

## City of Surrey

 PLANNING \& DEVELOPMENT REPORT
## Application No.: 7923-0134-00

Planning Report Date: April 8, 2024

## PROPOSAL:

- OCP Amendment for a portion of the site from Mixed Employment to Multiple Residential
- OCP Amendment to allow an FAR of 2.5 for the site within the Multiple Residential land use designation
- OCP Amendment to amend Figure 42: Major Employment Areas by removing the Mixed Employment designation for the subject site
- NCP Amendment to introduce a new land use designation: Mixed Use 4-6 Storeys
- NCP Amendment from Multiple Residential 30-45 upa, 20 m Drainage Corridor and Road to Mixed Use 4-6 Storeys and 1om Drainage Corridor, and to remove the land consolidation requirement
- LAP Amendment from Buffers to Mixed Commercial Residential
- Rezoning from RA to CD (based on RM-7o)
- Housing Agreement
- Development Permit
to permit the development of a 6 storey mixed-use building

| LOCATION: | 1645318 Avenue |
| :--- | :--- |
| ZONING: | RA |

OCP DESIGNATION: Multiple Residential \& Mixed Employment
NCP/LAP Multiple Residential 30-45 upa, DESIGNATIONS: Drainage Corridors, Road and Buffers


## RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
- OCP Amendment; and
- Rezoning.
- Approval to draft Development Permit for Hazard Lands, Sensitive Ecosystems, and Form and Character.
- By-law Introduction, First, Second and Third Reading for a Housing Agreement.


## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is proposing an amendment to the Official Community Plan (OCP) to allow an FAR of 2.5 on the subject site within the Multiple Residential land use designation.
- The applicant is proposing a amendment to the OCP to redesignate the portion of the site that is designated "Mixed Employment" to "Multiple Residential (Appendix VIII).
- The applicant is proposing an Neighbourhood Concept Plan (NCP) amendment to introduce a new land use designations: "Mixed Use Residential 4-6 Storeys", and to amend the land use designation on the site from "Multiple Residential 30-45 upa" to "Mixed Use Residential 4-6 Storeys", for changes to the local road network and to reduce the drainage corridor width from 20 metres to 10 metres, and to eliminate the land consolidation requirement.


## RATIONALE OF RECOMMENDATION

- The proposal meets the intent of the Multiple Residential designation in the Official Community Plan (OCP), but with increased floor area permitted should the amendment be supported.
- The proposal complies with the General Urban designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The proposal complies with the Development Permit requirements in the OCP for Sensitive Ecosystems (Green Infrastructure Areas).
- The proposal generally complies with the Development Permit requirements in the OCP for Hazard Lands (Steep Slopes).
- The proposal partially complies with the Development Permit requirements in the OCP for Form and Character.
- The proposed building achieves an attractive architectural built form, which utilizes high quality, natural materials and contemporary lines. The street interface has been designed to a high quality to achieve a positive urban experience between the proposed building and the public realm.
- Over the past 14 years since the Sunnyside Heights NCP was approved, the development trend and market affordability has moved away from a lower unit density / larger unit size apartment housing product toward a denser and smaller unit type of multi-family development. The proposed 6 -storey mixed-use building is consistent with the intent of the NCP designation, but an amendment is required to permit a higher unit density than 45 units per acre. The proposed new designation, "Mixed Use 4-6 Storeys" is more appropriate than increasing the permitted unit density under the current designation as it allows more flexibility in achieving the desired housing form of a low-rise apartment building.
- The proposed 65 market rental apartment units will enhance the housing variety in the community and will help achieve the policies and objectives identified in the OCP and the Affordable Housing Strategy.
- $59 \%$ of the site is encumbered by a BC Hydro right-of-way (ROW) and is considered "undevelopable" under the Zoning By-law. If this area were to be included for calculating floor area ratio (FAR), the proposed FAR would be o.83.


## RECOMMENDATION

The Planning \& Development Department recommends that:

1. A By-law be introduced to amend the OCP Figure 3: General Land Use Designations for a portion of the subject site from Mixed Employment to Multiple Residential and a date for Public Hearing be set.
2. A Bylaw be introduced to amend the OCP, 'Table 7a: Land Use Designation Exceptions' to allow an FAR of 2.5 on the subject site within the Multiple Residential land use designation and a date for Public Hearing be set.

| "Bylaw <br> No. | Land Use <br> Designation | Site Specific <br> Property | Site Specific <br> Permission |
| :---: | :---: | :--- | :---: |
| Bylaw \# | Multiple <br> Residential | 16453 18 Avenue <br> oo6-532-128 <br> Lot 36 Section 13 Township 1 <br> New Westminster District Plan <br> 42726 | Density permitted up to <br> 2.5 FAR (net calculation) |
|  |  |  |  |

3. A By-law be introduced to amend OCP Figure 42: Major Employment Areas by removing the Mixed Employment designation for the subject site and a date for Public Hearing be set.
4. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 475 of the Local Government Act.
5. A By-law be introduced to rezone the subject site from "One-Acre Residential Zone (RA)" to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
6. A By-law be introduced to enter into a Housing Agreement and be given First, Second and Third Reading, to allow the property owner and the City of Surrey to enter into a Housing Agreement to secure the rental apartment units for a period of 60 years.
7. Council authorize staff to draft Development Permit No. 7923-0134-oo generally in accordance with the attached drawings (Appendix I) and the finalized Ecosystem Development Plan and geotechnical report.
8. Council instruct staff to resolve the following issues prior to final adoption:
(a) ensure that all engineering requirements and issues including restrictive covenants, dedications, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
(b) submission of a subdivision layout to the satisfaction of the Approving Officer;
(c) approval from the Ministry of Transportation \& Infrastructure;
(d) approval from BC Hydro;
(e) approval from Fisheries and Oceans Canada;
(f) resolution of all urban design issues to the satisfaction of the Planning and Development Department;
(g) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;
(h) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
(i) submission of a finalized Ecosystem Development Plan to the satisfaction of City staff;
(j) submission of a finalized Geotechnical Report to the satisfaction of City staff;
(k) provision of cash-in-lieu contribution to satisfy the indoor amenity space requirement of the RM-7o Zone, at the rate in effect at the time of Final Adoption;
(l) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;
(m) registration of a Section 219 Restrictive Covenant to ensure that the site is developed according to the recommendations contained in the finalized geotechnical report;
(n) registration of an access easement to provide fire access to the property at 1648518 Avenue;
(o) registration of an access easement to provide access to the property at 1852164 Street;
(p) the applicant provide proportionate compensation for civil works and parks related costs, including for road, drainage corridor and Grandview Ridge Trail related land and construction costs, to the satisfaction of the Planning \& Development, Engineering and Parks, Recreation and Culture Departments;
(q) registration of a Section 219 Restrictive Covenant to ensure that, if the rental use is discontinued in the future, the City's needs with respect to Community Amenity Contributions (CAC), including Affordable Housing, Capital Projects and Tier 2

Capital Plan Project CACs, will be adequately met, to the satisfaction of the General Manager, Planning \& Development Department;
(r) registration of a Section 219 Restrictive Covenant to adequately address the City's needs with respect to public art, to the satisfaction of the General Manager Parks, Recreation and Culture; and
(s) Submission and acceptance of a Drainage Technical Memo to address how the drainage objectives of the NCP will be achieved.
9. Council pass a resolution to amend the Sunnyside Heights Neighbourhood Concept Plan (NCP) to introduce a new land use designation: Mixed Use 4-6 Storeys, and to redesignate the land from Multiple Residential 30-45 upa, Road and 20m Drainage Corridor to Mixed Use 4-6 Storeys and 1om Drainage Corridor, and to eliminate the land consolidation requirement, when the project is considered for final adoption.
10. Council pass a resolution to amend the Highway 99 Corridor Local Area Plan (LAP) to redesignate the land from Buffers to Mixed Commercial Residential when the project is considered for final adoption.

