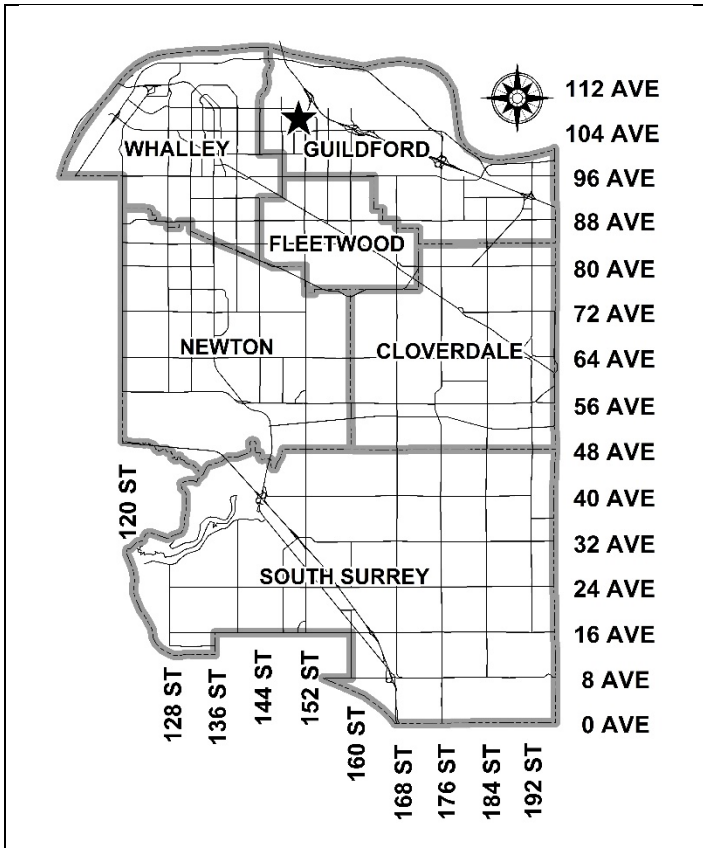


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7916-0343-00

Planning Report Date: May 25, 2020



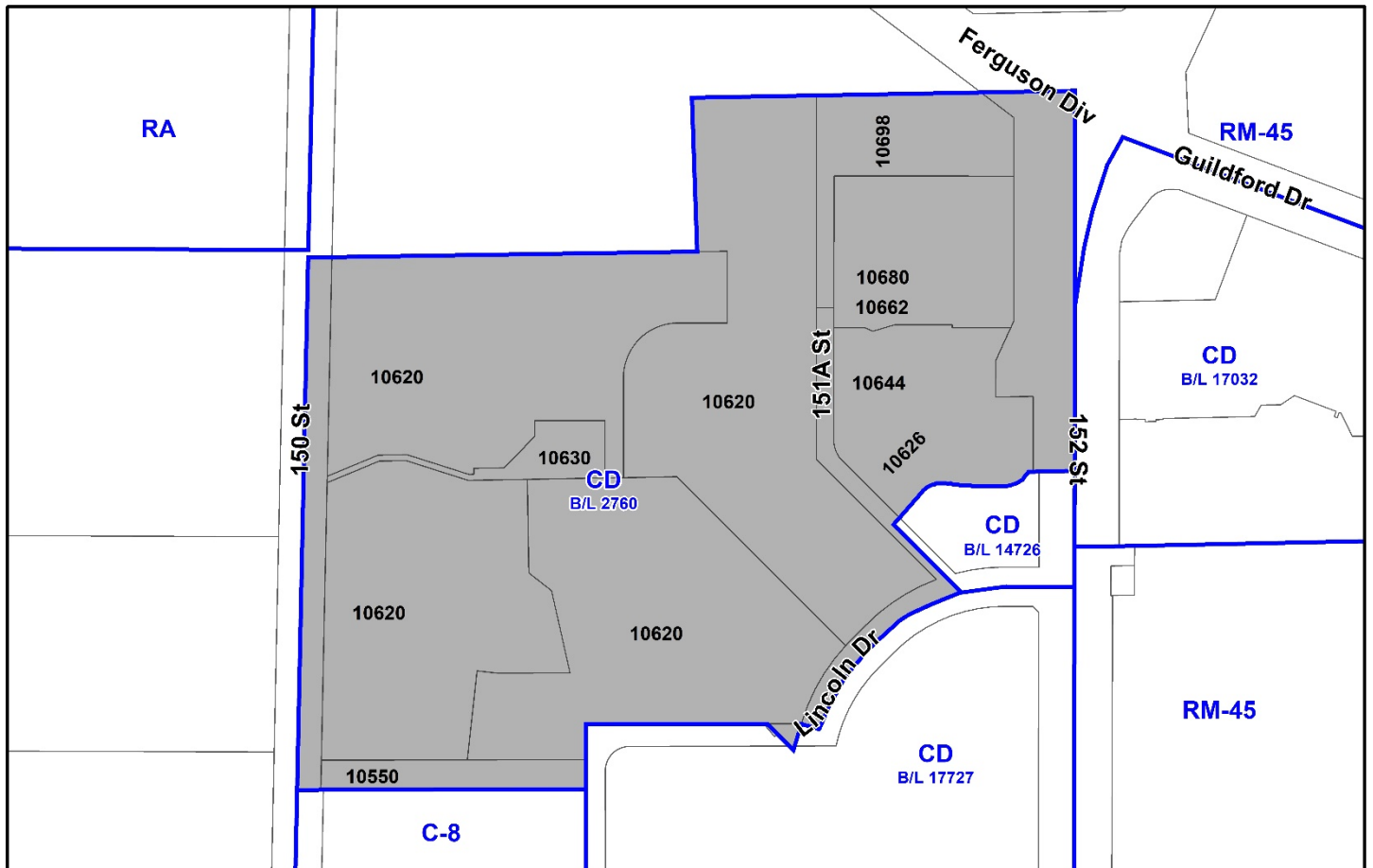
**PROPOSAL:**

- Terminate Land Use Contract No. 594
- Rezoning from CD (By-law No. 2760) to RM-45 to permit an appropriate multifamily residential zone for the subject site to come into effect.

**LOCATION:** 10550, 10620, 10630 - 150 Street,  
 10626, 10644, 10662, 10680 and  
 10698 - 151A Street

**LUC AND UNDERLYING ZONING:** LUC No. 594  
 CD (By-law No. 2760)

**OCP DESIGNATION:** Multiple Residential



## RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for
  - Termination of LUC No. 594; and
  - Rezoning.

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The site's underlying "Comprehensive Development Zone (CD)" (By-law No. 2760) is not compatible with the existing residential development on the site.

## 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. 594 was adopted by Authorization By-law, 1978, No. 5757 on December 11, 1978. A portion of Lot 79 (Portion of 10530 Lincoln Drive) was discharged by Partial Discharge By-law, 1999, No. 13782 on October 4, 1999, in order to permit the development of a multi-purpose community centre (Guildford Recreation Centre). Lot 111 (10608 – 151A Street) was discharged by Partial Discharge By-law, 2000, No. 13910 on July 24, 2000, in order to permit the development of a 12-storey (88-suite) hotel. Subsequently, Lot 2 (10585 – 152 Street) was discharged by Partial Discharge By-law, 2013, No. 17726 on April 8, 2013, in order to permit the development of a new aquatic centre (Guildford Aquatic Centre).
- LUC No. 594 permits the development of a minimum of six-hundred and forty (640) residential units and a maximum of one-thousand one-hundred and ten (1,110) residential units. LUC No. 594 also permits a variety of retail, personal service and office uses on site, so long as those uses are developed in a comprehensive manner.
- The application proposes to Terminate LUC No. 594 and to rezone the subject site from the underlying "Comprehensive Development Zone (CD)" (By-law No. 2760) to a more appropriate "Multiple Residential 45 Zone (RM-45)" so that the regulating zone on the subject site accurately reflects the existing use on site (combination of townhouses and apartments).
- The "Multiple Residential 45 Zone (RM-45)" permits multiple unit residential buildings, ground-oriented multiple unit residential buildings, and child care centres as an accessory use.

