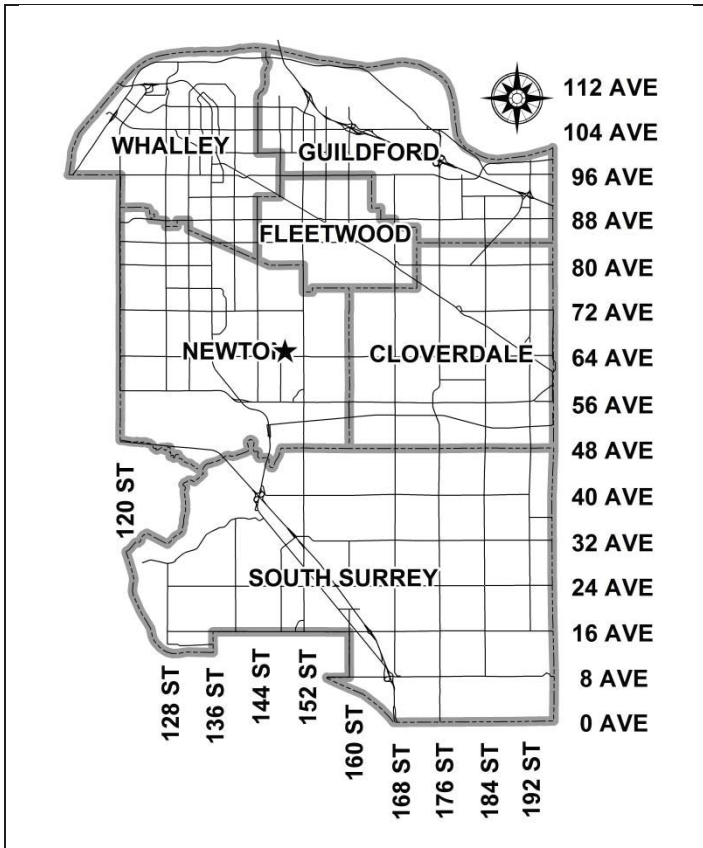


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7916-0412-00

Planning Report Date: December 5, 2016



PROPOSAL:

- Development Permit
- Development Variance Permit

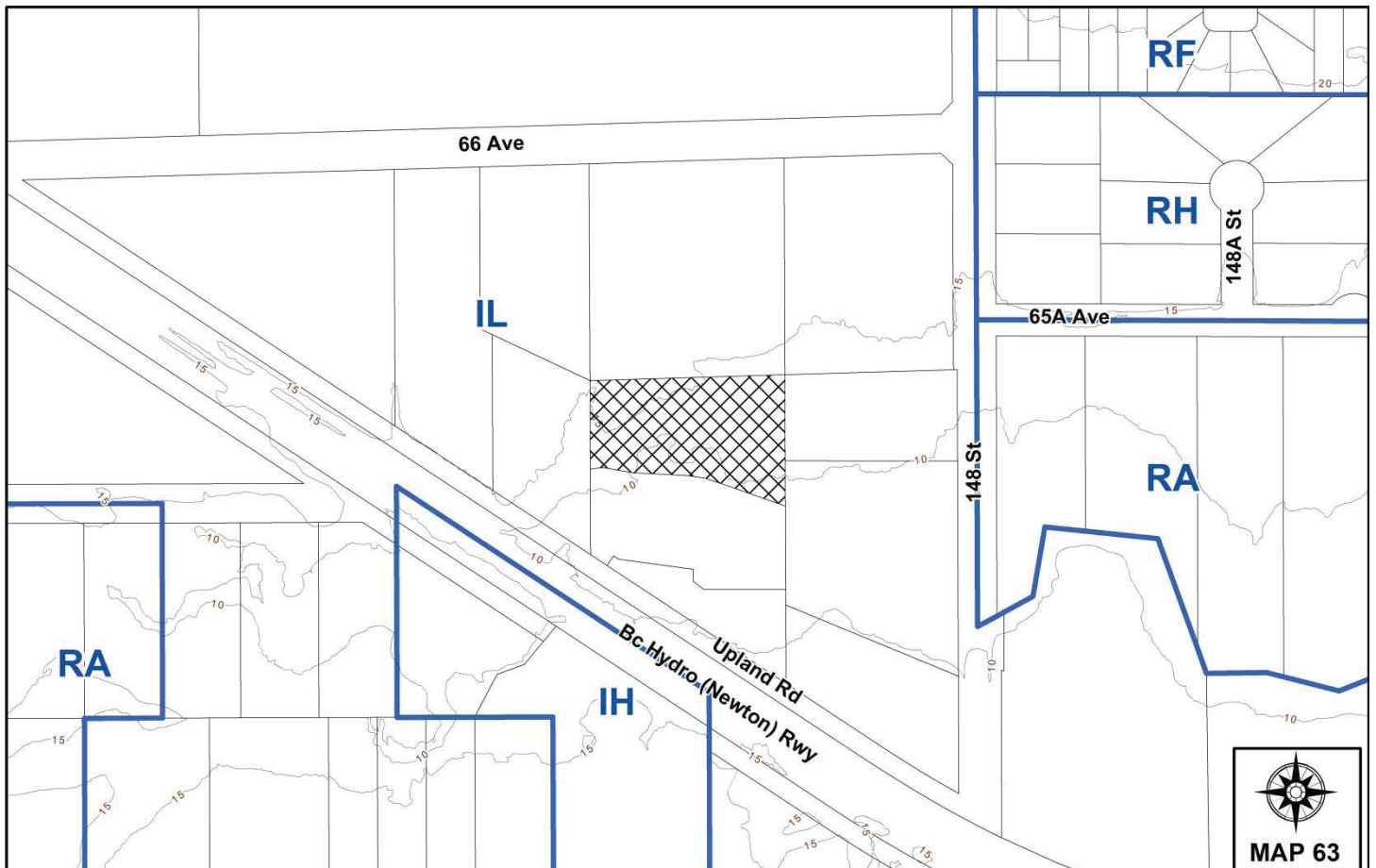
to reduce the rear yard (north) and side yard (west) setbacks and to reduce the minimum streamside setback, in order to construct an industrial building.