## SITE CONTEXT \& BACKGROUND

| Direction | Existing Use | NCP Designation | Existing Zone |
| :--- | :--- | :--- | :--- |
| Subject Site | Single Family | Multiple <br> Residential 30-45 <br> upa, Drainage <br> Corridor and Road <br> in the Sunnyside <br> Heights NCP and <br> Buffers in the <br> Highway 99 <br> Corridor Plan | RA |
| North: | Single Family | Multiple <br> Residential 30-45 <br> upa, Drainage <br> Corridor and Road <br> in the Sunnyside <br> Heights NCP and <br> Buffers in the | RA |
| Highway 99 |  |  |  |
| Corridor Plan |  |  |  |$\quad$


| Direction | Existing Use | NCP Designation | Existing Zone |
| :--- | :--- | :--- | :--- |
| East: | Existing single <br> family, at Third <br> Reading under <br> Development <br> Application No. <br> 7920-ono-oo, for <br> the development <br> of an 86-unit 4- <br> storey apartment <br> building | Multiple <br> Residential 30-45 <br> upa, Drainage <br> Corridor and <br> Grandview Ridge <br> Trail | RA |
| South (Across 18 Avenue): | Single Family and <br> Park | Buffers and <br> Business Park | RA |
| West (Across 164 Street): | Vacant land under <br> Development <br> Application No. <br> 22-0326, for the <br> development of a <br> retail warehouse <br> building | Business Park / <br> Light Industrial | RA |

## Context \& Background

- The subject site is 0.97 hectare in size and consists of one (1) single family acreage lot. It is designated "Multiple Residential" in the Official Community Plan (OCP), and "Multiple Residential ( $30-45$ upa)", "Drainage Corridor", and "Road" in the Sunnyside Heights Neighbourhood Concept Plan (NCP).
- The western portion of the site is located in the Highway 99 Corridor Local Area Plan (LAP). The portion within the LAP is encumbered by the BC Hydro ROW and is proposed to be used for surface parking. It is designated "Buffers" in the LAP, and an LAP amendment is required to amend the portion of the site within the LAP to Mixed Commercial Residential.
- The "Multiple Residential (30-45 upa)" land use designation in the NCP allows for a range of housing types, from townhouses to apartment style buildings in a variety of designs. Low-rise apartment buildings were envisioned in the NCP on the western side of the plan area, adjacent to the Commercial and Business Park uses in the Highway 99 Corridor Plan.
- The NCP identified a number of land consolidation areas in order to avoid creating remnant parcels that could not develop efficiently on their own (Appendix VII). The subject site is identified in a land consolidation area, which includes five (5) other adjacent parcels, including:
- 1651518 Avenue, to the east of the subject site;
- 1648518 Avenue, to the east of the subject site, under Development Application No. 7920-0110-00, which is at Third Reading;
- 1852164 Street, to the north of the subject site; and
- 1870164 Street and 1891 165A Street, to the north of the subject site, under Development Application No. 7918-0153-oo, which is at the initial review stage.
- The NCP identifies a 20 metre wide Drainage Corridor bisecting the site.
- The proposed "Mixed Use 4-6 Storeys" designation in the NCP was introduced with Development Application No. 7916-0225-oo. This application is currently at Third Reading. Whichever application proceeds to Final Adoption first would introduce the new designation to the Sunnyside Heights NCP.


## DEVELOPMENT PROPOSAL

## Planning Considerations

- The applicant is proposing the following:
- An OCP amendment to redesignate a portion of the site from "Mixed Employment" to "Multiple Residential", to allow an FAR of 2.5 on the subject site within the Multiple Residential land use designation, and to amend Figure 42: Major Employment Areas by removing the Mixed Employment designation for the subject site;
- An NCP amendment to introduce a new land use designation: "Mixed Use 4-6 Storeys", and to redesignate the portion of the site designated "Multiple Residential (30-45 upa)" and "20m Drainage Corridor" to "Mixed Use 4-6 Storeys" and "iom Drainage Corridor", to eliminate the road in the NCP bisecting the site, and to eliminate the land consolidation requirement;
- An LAP amendment to redesignate the portion of the site designated "Buffers" in the LAP to "Mixed Commercial Residential";
- To rezone the site from "One-Acre Residential Zone (RA)" to "Comprehensive Development Zone (CD)" (based on "Multiple Residential 70 Zone (RM-7o)");
- A Form and Character Development Permit to allow for the development of a mixeduse building with approximately 2,644.2 square metres of commercial floorspace and 65 rental apartment housing units in a 6-storey building;
- A Hazard Lands Development for steep slopes; and
- A Sensitive Ecosystem Development Permit for streamside protection.

|  |  |
| :--- | :--- |
| Proposed |  |
| Lot Area | $9,679.66 \mathrm{~m}^{2}$ |
| Gross Site Area: | $484.75 \mathrm{~m}^{2}$ |
| Road Dedication: | $5,727.61 \mathrm{~m}^{2}$ |
| Undevelopable Area: | $856.17 \mathrm{~m}^{2}$ |
| Drainage Corridor: | $2,608.16 \mathrm{~m}^{2}$ |
| Net Site Area: |  |


|  | Proposed |  |
| :--- | :--- | :---: |
| Number of Lots: | 1 |  |
| Building Height: | 21.5 m |  |
| Unit Density: | 69 upa |  |
| Floor Area Ratio (FAR): | 2.50 FAR |  |
| Floor Area |  |  |
| Residential: | $3,887.2 \mathrm{~m}^{2}$ |  |
| Commercial: | $2,644.2 \mathrm{~m}^{2}$ |  |
| Total: | $6,531.4 \mathrm{~m}^{2}$ |  |
| Residential Units: | 7 |  |
| Studio: | 7 units |  |
| 1-Bedroom: | 38 units |  |
| 2-Bedroom: | 12 units |  |
| 3-Bedroom: | 8 units |  |
| Total: | 65 units |  |

## Referrals

Engineering:

School District:

The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.

The School District has advised that there will be approximately 8 school-age children generated by this development, of which the School District has provided the following expected student enrollment.

5 Elementary students at Edgewood/Ta'talu Elementary School 2 Secondary students at Earl Marriott Secondary School
(Appendix III)
Note that the number of school-age children is greater than the expected enrollment due to students attending private schools, home school or different school districts.

The applicant has advised that the dwelling units in this project are expected to be constructed and ready for occupancy by February 2027.

Parks, Recreation \& No concerns.
Culture:

Ministry of Transportation \& Infrastructure (MOTI):

BC Hydro:

The closest active park with amenities including an open grassy area and a temporary playground is 125 G Neighbourhood Park which is 550 metres away. Parkland will be added to 125 G Neighbourhood Park as part of the Sunnyside Heights NCP. There is no park with natural area within a reasonable walking distance from the site. Future active parkland, the Grandview Ridge Trail, is proposed within 50 metres of the subject site as part of the Sunnyside Heights Neighbourhood Concept Plan (NCP) .

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the Transportation Act.

Further review and approval from BC Hydro will be required prior to Final Adoption of the associated By-laws. The applicant has confirmed that the proposal meets all of BC Hydro's guidelines and requirements, for items including parking and a playground within the BC Hydro ROW area, and the west side building setback. The applicant has acknowledged that changes may be required to their proposal in response to any requirements that are identified by BC Hydro.