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- 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. 594 is terminated, and the corresponding rezoning from "Comprehensive Development Zone (CD)" (By-law No. 2760) to "Multiple Residential 45 Zone (RM-45)" is completed, and the one-year grace period ends, the new underlying "Multiple Residential 45 Zone (RM-45)" will automatically come into effect and will regulated the five-hundred and forty-nine (549) residential strata lots on the subject site.
  - 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:

1. A By-law be introduced to terminate Land Use Contract No. 594 and a date be set for Public Hearing; and
2. A By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD)" (By-law No. 2760) to "Multiple Residential 45 Zone (RM-45)" and a date be set for Public Hearing.

## BACKGROUND

### Land Use Contracts

- 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 a 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.
- 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 process with respect to the early termination of LUCs in Surrey. To date, Council has adopted Termination By-laws for most LUCs in Surrey through the early termination process, with only six ( ) LUCs remaining. For those LUCs that have not yet been presented to Council, further review by staff is required or additional actions are needed before the underlying zone can come into effect.
- As a result, City staff are moving forward with the termination of LUC No. 594 in accordance with the approved process.

### Zoning

- When Zoning By-law, 1979, No. 5942 was adopted on April 21, 1980, zones were assigned to all properties in Surrey. Properties regulated by LUCs were also provided zones to align with the existing land uses in those areas. The zone assigned to a LUC lot is known as the "underlying zone" of that property. This means that the property is included in the Zoning By-law, but the regulations of the zone are not in effect while the LUC is on the property's title.
- When Zoning By-law, 1993, No. 12000 was adopted on September 13, 1993, the zoning of all properties in Surrey were converted from a Zoning By-law, 1979, No. 5942 zone to an equivalent Zoning By-law, 1993, No. 12000 zone.
- In the case of the subject site, there was an underlying CD Zone (By-law 2760), which had been adopted in 1968 for the site, and as such, this Zone was left in place as the underlying Zone for the site as part of the 1993 Zoning By-law conversion.
- During the creation of underlying zones, some LUC properties were given zones that did not align with the existing land uses on those sites. For these properties, a Rezoning By-law is required alongside the LUC Termination By-law to ensure that non-conforming situations are not created when Zoning By-law No. 12000 comes into effect.
- Rezoning the subject site from "Comprehensive Development Zone (CD)" (By-law No. 2760) to "Multiple Residential 45 Zone (RM-45)" is proposed alongside the LUC termination process in order to provide a zone that better aligns with the existing multiple residential use on the site which includes a combination of low-rise apartments and townhouses. See the "Discussion" section in this report for a more detailed explanation of the current and proposed underlying zoning.

### **PUBLIC NOTIFICATION**

Early termination of LUCs is a Council-initiated process 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 and Rezoning By-law are 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. 594, informing them that Council is considering terminating the LUC and rezoning the underlying Zone. In addition, the Public Hearing notice will be published in two consecutive issues of the Surrey Now-Leader.

### **SITE CHARACTERISTICS**

Existing Land Use: Five-hundred and Forty-nine Residential Strata Units

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	5-building Apartment Complex	Multiple Residential	RM-45
East (Across 152 Street):	Sandman Hotel	Town Centre	CD (By-law No. 14276)
South (Across Lincoln Drive):	Guildford Recreation Centre/Library/Aquatic Centre	Town Centre	CD (By-law No. 17727)
	Guildford Mall	Commercial	C-8
West (Across 150 Street):	4-storey Apartment Buildings	Multiple Residential	RM-45