LOCATION: 14747 - Upland Road

OWNER: BC Pole Cartage Ltd.

ZONING: IL

OCP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.
- Approval to draft Development Permit.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to reduce the minimum rear yard (north) and side yard (west) setbacks.
- The applicant is seeking to reduce the minimum distance (setback) from top-of-bank for a "Natural Class A Stream".

RATIONALE OF RECOMMENDATION

- Development Variance Permit (DVP) No. 7910-0120-00 to relax the rear yard (north) and side yard (west) setbacks was previously approved and issued by Council on June 23, 2014. Given that no work was initiated within two years of the DVP approval, the DVP subsequently expired on June 23, 2016 before the Building Permit was issued.
- The current proposal for a reduction of the required rear yard (north) and side yard (west) setback relaxations are generally in keeping with the previous DVP.
- The riparian area to the south of the subject site was conveyed to the City for the purposes of riparian protection and enhancement in 2014 as part of Development Application No. 7910-0120-00. The riparian protection area was established during the Environmental Review Committee (ERC) process, which included the Department of Fisheries and Oceans (DFO). A variance to the minimum 30 metre (100 ft.) setback from Hyland Creek was approved, allowing for a fluctuating setback of 18.69 to 19.10 metres (61 to 62.5 ft.) from the top of bank on the north side of Hyland Creek.
- On September 12, 2016, Council gave Final Adoption to Text Amendment By-law No. 18809, which incorporates streamside protection regulations as Part 7A in the Zoning By-law and establishes a minimum 30 metre (100 ft.) setback from top of bank for "Natural Class A Streams".
- A variance to the new streamside protection regulations is required to allow for a minimum setback of 18.69 metres (up to 19.10 metres) from top of bank as was approved by ERC.
- The proposed building and streamside setbacks will allow for the most efficient use of the site's developable area, while ensuring protection and enhancement of Hyland Creek and its riparian area.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7916-0412-00 (Appendix II) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear yard (north) setback of the Light Impact Industrial Zone from 7.5 metres (25 ft.) to 1.2 metres (4 ft.);
 - (b) to reduce the minimum side yard (west) setback of the Light Impact Industrial Zone from 7.5 metres (25 ft.) to 3.2 metres (10.5 ft.); and
 - (c) to reduce the minimum setback distance from top of bank of a "Natural Class A Stream" in Part 7A of the Zoning By-law from 30 metres (100 ft.) to a minimum of 18.69 metres (61 ft.).
2. Council authorize staff to draft Development Permit No. 7916-0412-00 for Hazard Lands.
3. Council instruct staff to resolve the following issues prior to Development Permit issuance:
 - (a) approval and issuance of a Development Variance Permit for reduced setbacks;
 - (b) registration of a Section 219 Restrictive Covenant that requires the Owner to adhere to the Site Plan and the Geotechnical Assessment Report; and
 - (c) execution of a Servicing Agreement to the satisfaction of Land Development Engineering.