No concerns.
At the Regular Council - Land Use meeting on December 18, 2023, Council endorsed Corporate Report No. R214 (2023) which amended the Terms of Reference of the City's Advisory Design Panel (ADP) which allows multi-family proposals that are 6storeys or less, and supported by City staff, to proceed to Council for By-law introduction, without review and/or comment from the ADP.

The subject development proposal is generally supported by City staff and the applicant has agreed to resolve any outstanding items, to the satisfaction of the Planning and Development Department, prior to consideration of Final Adoption of the Rezoning By-law as well as issuance of the Development Permit.

## Transportation Considerations

- The applicant is required to provide the following improvements to service the subject proposal:
- Dedication and construction of the east side of 164 Street; and
- Construction of the north side of 18 Avenue.
- The subject site is anticipated to generate approximately one to two vehicles per minute in the peak hour, based on industry standard rates. As the number of trips is below the City's requirement threshold, a site-specific transportation impact analysis ("TIA") was not required.
- Access to the site is proposed from 18 Avenue.
- The nearest transit route is Bus Route No. 531 White Rock Centre/Willowbrook, which runs along 24 Avenue approximately 1.2 kilometres from the subject site.
- The subject site is located adjacent to the Pioneer Greenway, a planned multi-use facility which will follow 164 Street. It is in close proximity to the Grandview Ridge Trail (GRT) aligned approximately 50 m to the northeast, a planned multi-use pathway that will connect Sunnyside Heights to the commercial node at 24 Avenue and 160 Street (Grandview Corners).
- A total of 168 parking stalls are required to be provided on site, based on the Zoning Bylaw requirements. The applicant is proposing to provide a total of 168 parking stalls, meeting the Zoning Bylaw requirements.


## Sustainability Considerations

- The applicant has met all of the typical sustainable development criteria, as indicated in the Sustainable Development Checklist.


## POLICY \& BY-LAW CONSIDERATIONS

## Regional Growth Strategy

- The subject site is designated "General Urban" in the Regional Growth Strategy (RGS) and the proposal complies with this designation.


## Official Community Plan

## Land Use Designation

- The subject site is located within two (2) secondary plan areas, the Sunnyside Heights NCP and the Highway 99 Corridor LAP. The portion within the Highway 99 Corridor LAP area is designated "Mixed Employment" and the portion within the Sunnyside Heights NCP area is designated "Multiple Residential".
- The portion designated "Mixed Employment" requires an NCP amendment to "Multiple Residential" (Appendix VIII).
- An OCP amendment for increased density within the Multiple Residential designation from 1.5 FAR to 2.5 FAR is also required.


## Amendment Rationale

- A large portion of the subject site is undevelopable, as it is encumbered by a BC Hydro ROW. Under the Zoning Bylaw, utility right-of-way lands are considered "undevelopable" and therefore must be excluded from the site area used to calculate density. Therefore, while the proposed density under the Zoning Bylaw exceeds what is permitted in the Multiple Residential designation, if the BC Hydro ROW lands were included in the net site area, the
proposed density would be 0.83 , which is below the maximum 1.5 FAR permitted in the Multiple Residential land use designation.
- Although the density noted above is for clarification only, the requirement to exclude utility right-of-ways from site area for calculating density is an administrative decision, whereas the public will experience the site's proposed density inclusive of the BC Hydro Right-of-Way areas.
- The proposed residential units are all market rental residential, which will provide rental residential units in the neighbourhood.
- The portion of the site designated "Mixed Employment" is encumbered by the BC Hydro ROW. The subject site is split-designated and the OCP redesignation for a portion of the site is for housekeeping purposes, as it should not have been split designated.
- The proposed use, density, and building form are appropriate for this part of the Sunnyside Heights Neighbourhood Concept Plan.
- Pursuant to Section 475 of the Local Government Act, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.


## Themes/Policies

- A4 Efficient New Neighbourhoods (General): Plan and develop new neighbourhoods with an emphasis on compact forms of development that effectively utilize land, public infrastructure, and City resources; enhance neighbourhood quality; and reduce development pressures on agricultural and environmentally sensitive lands. Encourage the full and efficient build-out of existing planned urban areas in order to achieve planned capacities, use infrastructure efficiently, provide housing options, and provide amenities to residents.

The proposed development will increase the variety of housing types within this part of the Sunnyside Heights plan area.

- Affordable Housing: Encourage and support the development of new purpose-built rental apartments (OCP Policy F.3.14).

All of the apartment units are proposed to be market rental apartments secured with a 60 year Housing Agreement.

## Secondary Plans

## Land Use Designation

- The following amendments are proposed to the Sunnyside Heights Neighbourhood Concept Plan (NCP):
- Introduce a new land use designation: Mixed Use 4-6 Storeys;
- Eliminate the diagonal road alignment shown on the subject site;
- Reduce the Drainage Corridor width from 20 metres to 10 metres;
- Redesignate the portion of the site designated "Multiple Residential 30-45 upa" to "Mixed Use 4-6 Storeys"; and
- Remove the land consolidation requirement so that the site can develop independently.


## Amendment Rationale

## Rationale for Land-Use Redesignation:

- The Sunnyside Heights NCP was approved by Council in 2010. The "Multiple Residential 3045 upa" designation was intended to provide for a range of housing types, from townhouses to apartment style buildings in a variety of forms. Low-rise apartment buildings were envisioned in the NCP on the western side of the plan area, adjacent to the Commercial and Business Park uses in the Highway 99 Corridor Plan.
- Land within the NCP area with the "Multiple Residential 30-45 upa" designation that have already developed were constructed as higher density townhouse sites, not low-rise apartment sites.
- Over the past 14 years since the NCP was approved, the development trend and market affordability has moved away from a lower unit density / larger unit size apartment housing product toward a smaller unit type of multi-family development. The proposed multiple residential development is consistent with the intent of the NCP designation, but an amendment is required to permit a higher unit density than 45 units per acre.
- The proposed new designation, "Mixed Use Residential 4-6 Storeys", rather than a Multiple Residential designation with a permitted unit density, is more appropriate than increasing the permitted unit density under the current designation, as it allows more flexibility in achieving the desired housing form of a low-rise apartment building.
- The proposed addition of the mixed use component reflects the lot's location adjacent to future Mixed Employment uses in the Highway 99 Corridor, and will provide the immediate neighbourhood with commercial, office and childcare space within walking distance, without having to travel 1.5 kilometres to Grandview Corners. In addition, it reflects the fact that a large portion of the site is encumbered by a BC Hydro ROW, making it suitable for commercial uses with some surface parking within the ROW area.
- The proposed building provides a unit mix of studio, 1-, 2-, 3-bedroom units, and all are proposed to be market rental units secured with a 60 -year term housing agreement. This will assist in increasing and diversifying the housing choice in the neighbourhood.


## Rationale for Elimination of the Road Alignment:

- This unconstructed road alignment in the NCP runs along the BC Hydro Corridor and was shown outside of the Hydro ROW area. The road and drainage corridor requirements would have placed a large constraint on the site and significantly reduced its developability.
- The decision to remove the road alignment was made in coordination with Land Development Engineering and Transportation Engineering staff, in a review of the land within
this land consolidation area. Given the lands within the consolidation area are serviced by 164 Street, 18 Avenue and 19 Avenue, this road was determined to be unnecessary.


