

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0195-00

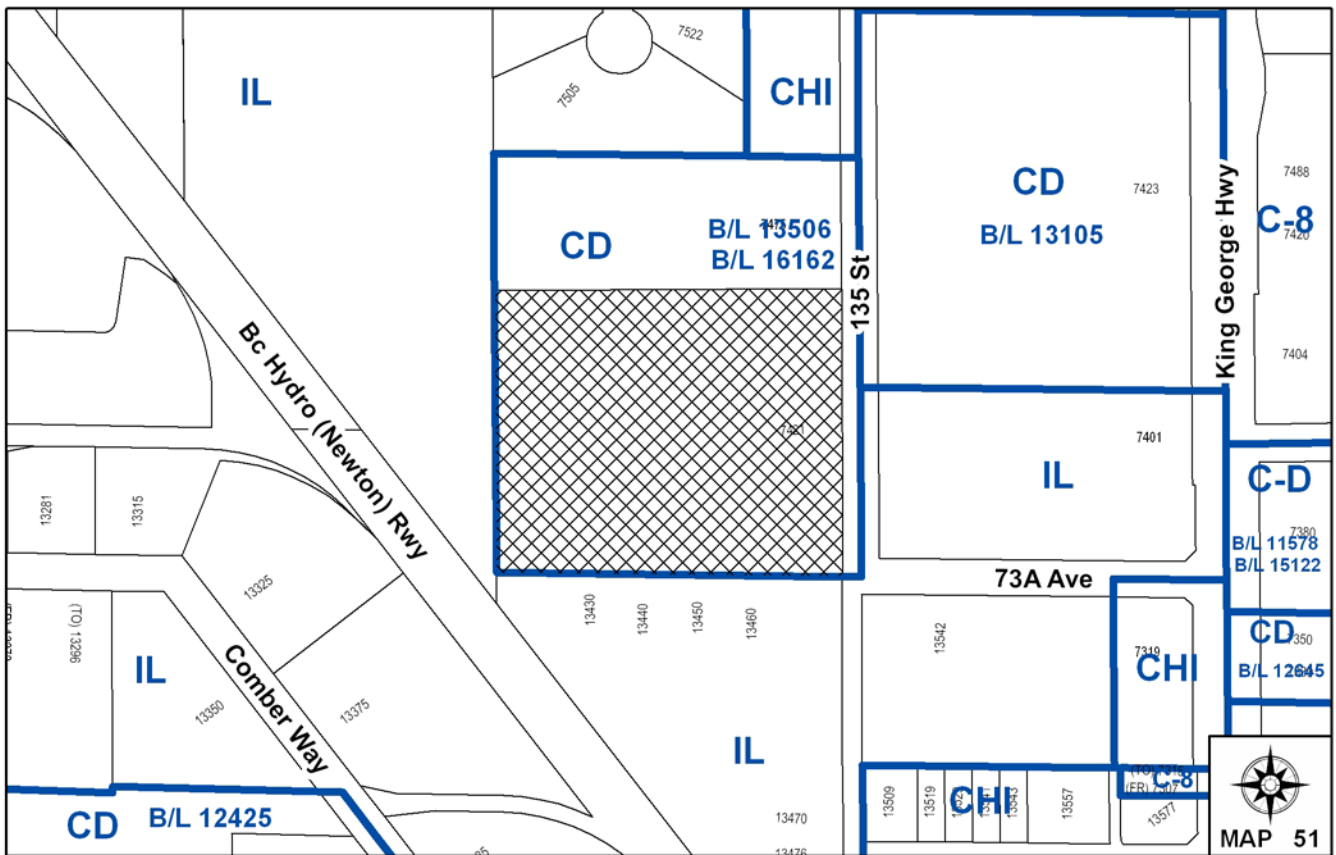
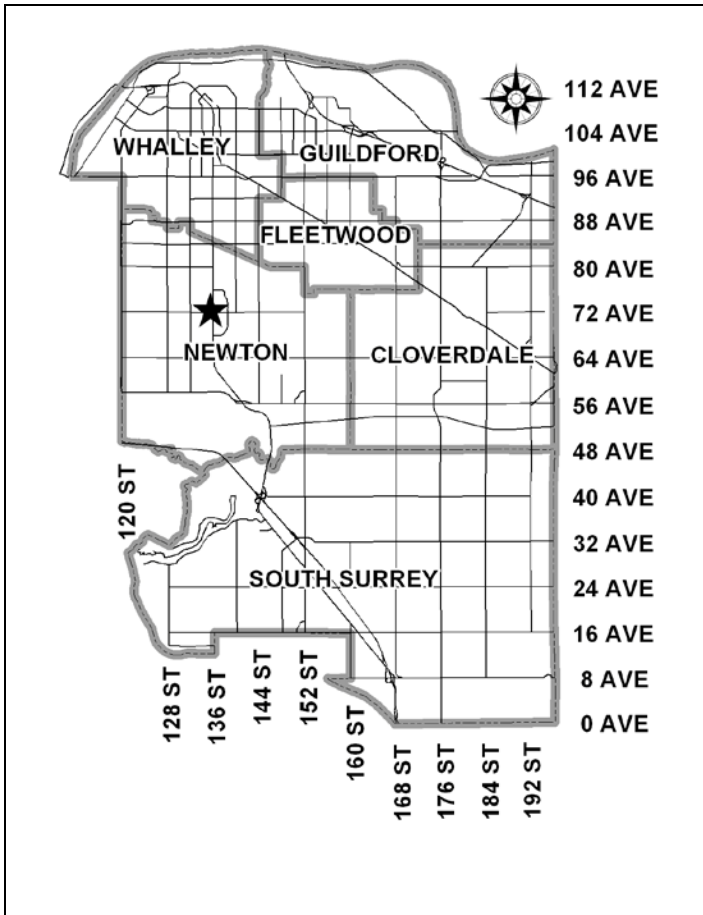
Planning Report Date: July 28, 2008

PROPOSAL:

- **Development Variance Permit**

in order to allow for an existing 30.5 metre (100 ft.) high telecommunications tower that was constructed without proper permits.