REFERRALS

Engineering:	The Engineering Department has no comments related to issuance of the Development Permit and Development Variance Permit, however, the Servicing Agreement initiated under Project No. 7810-0120-00 must be finalized and executed prior to issuance of a Building Permit or initiation of any works on this site.
Parks, Recreation & Culture:	Parks is supportive of the project provided that the riparian area works agreed to in the P-15 Agreement under Development Application No. 7910-0120-00 are completed and confirmed by Parks before final building occupancy.

SITE CHARACTERISTICSExisting Land Use: Vacant Industrial LandAdjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Light Industrial uses	Industrial	IL
East:	Light Industrial uses	Industrial	IL
South:	City Land – Hyland Creek riparian area	Industrial	IL
West:	Light Industrial uses	Industrial	IL

DEVELOPMENT CONSIDERATIONSBackground and Context

- The subject property, located at 14747 Upland Road is designated Industrial in the Official Community Plan and is zoned "Light Impact Industrial Zone (IL)".
- Development Application No. 7910-0120-00 originally proposed to vary the front, rear and side yard setbacks to facilitate the development of two light impact industrial buildings near Hyland Creek.
- Development Variance Permit (DVP) No. 7910-0120-00 to reduce the building setbacks was approved and issued by Council on June 23, 2014. The DVP expired on June 23, 2016 before the Building Permit was issued as no substantial work had been initiated on the site.
- As part of the review process for Development Application No. 7910-0120-00, the application was referred to the Environmental Review Committee (ERC). The riparian protection area was established during the ERC process and a fluctuating setback of 18.69 to 19.10 metres (61 to 62.5 ft.) from the top of bank on the north side of Hyland Creek was approved. As a condition of approval, the original site was subdivided into 3 lots in 2014, with the centre lot comprised of the riparian area, conveyed to the City for the purposes of riparian protection and enhancement. A P-15 agreement was entered into with the applicant for works to enhance the riparian area.
- To date, the riparian planting agreed to in the P-15 agreement has yet to be completed. The applicant has committed to completing the riparian planting prior to building permit occupancy for the proposed building.

Proposal

- The current application is only for the newly created lot to the north of the City owned riparian area. The lot to the south of the riparian area will be developed at a later date under a separate application.
- The applicant is proposing to develop the subject property by constructing a 3,158 square metre (33,991 sq. ft.) multi-tenant warehouse with limited office space.
- The subject site will be connected to 14733 Upland Road through a clear span bridge crossing Hyland Creek.
- The applicant is proposing a Development Variance Permit to reduce the rear yard (north) and side yard (west) setbacks to facilitate the construction of an industrial building.
- The applicant is also proposing to reduce the minimum setback distance from top of bank for a "Natural Class A Stream" to a minimum of 18.69 metres (61 ft.), as was approved by the ERC under Development Application No. 7910-0120-00.

Hazard Land Development Permit (Steep Slope)

- A Development Permit (DP) for Hazard Lands is required under the OCP due to the proximity of the site to the ravine slopes of Hyland Creek and the localized slopes on the site. In order to address this requirement, the applicant has submitted a geotechnical report.
- The geotechnical report, prepared by "exp" and dated November 1, 2016, states that the site is considered safe for the proposed development.
- The applicant will be required to register a Section 219 Restrictive Covenant on the land that requires the Owner to adhere to the Site Plan and the Geotechnical Assessment Report.
- At the Building Permit stage, the Building Division will require Letters of Assurance from a Geotechnical Engineer to ensure that the building permit drawings comply with the recommendations in the approved geotechnical report.

Sensitive Ecosystem Development Permit

- On September 12, 2016, Council adopted amendments to the OCP to create a new Sensitive Ecosystem Development Permit Area (DPA).
- Although the subject site is located within the newly established Sensitive Ecosystem DPA, a Sensitive Ecosystem Development Permit and accompanying Ecosystem Development Plan will not be required. The applicant has demonstrated that the requested setback reduction does not impact the objectives outlined in the OCP for protecting sensitive ecosystems, and in support of this, the applicant:
 - Submitted a Report to the Environmental Review Committee (ERC) under Development Application No. 7910-0120-00;

- Conveyed the riparian area to the City as a lot in 2014 for the purposes of riparian protection and enhancement; and
- Entered into a P-15 agreement with the City to enhance the riparian area.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard (north) setback of the IL Zone from 7.5 metres (25 ft.) to 1.2 metres (4 ft.).
- To reduce the minimum west side yard setback of the IL Zone from 7.5 metres (25 ft.) to 3.2 metres (10.5 ft.).