## Rationale for Reduction of the Drainage Corridor:

- Drainage Engineering has reviewed the subject proposal and have indicated that the proposed 10 metre wide drainage corridor is acceptable in principle based on other similar applications along the BC Hydro ROW.
- A drainage technical memo is required to address how the objectives of the NCP will be achieved. This is a condition of Final Adoption.


## CD By-law

- The applicant is proposing a Comprehensive Development Zone (CD) to accommodate the proposed mixed-use development on the site.
- The proposed CD By-law identifies appropriate uses, densities, and setbacks. The CD By-law will have provisions based on the "Neighbourhood Commercial Zone (C-5)" and the "Multiple Residential 70 Zone (RM-70)".
- A comparison of the density, lot coverage, setbacks, building height and permitted uses in the C-5 Zone, RM-7o Zone and the proposed CD By-law is illustrated in the following table:

| Zoning | C-5 Zone <br> (Part 35) | RM-7o Zone (Part 24) | Proposed CD Zone |
| :---: | :---: | :---: | :---: |
| Permitted Uses | Principle Uses <br> 1. Retail stores excluding adult entertainment store, secondhand stores and pawnshops. <br> 2. Personal service uses limited to barbershops, beauty parlours, cleaning and repair of clothing and shoe repair shops. <br> 3. General service uses excluding funeral parlours and drivethrough banks. <br> 4. Eating establishments excluding drive-through restaurants. <br> 5. Neighbourhood pubs. <br> 6. Office uses excluding social escort services and methadone clinics. <br> 7. Indoor recreational facilities. <br> 8. Community services. <br> 9. Child care centres. <br> Accessory Uses: <br> 10. One caretaker unit per lot. | Principal Uses: <br> 1. Multi-unit residential buildings and groundoriented multiple unit residential buildings. <br> Accessory Uses: <br> 2. Child care centres. | Principal Use: <br> 1. Multi-unit residential buildings. <br> Accessory Uses: <br> 2. Retail stores. <br> 3. Personal services uses. <br> 4. Office uses. <br> 5. General services uses excluding funeral parlours, drive-through banks and vehicle rentals. <br> 6. Indoor recreational facilities, excluding a gymnasium. <br> 7. Community services. <br> 8. Child care centres. <br> 9. Eating establishments excluding drive-through restaurants. |
| Floor Area Ratio: | 0.50 | 1.50 | 2.50 |
| Lot Coverage: | 50\% | 33\% | 65\% |
| Yards and Setbacks | $7 \cdot 5 \mathrm{~m}$ | 7.5 m for the principal building. | South - 4.0 m <br> North - 7.0 m <br> East -7.0 m <br> West -3.0 m |
| Principal <br> Building <br> Height: | 9.0 m | 50.0 m | 22.0 m |


| Amenity Space |  |  |  |
| :---: | :---: | :---: | :---: |
| Indoor Amenity: | n/a | $3 \mathrm{~m}^{2}$ per unit | $3 \mathrm{~m}^{2}$ per unit. The proposed $159.5 \mathrm{~m}^{2}$ plus CIL meets the Zoning Bylaw requirement. |
| Outdoor Amenity: | $\mathrm{n} / \mathrm{a}$ | $3 \mathrm{~m}^{2}$ per unit | $3 \mathrm{~m}^{2}$ per unit. <br> The proposed $237 \mathrm{~m}^{2}$ meets the Zoning By-law requirement. |
| Parking (Part 5) |  | Required | Proposed |
| Number of Stalls |  |  |  |
| Commercial: |  | 89 | 89 |
| Residential: |  | 72 | 72 |
| Residential Visitor: |  | $7$ | $7$ |
| Bicycle Spaces |  |  |  |
| Residential Secure Parking:Residential Visitor: |  | 78 | 78 |
|  |  | 6 | 6 |

- The accessory commercial uses proposed in the CD Zone largely reflect the uses of the C-5 Zone with the main difference being that the neighbourhood pub use is not proposed in the CD Zone. The accessory commercial uses are permitted on the ground and second floors, reflecting the applicant's proposal to have second floor office space.
- The CD Zone proposes a higher floor area ratio (FAR) at 2.5 relative to the 1.50 FAR permitted under the RM-7o Zone. This FAR is higher because approximately $59 \%$ of the site is undevelopable given the BC Hydro ROW. If the portion of the site under the BC Hydro ROW was included for the purposes of calculating density, it would be o. 83 FAR.
- The RM-7o Zone has a maximum lot coverage of $33 \%$ which is appropriate for taller built forms with smaller building footprints. The proposed $65 \%$ lot coverage for the site reflects the proposed building.
- The building is proposed at a setback of 7.1 metres along the east and north sides, in an attempt to achieve an adequate separation between buildings on each of these edges, while also recognizing the site limitations due to the BC Hydro ROW. The 4.0 metre south yard setback to 18 Avenue is appropriate to create a more urban pedestrian environment and enhance surveillance of the public realm along the street. The 4.0 metre setback on the west side is the setback to the drainage corridor; the setback to 164 Street is significantly larger at approximately 77 metres.
- The CD Zone proposes a lower building height at 22.0 metres relative to the 50 metre building height of permitted by the RM-7o Zone. The proposed building height reflects the 6 -storey proposal.
- The applicant is proposing to provide 74 resident parking spaces and 7 visitor parking spaces, for a total of 79 residential parking spaces, which satisfies the Zoning By-law requirements. In addition, the applicant is providing 89 commercial parking spaces, which satisfies the Zoning By-law requirements. The parking count includes 2 accessible residential parking spaces. The commercial parking is provided as surface parking, under the BC Hydro ROW, and the residential parking is underground.
- The applicant is also providing bike parking spaces for each apartment unit and the required 6 visitor bike parking spaces.


## Housing Agreement

- Section 483 of the Local Government Act authorizes local governments to enter into Housing Agreements for terms and conditions agreed to by the owner and the local government regarding the occupancy of dwelling units.
- The attached Housing Agreement (Appendix IX) will be adopted by By-law and registered as a Notice on Title. The agreement will restrict the 65 proposed apartment units in the building to a rental tenure for a minimum period of 60 years from the date when an Occupancy Permit is issued for the building.
- The City may from time to time require that the owner of the building provide written proof of compliance with the Housing Agreement.
- The Housing Agreement By-law will be brought forward concurrently with Final Adoption, once all of the outstanding conditions associated with the Development Permit are fulfilled.


## 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. A fee update has been approved in April 2023, under Corporate Report No.Ro37;2023.
- The proposed development will not be subject to the Tier 1 or Tier 2 Capital Plan Project CACs, as the proposal includes $100 \%$ market rental residential units. A Restrictive Covenant will be registered making CAC payable if there is a future change in tenure.


## 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 $\$ 1,000$ (now $\$ 1,068$ ) 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.
- As a rental project, the subject proposal is exempt from the provision of this policy. The applicant will be required to register a Section 219 Restrictive Covenant, making the fees payable if there is a future change in tenure, to address the City's needs with respect to the City's Affordable Housing Strategy.


## Public Art Policy

- The applicant will be required to provide public art or register a Restrictive Covenant agreeing to provide cash-in-lieu, at a rate of $0.5 \%$ of construction value, to adequately address the City's needs with respect to public art, in accordance with the City's Public Art Policy requirements. The applicant will be required to resolve this requirement prior to consideration of Final Adoption.
- The Public Art contribution will be required only for the commercial portion of the site and will be applicable to the residential portion only if there is a future change in tenure from the market rental residential units.


## PUBLIC ENGAGEMENT

- Pre-notification letters were sent on January 30, 2024, and the Development Proposal Signs were installed on February 12, 2024. Staff received one response from a neighbouring resident, who had questions about upgrades to 164 Street and parking in the neighbourhood.


