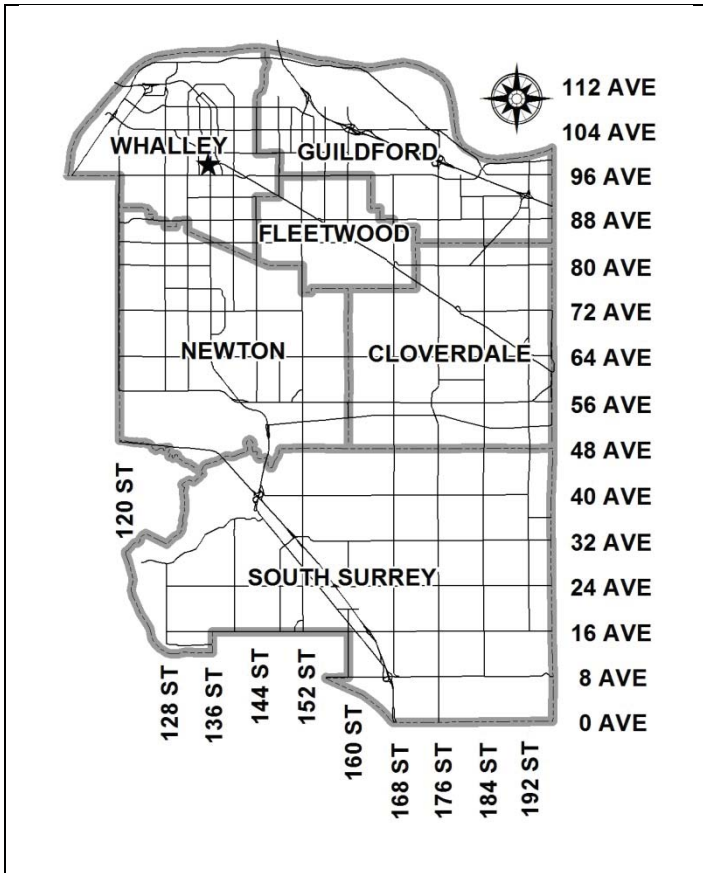


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7917-0262-00

Planning Report Date: November 6, 2017



**PROPOSAL:**

- **Terminate Land Use Contract No. 420**  
to permit the existing underlying C-35 Zone to come into effect.

**LOCATION:**

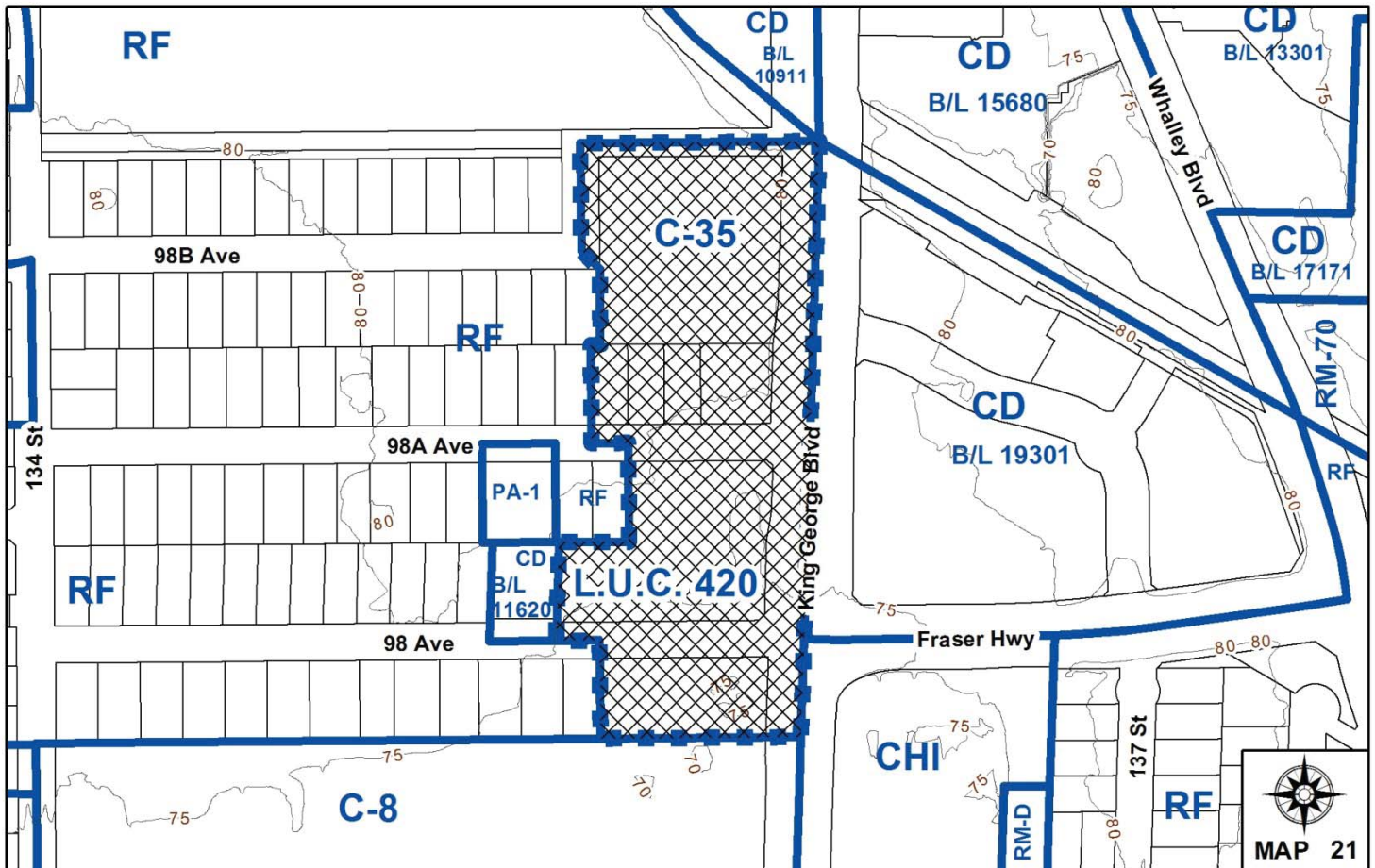
13545, 13555, 13565 and  
13583 - 98A Avenue  
13586 98 Avenue  
9801, 9835 and 9905 - King  
George Boulevard

**LUC AND  
UNDERLYING  
ZONING:**

LUC No. 420  
(C-35 Zone underlying)

**OCP  
DESIGNATION:**

Central Business District



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 420.