**DISCUSSION**

- LUC No. 594 was adopted by Authorization By-law, 1978, No. 5757 on December 11, 1978. A portion of Lot 79 (Portion of 10530 Lincoln Drive) was discharged by Partial Discharge By-law, 1999, No. 13782 on October 4, 1999, in order to permit the development of a multi-purpose community centre (Guildford Recreation Centre). Lot 111 (10608 – 151A Street) was discharged by Partial Discharge By-law, 2000, No. 13910 on July 24, 2000, in order to permit the development of a 12-storey (88 suite) hotel. Subsequently, Lot 2 (10585 – 152 Street) was discharged by Partial Discharge By-law, 2013, No. 17726 on April 8, 2013, in order to permit the development of a new aquatic centre (Guildford Aquatic Centre).
- LUC No. 594 permits the development of a minimum of six-hundred and forty (640) residential units and a maximum of one-thousand one-hundred and ten (1,110) residential units. LUC No. 594 also permits a variety of retail, personal service and office uses on site, so long as those uses are developed in a comprehensive manner.
- The subject site is designated as "Multiple Residential" in the Official Community Plan (OCP) with an underlying "Comprehensive Development Zone (CD)" (By-law No. 2760).
- LUC No. 594 permitted the original site to be stratified into five-hundred and forty-nine (549) residential strata units (apartment & townhouse units). The strata lots were created under Strata Plan Nos. NW1460, NW1505, NW1581, NW1608, NW2056, NW2209 and NW2275 respectively.
- The underlying CD Zone by-law 2760 was adopted in 1968. The CD Zone references a number of drawings attached to the By-law that are related to the site development however, the structure of the CD Zone is ambiguous and difficult to interpret. The rezoning of the site to RM-45 will better align the existing residential uses on the site to the current Zoning By-law No. 12000.

- 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. 594 is terminated, and the corresponding rezoning from "Comprehensive Development Zone (CD)" (By-law No. 2760) to "Multiple Residential 45 Zone (RM-45)" is completed, and the one-year grace period ends, the new underlying "Multiple Residential 45 Zone (RM-45)" will automatically come into effect and will regulated the five-hundred and forty-nine (549) residential strata lots on the site.
- The "Multiple Residential 45 Zone (RM-45)" permits multiple unit residential buildings, ground-oriented multiple unit residential buildings, and child care centres as an accessory use.
- 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 23 Multiple Residential 45 Zone (RM-45) of Surrey Zoning By-law, 1993, No. 12000, as amended

#### INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 594.

*approved by Ron Gill*

Jean Lamontagne  
General Manager  
Planning and Development

LAP/cm



Part 23 - RM-45, Multiple Residential 45 Zone

## Multiple Residential 45 Zone

### Part 23

### RM-45

#### A. Intent

This Zone is intended to accommodate and regulate the development of medium *density*, medium-rise, *multiple unit residential buildings* and related *amenity spaces*, which are to be developed in accordance with a *comprehensive design*.

#### B. Permitted Uses

**Amendments: 13774, 07/26/99; 17462, 09/12/11**

Land 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. *Child care centres*, provided that such centres:
  - (a) Do not constitute a singular use on the *lot*; and
  - (b) Do not exceed a total area of 3.0 square metres [32 sq. ft.] per *dwelling unit*.

#### C. Lot Area

Not applicable to this Zone.

#### D. Density

**Amendments: 12333, 07/25/94; 13155, 02/09/98; 17462, 09/12/11; 17704, 07/23/12; 18414, 03/23/15; 19073, 02/20/17; 19614, 07/23/18; 19995, 12/16/19; 20058, 05/04/20**

For the purpose of *building* construction:

1. In all Secondary Plan and Infill Areas, as identified in Schedule G, Section E of this By-law, the maximum *density* shall be a *floor area ratio* of 0.1 or *building* area of 300 sq. m, whichever is smaller. The maximum *density* may be increased to that prescribed in Sections D.3 and D.4 of this Zone 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 this By-law.