## DEVELOPMENT PERMITS

## Sensitive Ecosystems (Streamside Areas) Development Permit Requirement

- The subject property falls within the Sensitive Ecosystems Development Permit Area (DPA) for Streamside Areas in the OCP, given the location of an existing Class B (yellow-coded) ditch along 164 Street.
- The Class B ditch on the east side of 164 Street is proposed to be infilled at the direction of Land Development Engineering. The entire 164 Street ditch will be infilled (approximately 160 linear metres). Approximately 60 linear metres of the total 160 linear metres is located along the 164 Street frontage of the subject site.
- Infilling of the Class B ditch on 164 Street requires a Fisheries and Oceans Canada request for review to confirm that no Harmful Alteration, Disruption or Destruction (HADD) or compensation for loss of fish habitat is needed prior to the issuance of the SEDP.
- An Ecosystem Development Plan, prepared by Remi Masson, R.P. Bio., of Redcedar Environmental Consulting and dated February 22, 2024 was reviewed by staff and found to be generally acceptable, with some modifications to content and format of the report still required. The finalized report and recommendations will be incorporated into the Development Permit.


## Hazard Lands (Steep Slope) Development Permit Requirement

- The subject property falls within the Hazard Lands (Steep Slope) Development Permit Area (DPA) in the OCP, given that the site is within 30 metres from the top of a slope/or 10 metres from the base of a slope in excess of $20 \%$. The Hazard Land (Steep Slope) Development Permit is required to protect developments from hazardous conditions.
- Topography of the site slopes down to the west/southwest at an overall slope gradient of approximately $20 \mathrm{H}: 1 \mathrm{~V}$ or flatter.
- A geotechnical report, prepared by Stuart Hrysio, P. Eng., of Braun Geotechnical Ltd. and dated January 22, 2024, was peer reviewed by Goran Awny, P. Eng., of Pacific Geotechnical and found to be generally acceptable by the peer reviewer. The finalized geotechnical report will be incorporated into the Development Permit.
- The consultant has determined that the development is feasible provided that the recommendations in their report are incorporated into the overall design of the site, including following the excavation and shoring recommendations, using structural fill, and foundation design recommendations.
- Registration of a Section 219 Restrictive Covenant that requires the owner to develop the site in accordance with the conditions in the geotechnical report is required as a condition of final adoption.
- At Building Permit stage, the Building Division will require Letters of Assurance from a geotechnical engineer to ensure that the building plans comply with the recommendations in the approved geotechnical report.


## Form and Character Development Permit Requirement

- The proposed development is subject to a Development Permit for Form and Character and is also subject to the urban design guidelines in the Sunnyside Heights Neighbourhood Concept Plan (NCP).
- The proposed development partially complies with the Form and Character Development Permit guidelines in the OCP and the design guidelines in the Sunnyside Heights Neighbourhood Concept Plan (NCP).
- The applicant has worked with staff to provide a building design that works with the limitations of the site taking into consideration the BC Hydro ROW and drainage corridor, and addresses the lack of consolidation by addressing the wider context and access by providing a concept plan for neighbouring properties.
- The proposed building is triangular in shape, and fronts onto 18 Avenue. The building has 6 storeys; the ground level of the building has Commercial Retail Units (CRUs) on the west side and a childcare centre at the northeast corner of the building. The second level is mostly office space with some childcare space, including outdoor play area on the second level balcony. Levels three to six contain the rental residential units.
- The separation distance between the proposed building on the subject site, and the 4 -storey building proposed to the east, which is at Third Reading under Development Application No. 7920-or10-oo, is 12 metres at the lower levels. The OCP DPı Form and Character guidelines indicate a minimum building separation of 20 metres. The applicant has agreed to address this issue by amending the plans to include a step back at the upper levels in a revised submission.
- Building materials include fibre cement board, brick cladding, and aluminum glass panels with black hand rails.


## Landscaping

- The landscaping includes a mix of trees, shrubs and ground cover. The landscaping concept will provide a safe pedestrian environment, attractive landscaping features, and a combination of plantings that will provide visual interest throughout the year.
- The landscaping within the BC Hydro ROW area has been designed to meet BC Hydro guidelines.
- A playground structure is also proposed within the BC Hydro ROW. The Landscape Architect will ensure that the playground and plantings within BC Hydro's ROW will align with the BC Hydro guidelines.


## Indoor Amenity

- There are two (2) indoor amenity areas proposed. On the third floor is a yoga room, office and multi-purpose room with a kitchen and bathroom. On the sixth floor is a gym. Both indoor amenity spaces connect directly with outdoor amenity space.
- The indoor amenity is proposed to be 158 square metres in size. The Zoning Bylaw requires 3 square metres of indoor amenity space per dwelling unit, which equals 195 square metres; however, the Zoning Bylaw also permits a reduction to the indoor amenity physical space requirement to a minimum of 74 square metres for mid-rise ( 3 to 6 storeys) buildings, as long as cash-in-lieu is provided to make up the difference. The applicant will be required to provide cash-in-lieu as a condition of Final Adoption.


## Outdoor Amenity

- There are two (2) outdoor amenity spaces proposed, which are directly connected to the indoor amenity spaces. The third floor outdoor amenity space has a BBQ and sink, picnic table and a lounge seating area with a fire pit. The sixth floor proposes another lounge seating area and fire pit, garden boxes and a tool storage shed.
- The outdoor amenity space is 238 square metres in size, which exceeds the 195 square metre requirement in the Zoning Bylaw (based on 3 square metres per dwelling unit).


## Outstanding Items

- There are a limited number of Urban Design items that remain outstanding, and which do not affect the overall character or quality of the project. These generally include amendments to improve the building separation between the proposed building for the subject site, and the one proposed for the property to the east under Development Application No. 7920-0110-oo.
- The applicant has been provided a detailed list identifying these requirements and has agreed to resolve these prior to Final Approval of the Development Permit, should the application be supported by Council.


## TREES

- Francis Klimo, ISA Certified Arborist of Klimo \& Associates prepared an Arborist Assessment for the subject property. The table below provides a summary of the proposed tree retention and removal by tree species:

Table 1: Summary of Proposed Tree Preservation by Tree Species:

| Tree Species ${ }^{\text {Ex }}$ | Existing | Remove | Retain |
| :---: | :---: | :---: | :---: |
| Alder and Cottonwood Trees |  |  |  |
| Alder | 20 | 20 | O |
| Cottonwood | 1 | 1 | O |
| Deciduous Trees <br> (excluding Alder and Cottonwood Trees) |  |  |  |
| Bigleaf Maple | 1 | 1 | 0 |
| Silver Birch | 1 | 1 | 0 |
| Paper Birch | 1 | 1 | O |
| Coniferous Trees |  |  |  |
| Douglas Fir | 5 | 5 | O |
| Western Redcedar | 2 | 2 | O |
| Grand Fir | 1 | 1 | 0 |
| Colorado Spruce | 1 | 1 | 0 |
| Total (excluding Alder and Cottonwood Trees) | 12 | 12 | 0 |
| Total Replacement Trees Proposed (excluding Boulevard Street Trees) |  | 59 |  |
| Total Retained and Replacement Trees |  | 59 |  |
| Estimated Contribution to the Green City Program |  | N/A |  |

- The Arborist Assessment states that there are a total of 12 mature trees on the site, excluding Alder and Cottonwood trees. 21 existing trees, approximately $39 \%$ of the total trees on the site, are Alder and Cottonwood trees.
- The applicant will be required to plant trees on a 1 to 1 replacement ratio for Alder and Cottonwood, and a 2 to 1 replacement ratio for all other trees. This will require a total of 44 replacement trees on the site. The applicant is proposing 59 replacement trees, exceeding City requirements.
- In addition to the replacement trees, boulevard street trees will be planted on 18 Avenue and 164 Street. This will be determined by the Engineering Department during the servicing design review process.
- The new trees on the site will consist of a variety of trees including Vine Maple, Columnar European Hornbeam, Ace of Hearts Redbud, Eddies White Wonder Dogwood, Lavalle Hawthorn, Crimson Spire Oak and Red Cascade Mountain Ash.
- In summary, a total of 59 trees are proposed to be replaced on the site and no contribution to the Green City Program is required.


## INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:
Appendix I. Site Plan, Building Elevations, Landscape Plans and Perspective
Appendix II. Engineering Summary
Appendix III. School District Comments
Appendix IV. Summary of Tree Preservation and Tree Plan
Appendix V. Sunnyside Heights NCP Plan
Appendix VI. Highway 99 Corridor LAP Plan
Appendix VII. Sunnyside Heights NCP Land Consolidation Areas
Appendix VIII. OCP Redesignation Maps
Appendix IX. Proposed Housing Agreement By-law and Housing Agreement

approved by Shawn Low

Don Luymes
General Manager
Planning and Development

## 6 STORY MIX USE BUILDING



CLIENT: Harman Dhillon
1645318 st. SURREY BC V3Z 9N2 CONTACT :
T:- 6047634279
E:- harman@genaris.ca
ARCHITECTURAL:
FLAT ARCHITECTURE INC.
6321 KING GEORGE BLVD.
SURREY, BC. V3X 1 G1
CONTACT: RAJINDER WARRAICH
T: 6045034484
rajinder@flatarchitecture.ca
SURVEYOR:
ELEVATE LAND SURVEYING
\#18249 98 Ave Surrey, BC V4N 5A9
CONTACT:
T : 604-385-5571
E: Info@elevatelandsurveying.com
CIVIL:
GSDM.
GurSimer Design and Management Inc.
CONTACT: Nirvair Bagri
T : 778-895-6358
E : nirvair@gs-dm.com

## ARBORIST:

MIKE FADUM AND ASSOCIATES LTD. UNIT 105-8277 129 SURREY BC,
V3W 0A6
CONTACT:MIKE FADUM
T : 7785930300
MFADUM@FADUM.CA
LANDSCAPE ARCHITECT:
PMG LANDSCAPE ARCHITECTS LTD.
C100-4185 STILL CREEK DR,
BURNABY, B.C. V5C 6G9
BURNABY, B.C. V5C
T : 6042940011 EXT. 116
rebecca@pmglandscape.com
$\begin{array}{r}\text { ON } \\ \mathrm{w} \\ \hline\end{array}$

Unit209.632: King Gearge Bind

 Ph: 604-503-4484


| UNIT MIX SCHEDULE |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| LEVELS | 1 BD | 1 BD+DEN | 2 BD | 3 BD | STUDIO | TOTAL UNITS PER FLOOR |  |
| LVL 1 | 0 | 0 | 0 | 0 | 0 | 0 |  |
| LVL 2 | 0 | 0 | 0 | 0 | 0 | 0 |  |
| LVL 3 | 9 | 0 | 3 | 2 | 2 | 16 |  |
| LVL 4 | 10 | 1 | 3 | 2 | 2 | 18 |  |
| LVL5 | 10 | 1 | 3 | 2 | 2 | 18 |  |
| LVL6 | 7 | 0 | 3 | 2 | 1 | 13 |  |
| TOTAL | 36 UNITS | 2 UNITS | 12 UNITS | 8 UNITS | 7 UNITS | 65 UNITS |  |


| UNIT SCHEDULE |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| TYPES | ON LEVELS | AREA(SQ.FT) | AREA(SQ.M) | TOTAL UNITS |
| A1(1B) | $3,4,5,6$ | 500 | 46.46840149 | 24 |
| A2(1B) | $4,5,6$ | 434 | 40.33457249 | 3 |
| A3(1B) | $3,4,5$ | 480 | 44.60966543 | 3 |
| A4(1B) | $3,4,5$ | 422 | 39.21933086 | 3 |
| A5(1B) | $3,4,5$ | 541 | 50.27881041 | 3 |
| B1(1B+D) | 4,5 | 550 | 51.11524164 | 2 |
| C1(2B) | $3,4,5,6$ | 681 | 63.28996283 | 4 |
| C2(2B) | $3,4,5,6$ | 612 | 56.87732342 | 4 |
| C3(2B) | $3,4,5,6$ | 601 | 55.85501859 | 4 |
| D1(3B) | $3,4,5,6$ | 831 | 77.23048327 | 4 |
| D2(3B) | $3,4,5,6$ | 768 | 71.37546468 | 4 |
| E1(STUDIO) | $3,4,5,6$ | 338 | 31.41263941 | 4 |
| E2(STUDIO) | $3,4,5$ | 281 | 26.11524164 | 3 |
|  |  |  |  | 65 |

COMMERCIAL UNIT SCHEDULE

| TYPES | ON LEVELS | AREA(SQ.FT) | AREA(SQ.M) | TOTAL UNITS |
| :---: | :---: | :---: | :---: | :---: |
| C.R.U-100 | 1 | 969.11 | 90.06598513 | 1 |
| C.R.U-101 | 1 | 905.6 | 84.16356877 | 1 |
| C.R.U-102 | 1 | 892.07 | 82.90613383 | 1 |
| C.R.U-103 | 1 | 892.07 | 82.90613383 | 1 |
| C.R.U-104 | 1 | 870.71 | 80.92100372 | 1 |
| C.R.U-105 | 1 | 762.19 | 70.83550186 | 1 |
| C.R.U-106 | 1 | 890.61 | 82.7704461 | 1 |
| C.R.U-107 | 1 | 1458.27 | 135.5269517 | 1 |
| C.R.U-201 | 2 | 905.59 | 84.16263941 | 1 |
| C.R.U-202 | 2 | 892.05 | 82.90427509 | 1 |
| C.R.U-203 | 2 | 892.03 | 82.90241636 | 1 |
| C.R.U-204 | 2 | 853.96 | 79.36431227 | 1 |
| C.R.U-205 | 2 | 798.85 | 74.24256506 | 1 |
| C.R.U-206 | 2 | 1437.11 | 133.5604089 | 1 |
| C.R.U-207 | 2 | 933.48 | 86.75464684 | 1 |
| C.R.U-208 | 2 | 100.21 | 9.313197026 | 1 |
| C.R.U-209 | 2 | 1488.1 | 138.2992565 | 1 |
| C.R.U-210 | 2 | 927.04 | 86.15613383 | 1 |
| C.R.U-211 | 2 | 1206.84 | 112.1598513 | 1 |
|  | TOTAL C.R.U |  |  |  |



Unit 209.6321 King George Bivd

Ph:604.503.4884

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contaceleflatarchitiectuve
Ph: 604.503-4484


18TH AVENUE



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MIX-USE RENTAL BUILDING AT
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(1) BASE PLAN


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18 AVENUE



(1) PARKING PLAN LEVEL -P. 1

3 Residential parking space Ootalno. of parking spaces 53








(1) Roof Level

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(B6) B7 B8 B11


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 Ph: 604.503 .4484






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## PROJECT INFO: MIX-USE RENTAL BUILDING AT 1645318 AVE SURREY BC CLIENT:

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(4) PAVERS ON GRADE AND SLAB

(6) $\frac{\text { SITE FURNITURE MOUNTING }}{\text { NTS }}$




(5) PAVER PARKING STALL


(7) $\frac{\text { PERMEABLE PAVERS, TYP }}{r=1 \cdot 0 \cdot c}$

(8) $\frac{\text { STRUCTURAL SOIL UNDER PAVING, TYP }}{1 r^{2}=1.10^{\circ}}$

pmg


| TO: | Director, Area Planning \& Development |
| :--- | :--- |
|  | - South Surrey Division |
|  | Planning and Development Department |

FROM: Development Review Manager, Engineering Department
DATE: April 2, $\mathbf{2 0 2 4} \quad$ PROJECT FILE: 7823-0134-00

RE: Engineering Requirements
Location: 1645318 Ave

## OCP AMENDMENT/NCP AMENDMENT

There are no engineering requirements relative to the OCP Amendment/NCP Amendment except for the requirements listed below.