Applicant's Reasons:

- The conveyance of Hyland Creek and the surrounding riparian area split the parent lot into two smaller developable areas. Providing for 7.5 metre (25 ft.) setbacks from the rear and side yard (west) property lines would render the subject site undevelopable for the proposed uses.
- The reductions in the minimum building setbacks are required to develop the subject site and provide parking areas with adequate area for trucks to turn and maneuver.

Staff Comments:

- The proposed building setbacks will enable the owner to develop the site, while ensuring the protection and enhancement of Hyland Creek and its riparian area.
- The proposed variances will have little impact on the adjacent properties, which are presently used for outdoor storage, truck parking, warehousing, and other light impact industrial uses.
- The development will employ CPTED principles to minimize the impact of reduced setbacks by lighting, planting, gating, and restricting access between building walls and fenced property lines.

(b) Requested Variance:

- To reduce the minimum setback distance from the top of bank for a "Natural Class A Stream" from 30 metres (100 ft.) to a minimum of 18.69 metres (61 ft.).

Applicant's Reasons:

- The proposed riparian setbacks were previously approved by the Environmental Review Committee (ERC) under Development Application No. 7910-0120-00.

Staff Comments:

- The proposed setbacks were approved prior to the new streamside protection regulations being adopted as part of the Zoning By-law and were based on an Environmental Review submitted to the ERC.
- The fluctuating riparian area setbacks, which range between 18.69 metres (61 ft.) and 19.10 metres (62.5 ft.), provided for the conveyance of a 4,877 square metre (52,500 sq. ft.) lot to the City without compensation for the purposes of conserving and enhancing the riparian area of Hyland Creek.
- Staff support the requested variances to proceed to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
Appendix II. Development Variance Permit No. 7916-0412-00

INFORMATION AVAILABLE ON FILE

- Geotechnical Study Prepared by “exp” dated November 1, 2016
- Environmental Report Prepared by Pacific Land Group dated June 2010

Original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

CB/da

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Samuel Chan
 Ionic Architecture Inc.
 Address: 5500 – 152 Street, Unit 201
 Surrey, BC V4S 5J9

2. Properties involved in the Application
 - (a) Civic Address: 14747 - Upland Road

 - (b) Civic Address: 14747 - Upland Road
 Owner: B.C. Pole Cartage Ltd.
 PID: 029-401-780
 Lot A Section 15 Township 2 New Westminster District Plan EPP34370

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7916-0412-00 and bring the Development Variance Permit forward for an indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk once all outstanding conditions are satisfied.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7916-0412-00

Issued To: B.C. POLE CARTAGE LTD.

(the Owner)

Address of Owner: 7261 – 128 Street
Surrey, BC V3W 4E4

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 029-401-780

Lot A Section 15 Township 2 New Westminster District Plan EPP34370

14747 - Upland Road

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F. Yards and Setbacks of Part 48 "Light Impact Industrial Zone (IL)", the minimum rear yard (north) setback is reduced from 7.5 metres (25 ft.) to 1.2 metres (4 ft.);
 - (b) In Section F. Yards and Setbacks of Part 48 "Light Impact Industrial Zone (IL)", the minimum side yard (west) setback is reduced from 7.5 metres (25 ft.) to 3.2 metres (10.5 ft.);
 - (c) In the table in Section B.1 of Part 7A "Streamside Protection", the minimum distance from top of bank for a "Natural Class A Stream" is reduced from 30 metres (100 ft.) to not less than 18.69 metres (61 ft.).
4. This development variance permit applies to only the portion of the Land OR that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit.