2. In all other areas, the maximum *density* shall be as prescribed in Sections D.3 and D.4 of this Zone. Any increase in the maximum *density* is subject to the provision of amenity contributions (specifically affordable housing and capital projects) in accordance with Schedule G, Sections A and B of this By-law.
3. Multiple Unit Residential Buildings and Ground-Oriented Multiple Unit Residential Buildings: the *density* shall be a *floor area ratio* of 1.30 and 111 *dwelling units* per hectare.
4. Indoor Amenity Space: the indoor *amenity space* required in Section J.1 of this Zone, is excluded from the *floor area ratio* calculation.
5. Notwithstanding Sections D.1 through D.4 above, if a *lot* falls within a Centre Specific Contribution Area, as identified in Schedule G, Section C of this By-law, additional amenity contributions (specifically capital projects) as specified in Schedule G, Section C of this By-law, may apply.
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**

The maximum *lot coverage* shall be 45%.

**F. Yards and Setbacks**

*Buildings* and *structures* shall be sited not less than 7.5 metres [25 ft.] from all *lot lines* (measurements to be determined as per Part 1 Definitions, of this By-law).

**G. Height of Buildings**

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

1. Principal buildings: The *height* shall not exceed 15 metres [50 ft.].
2. Accessory buildings and structures: The *height* shall not exceed 4.5 metres [15 ft.].

**H. Off-Street Parking and Loading/Unloading**

**Amendments: 12333, 07/25/94; 13094, 05/12/97; 13774, 07/26/99; 14120, 10/16/00; 17471, 10/03/11; 18414, 03/23/15; 18434, 04/27/15; 18719, 05/30/16; 19817, 05/27/19**

1. Resident, visitor and employee *parking spaces* shall be provided as stated in Table C.1 of Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. Fifty percent (50%) of all required resident *parking spaces* shall be provided as *underground parking* or as parking within the *building* envelope.
3. Parking within the required *setbacks* is not permitted.
4. No parking shall be permitted in the front of the main entrance of a *multiple unit residential building*, except for the purpose of short-term drop-off or pick-up and for accessible parking.
5. *Tandem parking* for *ground-oriented multiple unit residential buildings* shall be permitted as follows:
  - (a) For *underground parking*, a maximum of ten percent (10%) 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*, excluding *parking spaces* provided as *underground parking*; and
  - (d) Both *tandem parking spaces* must be held by the same owner.

**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. Garbage containers and *passive recycling containers* shall be screened 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

Amendments: 19945, 11/18/19

1. *Amenity space*, subject to Section B.1, Part 4, General Provisions, shall be provided on the *lot* as follows:
  - (a) Outdoor *amenity space* in the amount of:
    - i) 3.0 sq. m per *dwelling unit*; and
    - ii) 1.0 sq. m per *lock-off suite*; and
    - iii) 4.0 sq. m 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 per *dwelling unit*; and
    - ii) 1.0 sq. m per *lock-off suite*; and
    - iii) 4.0 sq. m per *micro unit*; and
  - (d) Indoor *amenity space* devoted to a *child care centre* shall be a maximum of 1.5 sq. m per *dwelling unit*.
2. *Child care centres* shall be located on the *lot* such that these centres:
  - (a) Are accessed from a *highway*, independent from the access to the residential uses permitted in Section B of this Zone; and
  - (b) 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.

**K. Subdivision**

**Amendments: 13155, 02/09/98; 19995, 12/16/19**

1. For subdivision of land in all Secondary Plan and Infill Areas as identified in Schedule G, Section E of this By-law:
  - (a) Where amenities are not provided in accordance with Schedule G, Sections D and E of this By-law, the *lots* created shall conform to the minimum standards prescribed in Section K of Part 12 One-Acre Residential Zone (RA) of this By-law.
  - (b) Where amenities are provided in accordance with Schedule G, Sections D and E of this By-law, the *lots* created shall conform to the minimum standards prescribed in Sub-section K.2 of this Zone.
2. *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 and loading/unloading 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.