The applicant is required to complete a sanitary sewer capacity analysis downstream of the subject application due to the proposed Land use plan amendment which will result in increased population and subsequent sanitary demand. The applicant will be required to resolve any downstream pipe capacity constraints.

## REZONE/SUBDIVISION

## Property and Right-of-Way Requirements

- Dedicate 3.942 m to achieve ultimate 14.0 m from centreline along 164 Street.
- Dedicate 10.0 m drainage corridor.
- Dedicate a 3.0m x 3.0m corner cut at 164 Street and 18 Avenue.
- Register 0.5m SRW along all development frontages.
- Register shared access easement along eastern property line.


## Works and Services

- Construct east side of 164 Street to collector road standards.
- Construct north side of 18 Avenue.
- Construct concrete letdown to 18 Avenue.
- Construct 10.0 m drainage corridor along BC Hydro right-of-way.
- Construct storm, water and sanitary main along 18 Avenue and 164 Street.
- Provide storm, water and sanitary service connections to proposed lot.
- Provide and register restrictive covenant for on-site stormwater mitigation features.

Janelle Frank, P.Eng.<br>Development Review Manager

## LEADERSHIP IN LEARNING

| Department: | Planning and Demographics |
| :--- | :--- |
| Date: | January 26, 2024 |
| Report For: | City of Surrey |




Note: If this report is provided in the months of October, November and December, the 10-year projections are out of date and they will be updated in January of next year.

Population : The projected population of children aged 0-17 impacted by the development.
Enrolment: The number of students projected to attend the Surrey School District ONLY.

### 9.0 TREE PRESERVATION SUMMARY

Surrey Project No: N/A
Address: 1645318 Ave, Surrey, B.C., V3S 9N2
Registered Arborist: Francis Klimo

| On-Site Trees | Number of Trees |
| :---: | :---: |
| Protected Trees Identified <br> (on-site and shared trees, including trees within boulevards and proposed streets and lanes, but excluding trees in proposed open space or riparian areas and non-bylaw protected trees) | 33 |
| Protected Trees to be Removed | 28 |
| Protected Trees to be Retained. <br> (excluding trees within proposed open space or riparian areas) | 4 |
| Total Replacement Trees Required: <br> Alder \& Cottonwood Trees Requiring 1 to 1 Replacement Ratio $17 \quad x \quad \text { one }(1)=17$ <br> All other Trees Requiring 2 to 1 Replacement Ratio $11 \mathrm{X} \text { two }(2)=22$ | 17 <br> 22 |
| Replacement Trees Proposed | 59 |
| Replacement Trees in Deficit | 0 |
| Protected Trees to be Retained in Proposed [Open Space / Riparian Areas] | N/A |


| Off-Site Trees | Number of Trees |
| :---: | :---: |
| Protected Off-Site Trees to be Removed | 3 |
| Total Replacement Trees Required: <br> Alder \& Cottonwood Trees Requiring 1 to 1 Replacement Ratio $1 \quad x \text { one }(1)=1$ <br> All other Trees Requiring 2 to 1 Replacement Ratio $2 x \text { two }(2)=2$ | 2 |
| Replacement Trees Proposed | 0 |
| Replacement Trees in Deficit | 0 |

Summary, report and plan prepared and submitted by:
tramas Relro
(Signature of Arborist)

March 21, 2023

Date



## Grandview Heights NCP Area \#2 (Sunnyside Heights)

City of Surrey Planning \& Development Department


Figure 2.3 Land Consolidation Areas



## OCP Amendment 23-0134-00

Proposed amendment from "Mixed Employment" to "Multiple Residential"


## CITY OF SURREY

## HOUSING AGREEMENT

Mixed-Use

THIS HOUSING AGREEMENT made the 02 day of April, 2024.
BETWEEN:
CITY OF SURREY, a municipal corporation having its offices at 13450 - 104 Avenue, Surrey, B.C. V3T 1V8
(the "City")
OF THE FIRST PART
AND:
1441472 BC LTD, a corporation having its offices at 206 15272 Croydon Dr, Surrey, B.C. V3S 0Z5
(the "Owner")
OF THE SECOND PART

## WHEREAS:

A. The Owner is the legal and beneficial owner of those certain lands and premises located in the City of Surrey, in the Province of British Columbia, legally described as:

Parcel Identifier: 006-532-128
LOT 36, SECTION 13, TOWNSHIP 1, NEW WESTMINSTER LAND DISTRICT, PLAN 42726
(the "Lands");
B. The Owner proposes to use the Lands for the development of a mixed-used development to be compromised of 65 rental units within one 6 -storey building (the "Development");
C. The Owner has voluntarily agreed to enter into a housing agreement pursuant to Section 483 of the Local Government Act, R.S.B.C. 2015, Chapter 1, as amended, to ensure that the Rental Units are rented in accordance with this Agreement.

NOW THEREFORE in consideration of the premises herein and of the mutual covenants and agreements hereinafter set forth and contained herein and $\$ 1.00$ now paid by the City to the Owner (the receipt of which is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

## 1. DEFINED TERMS

1.1 In and for the purpose of this Agreement, in addition to the definitions on the first page of this document, the following terms shall have the following meanings:
(a) "Agreement" means this housing agreement and any amendments to or modifications of the same;
(b) "City" means the City of Surrey and any person authorized by the City of Surrey, including assigns of whole or partial interest in this Agreement or of any of the rights conferred upon the City of Surrey by this Agreement;
(c) "City Personnel" means all of the City's elected and appointed officials, officers, employees, agents, nominees, delegates, permittees, contractors, subcontractors, invitees and the Approving Officer;
(d) "Claims and Expenses" means all actions, causes of actions, suits, judgments, proceedings, demands, and claims, whether at law or in equity, losses, damages, expenses and costs (including legal fees and disbursements on an indemnity basis) of any kind or nature whatsoever, at law or in equity, for any damages, losses, injuries or death;
(e) "Development" means as defined in Recital B;
(f) "Dwelling Unit" means each of the 65 dwelling units to be constructed within the Development;
(g) "Lands" means the parcel of land situated in the City of Surrey, British Columbia and legally described in Recital A, and includes any parcel into which such land is consolidated or further subdivided (including a subdivision pursuant to the Land Title Act and a subdivision pursuant to the Strata Property Act of British Columbia);
(h) "Owner" means the person named on the first page of this Agreement and the legal and beneficial owner at any given time and any successors in title of the Lands and, without limitation, if the Lands are subdivided by way of a strata plan under the Strata Property Act of British Columbia, then "Owner" includes the strata corporation thereby created;
(i) "Rental Units" means 65 Dwelling Units which must be made available by the Owner to the general public at arms' length for use as residential rental accommodation on a month-to-month or longer basis in accordance with all applicable laws including, without limitation, the Residential Tenancy Act, S.B.C. 2002, Chapter 78, as amended, and any regulations pursuant thereto; and
(j) "Term" means 60 years, commencing on the first day of the month after the City issues an occupancy permit for the Development.