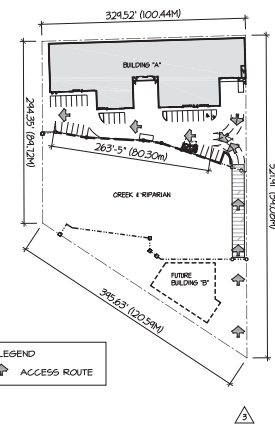
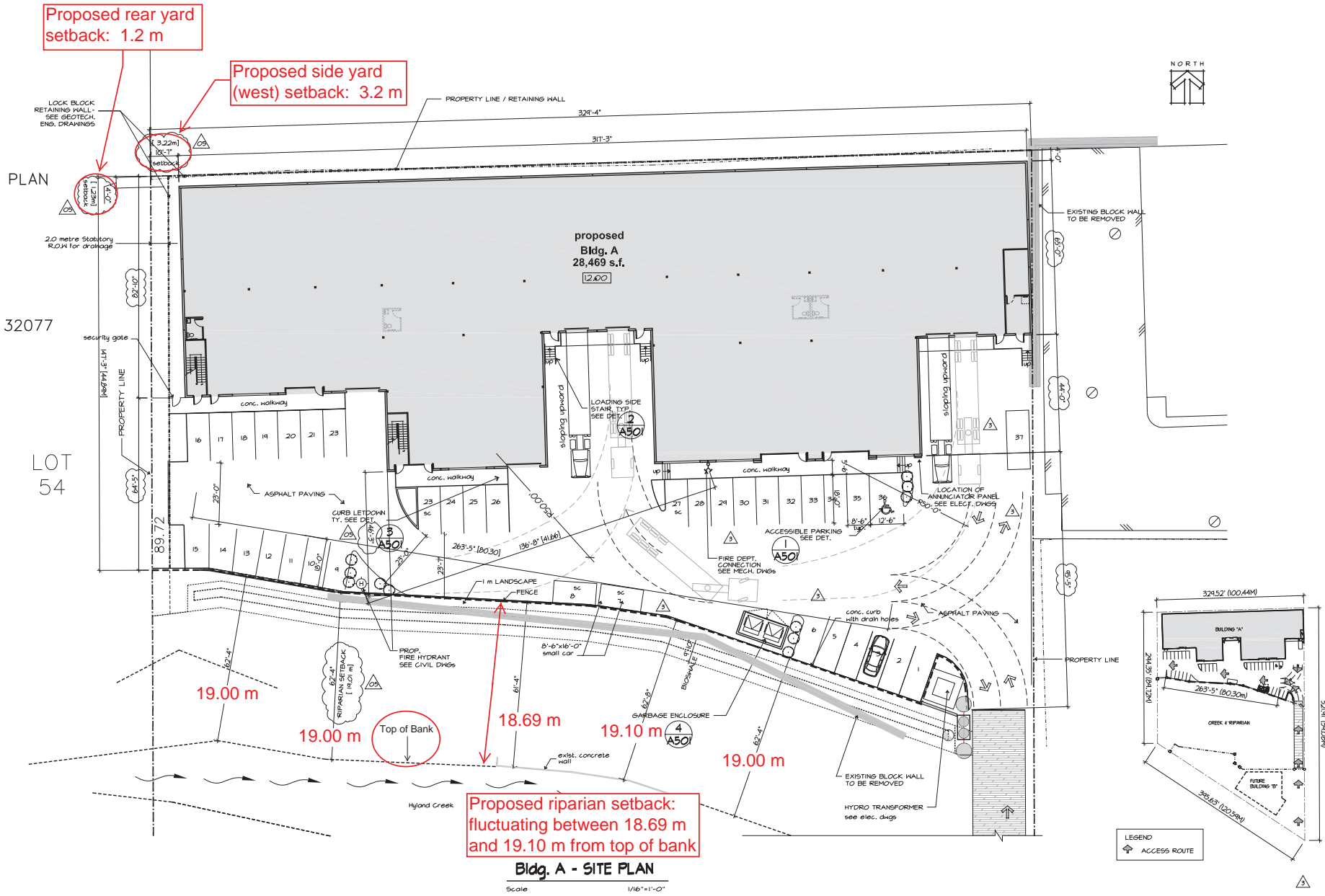
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Linda Hepner

City Clerk – Jane Sullivan

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Scale	As Noted	Sheet	of	Drawing Title	16-0756-1B-165
Date				Project Title	Bldg. A - SITE PLAN
Revision				Proposed	PROPOSED COMMERCIAL BUILDINGS
					14747 Upland Road
					Surrey B.C.

Issued For D/P	10-25-16	Date	
Issued For D/P	08-19-16	Date	
Issued For Permit	03-10-25-16	Date	
Issued For Permit	02-11-23-15	Date	
Issued For Permit	01-12-12-14	Date	

Ionic Architecture Inc.	
architect - member a.i.b.c.	
30-8400 Widge Street	tel: 778-871-0888
Surrey B.C. V3S 6S9	fax: 778-871-0889
a@ionicarchitect.com	