### 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. 420 was adopted by Authorization By-law, 1978, No. 5367 on October 30, 1978.
- LUC No. 420 permits residential, recreational and office uses with a limited amount of retail commercial uses, along with customary accessory uses.
- 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. 420 is terminated and the one-year grace period ends, the current underlying "Downtown Commercial Zone (C-35)" will automatically come into effect and will regulate the seven (7) commercial subject lots.
- The "Downtown Commercial Zone (C-35)" permits retail, office, service, recreational and 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. 420 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. 420 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. 420, 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: 18-storey mixed-use building and vacant lots.

Adjacent Area:

Direction	Existing Use	OCP/ CCP Designation	Existing Zone
North:	Holland Park	Central Business District/ Park	RF
East (Across King George Boulevard):	King George Skytrain Station and Coast Capital Savings building	Central Business District/ Mixed-Use 5.5 FAR	CD (By-law No. 19301) and CHI
South:	Canada Revenue Agency (CRA) building	Central Business District/ Mixed-Use 3.5 FAR	C-8
West:	Single family dwellings, 12-bed care facility and Mosque	Central Business District/ Residential Low to Mid Rise up to 2.5 FAR	RF, PA-1 and CD (By-law No. 11620)

DISCUSSION

- LUC No. 420 was adopted by Authorization By-law, 1978, No. 5367 on October 30, 1978.
- LUC No. 420 currently regulates seven (7) commercial lots located Surrey City Centre. The site is generally located to the west of King George Boulevard and is bounded by Holland Park to the north and 98 Avenue to the south.
- The subject site is designated as "Central Business District" under the Official Community Plan (OCP) with an underlying "Downtown Commercial Zone (C-35)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- LUC No. 420 originally contained seventeen (17) lots and permitted the site at 9801 King George Boulevard to develop into an 18-storey mixed-use building, containing 25,500 square metres (274,480 sq. ft.) of residential and 4,242 square metres (45,660 sq. ft.) of commercial space. The site at 9801 King George Boulevard was consolidated from eleven (11) lots into one (1) through Subdivision Plan No. 57169 on June 15, 1979. As a result of the consolidation, LUC No. 420 remained regulating seven (7) lots.
- 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. 420 is terminated and the one-year grace period ends, the current underlying C-35 Zone will come into effect and will the remaining seven (7) lots.
- The "Downtown Commercial Zone (C-35)" permits retail, office, service, recreational and residential uses developed in a comprehensive manner.
- The property at 13586 – 98 Avenue is currently under Development Application No. 7916-0183-00 proposing partial discharge of LUC No. 420 and rezoning from RF and C-35 to CD to permit development of a 30-storey mixed-use building. This application is currently at Third Reading and will not be impacted by the proposed LUC Termination.
- 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 38 "Downtown Commercial Zone (C-35)" of Surrey Zoning By-law, 1993, No. 12000, as amended

#### INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 420.

*original signed by Ron Gill*

Jean Lamontagne  
General Manager  
Planning and Development

RT/da



Part 38 - C-35, Downtown Commercial Zone

## Downtown Commercial Zone

### Part 38

### C-35

#### A. Intent

**Amendments: 12333, 07/25/94; 13774, 07/26/99**

This Zone is intended to accommodate and regulate the development of comprehensive commercial projects of retail, office, service, recreational and residential uses in Surrey City Centre.

#### 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; 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. Office uses excluding:
  - i. *social escort services*
  - ii. *methadone clinics*

7. *Tourist accommodation.*
8. *Indoor recreational facilities.*
9. *Parking facilities provided that such parking is contained within a structure.*
10. *Entertainment uses excluding arcades and adult entertainment stores.*
11. *Cultural uses.*
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: 12333, 07/25/94; 14120, 10/16/00; 18414, 03/23/15; 19073, 02/20/17**

1. For the purpose of *building* construction, in all areas described and outlined on the maps attached as Schedule F of this By-law, the maximum *density* shall not exceed a *floor area ratio* of 0.1 or *building* area of 300 square metres [3,230 sq. ft.] whichever is smaller. The maximum *density* of development may be increased to that prescribed in Sub-sections D.2 of this Zone if amenities are provided in accordance with Schedule G of this By-law.
2. In areas other than the ones in Sub-section D.1 of this Zone, the maximum *density* shall not exceed that prescribed in the following:
  - (a) The maximum *floor area ratio* shall not exceed 3.50 provided that no more than 67% of the developed floor area may be used as *multiple unit residential building*.

(b) Indoor Amenity Space. The space required in Sub-section J.3 of this Zone, is excluded from calculation of *floor area ratio* (FAR).

**E. Lot Coverage**

The maximum *lot coverage* shall be 85%.

**F. Yards and Setbacks**

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

<i>Setback Use</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**

Not applicable to this Zone.

**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. All *parking* shall be located *underground* or within a *structure*.
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. Outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Part.
3. *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*.

4. *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*.

## 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 acre]	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.