## 2. RESTRICTION ON OCCUPANCY OF DWELLING UNITS

2.1 During the Term the Rental Units must be made available for rent in accordance with this Agreement.
2.2 The City may, from time to time, during the Term request the Owner to provide written proof of compliance with section 2.1 and the Owner agrees to provide, or cause an operator of the Lands to provide, the City with such proof in a form reasonably satisfactory to the City.
2.3 All of the Rental Units must be owned by the same Owner(s).
2.4 Throughout the Term, the Owner shall not sell or transfer the beneficial or registered title or any interest in and to the Rental Units, unless the Owner obtains from the transferee an agreement in writing from the transferee to assume and perform all of the obligations of the Owner arising under this Agreement.

## 3. LIABILITY

3.1 Indemnity. The Owner shall indemnify and save harmless the City and City Personnel from all Claims and Expenses which the City and City Personnel may suffer, or incur, or be put to, arising out of or in connection with any breach or default of any covenants or agreements on the part of the Owner contained in this Agreement, or arising out of, or in connection with the Development or arising out of the fact that the Lands are encumbered by and affected by this Agreement.
3.2 Release. The Owner does hereby remise, release and forever discharge the City and City Personnel from all Claims and Expenses which the Owner may have against the City and City Personnel, which the Owner now has or hereafter may have with respect to or by reasons of or arising out of the fact that the Lands are encumbered by and affected by this Agreement.
3.3 Obligations Continue. The Owner covenants and agrees that the indemnity and release in Sections 3.1 and 3.2 will remain effective and survive the expiration or termination of this Agreement whether by fulfilment of the covenants contained in this Agreement or otherwise.

## 4. NOTICE

4.1 Any notices or other documents to be given or delivered pursuant to this Agreement will be addressed to the proper party as follows:
(a) As to the City:

City of Surrey
13450-104 Avenue
Surrey, BC V3T 1V8

## Attention: General Manager, Planning and Development Department

(b) As to the Owner:

Owner Name 1441472 BC LTD
Owner Address 206-15272 Croydon Dr, Surrey, BC V3S 0Z5
Attention: Harman Dhillon
or such other address as such party may direct. Any notice or other documents to be given or delivered pursuant to this Agreement will be sufficiently given or delivered if delivered to the particular party as its address set out or determined in accordance with this section and shall be deemed complete two (2) days after the day of delivery.
4.2 It is specifically agreed that for any notice or document to be validly given or delivered pursuant to this Agreement, such notice or document must be delivered and not mailed.

## 5. GENERAL

5.1 Joint and Several. Where the Owner consists of more than one person, each such person will be jointly and severally liable to perform the Owner's obligations under this Agreement.
5.2 Assignment by City. This Agreement or any of the rights conferred by this Agreement upon the City may be assigned in whole or in part by the City without the consent of the Owner.
5.3 City's Other Rights Unaffected. Nothing contained or implied herein will derogate from the obligations of the Owner under any other agreement with the City or, if the City so elects, prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions pursuant to the Local Government Act and the Community Charter, as amended from time to time and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Owner and the City.
5.4 Agreement for Benefit of City. The Owner and the City hereby acknowledge, agree and declare that this Agreement is entered into for the sole purpose of benefitting the City and, in particular, acknowledge, agree and declare that this Agreement is not designed to protect or promote the interests of the Owner or any mortgagee of the Owner, or any future owner or occupier of the Lands and any improvements on the Lands or any other person and the City may, at its sole option, execute a release of this Agreement at any time without liability to any person for so doing.
5.5 No Waiver. The Owner acknowledges and agrees that no failure on the part of the City to exercise and no delay in exercising any right under this Agreement will operate as a waiver thereof, nor will any single or partial exercise by the City of any right under this Agreement preclude any other or future exercise thereof of the exercise of any other right.
5.6 City Not Required to Prosecute. The Owner agrees that the City is not required or is under no obligation in law or equity to prosecute or enforce this Agreement in any way whatsoever.
5.7 Remedies. The remedies provided for in this Agreement will be cumulative and not exclusive of any other remedies provided by law or in equity. In addition to any remedies which are available under this Agreement or at law, the City will be entitled to all equitable remedies, including, without limitation, specific performance, injunction and declaratory relief, or any combination thereof, to enforce its rights under this Agreement. The Owner acknowledges that specific performance, injunctive relief (mandatory or otherwise) or other equitable relief may be the only adequate remedy for a default by the Owner under this Agreement.
5.8 Severability. All the obligations and covenants in this Agreement are severable, so that if any one or more of the obligations or covenants are declared by a court of competent jurisdiction to be void and unenforceable, the balance of the obligations and covenants will remain and be binding.
5.9 City Court Costs. In an action to enforce this Agreement in respect of which the court determines that the position of the City will prevail, the City will be entitled to court costs on a solicitor-client basis.
5.10 Subdivision/Consolidation. If the Lands are subdivided or consolidated at any time hereafter either under the provisions of the Land Title Act or under the Strata Property Act, then upon the deposit of a plan of subdivision, strata plan, consolidation plan or similar plan or application as the case may be the rights, benefits, burdens, obligations, and covenants contained in this Agreement will continue to charge each of the new parcels, lots, or other subdivided or consolidated parcels and areas so created.
5.11 Subdivision by Strata Plan. If the Lands, or any portion thereof, are subdivided by a strata plan, this Agreement will charge title to the strata lots and the common property comprising such strata plan and:
(a) this Agreement will be registered against each individual strata lot and noted on the common property sheet;
(b) the strata corporation or the strata corporations created will perform and observe the Owner's covenants in this Agreement, solely at the expense of the strata lot owners; and
(c) the liability of each strata lot owner for the performance and observance of the Owner's covenants herein will be in proportion to the unit entitlement of his, her or its strata lot as established by the strata plan.
5.12 Personal Representatives and Successors. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their personal representatives, respective heirs, executors, administrators, successors, and assigns.
5.13 Governing Law. This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia and the laws of Canada applicable in British Columbia.
5.14 Priority. The Owner shall at the sole expense of the Owner, do or cause to be done all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the Lands at the Land Title Office save and except those specifically approved in writing by the City.
5.15 Further Assurances. The Owner shall do, or cause to be done, all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.
5.16 Counterparts. This Agreement may be executed in any number of counterparts and delivered via facsimile or e-mail, each of which will be deemed to be an original and all of which taken together will be deemed to constitute one and the same instrument, provided that any party delivering this Agreement via facsimile or e-mail will deliver to the other party any originally executed copy of this Agreement forthwith upon request by the other party.
5.17 Entire Agreement. This Agreement represents the entire agreement between the City and the Owner regarding the matters set out in this Agreement and supersedes all prior agreements, letters of intent or understandings about these matters.

IN WITNESS WHEREOF the City of Surrey and the Owner have executed this Agreement under seal of their duly authorized officers as of the references of this Agreement.

## CITY OF SURREY

$B y:$
Authorized Signatory
Brenda Locke,
Mayor
City of Surrey
$B y$ :
Authorized Signatory
Jennifer Ficocelli,
City Clerk
City of Surrey

1441472 BC LTD
$B y$ :


Authorized Signatory
Name: Harmunpreet Dhillon
Title: Director