LOCATION: 7421 - 135 Street
OWNER: Nav Canada Inc.
ZONING: CD (By-law Nos. 13506 & 16162)
OCP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The existing telecommunication tower requires a variance to the Zoning By-law to increase the maximum permitted height from 12 metres (40 ft.) to 30.5 metres (100 ft.).

RATIONALE OF RECOMMENDATION

- There is minimal impact on surrounding industrial warehousing and limited retail uses.
- The tower is not located in a residential area or in proximity to any residential uses.
- The tower is encompassed within the subject site fencing and is screened from views from public streets and adjacent lands.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7908-0195-00, (Appendix III) varying the following, to proceed to Public Notification:
 - (a) to vary the maximum height of a free-standing telecommunication tower the Zoning By-law from 12 metres (40 ft.) to 30.5 metres (100 ft.).

REFERRALS

Engineering: The Engineering Department has no objection to the proposed Development Variance Permit.

Building Division: The tower has been constructed without a Building Permit. A Building Permit will have to be obtained, should the Development Variance Permit be approved. Penalties regarding construction without a valid Building Permit will be applied at Building Permit Stage.

SITE CHARACTERISTICS

Existing Land Use: Nav Canada - Vancouver Area Control Centre.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Banquet and supporting retail services.	Industrial	CD (By-law No. 13506), CHI and IL
East (Across 135 Street):	Warehousing and storage/Costco.	Industrial	CD (By-law No. 13105) and IL
South:	Warehousing	Industrial	IL
West:	Vacant.	Industrial	IL

DEVELOPMENT CONSIDERATIONSDevelopment Proposal and Review

- The existing tower has already been constructed without proper permits. Planning staff have advised that a Development Variance Permit (DVP) application would be required and would need to go through public notification and Council approval.
- The existing tower is located on the east side of the property, abutting the existing building on site. There are two similar towers presently located on the subject site which consist of self-supporting narrow metal lattice structures. These towers are connected to the existing building.

- The subject property at 7421 - 135 Street is owned and occupied by Nav Canada, who operates the aeronautic navigation telecommunication network in the region.
- Nav Canada is requesting a variance to the Zoning By-law for the maximum permitted height of a structure (12 metres / 40 feet) in the General Provisions (Part 4) for the purposes of allowing a 30.5 metre (100 ft.) telecommunications tower. The applicant requires the tower to ensure the availability of navigational telecommunication service and to obtain new radio-communication frequency licenses.
- The tower is wholly encompassed within the subject site fencing and is shielded from the West side by vacant land. There is no residential development within the immediate vicinity of the site.
- It is recommended by staff that upon application by Nav Canada for the requisite Building Permit associated with the additional tower, that penalties be applied to Nav Canada for construction without permits, as per the applicable City By-laws.
- The tower is subject to City Policy on Telecommunication Towers (0-49), and has been evaluated against this criteria, as discussed below.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- The applicant is proposing a variance to the Zoning By-Law, 1993, No. 12000, Part 4, Section A.1.(a).ii. to relax the maximum permitted height of a free-standing telecommunications tower from 12 metres (40 ft.) to 30.5 metres (100 ft.).

Applicant's Reasons:

- The location and height of the tower is comparable to existing telecommunication towers on site

Staff Comments:

- There is minimal visual impact on surrounding development (primarily industrial, warehousing, with limited associated retail) by allowing an additional tower (for a total of 3 onsite).
- City Policy O-49 on Telecommunication Towers discusses the location / siting of facilities, design, landscaping, tower height and evaluation, and public consultation. These requirements are addressed as follows:

Location and siting:

- There are two existing towers on site, and the proposed placement of the third tower is in the same location.
- The proposed tower is located away from any residential areas.
- The tower is not proposed to be located on any prominent natural feature (such as a hilltop).

Co-Location

- The nature of the work at Nav Canada's facility, which monitors and directs air traffic over the Metro Region and beyond, precludes any opportunity for co-location.

Tower Design and Landscaping

- The all-weld self supporting metal tower is similar in design to existing towers on site.
- There is no specific landscaping associated with the towers, however, the towers are located away from the public street and the subject site is flanked by vacant forested IL-zoned land.

Public Consultation and Communication:

- Council policy requires the applicant to mail and information package to residences within a radius of six (6) times the height of the proposed telecommunications tower in cases where the tower is proposed to be located in a residential area.
- There are no residences within 600 feet of the proposed tower, therefore, a mail-out information process has not been undertaken.
- The tower is not located in a residential area
- A notification of immediately adjacent properties, in accordance with the standard DVP procedures, will be undertaken.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets and Survey Plan
- Appendix II. Proposed Subdivision Layout, Site Plan, Building Elevations Landscape Plans and Perspective
- Appendix III. Development Variance Permit No. 7908-0195-00
- Appendix IV. City Policy 0-49 (Telecommunication Towers)

Jean Lamontagne
General Manager
Planning and Development

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Information for City Clerk

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

1. (a) Agent: Name: Sid Lechner, Manager, CNS Engineering-West
 Address: P.O. Box 9867
 Edmonton, Alberta
 T5J 2T2
 Tel: 780-890-3017

2. Properties involved in the Application
 - (a) Civic Address: 7421 - 135 Street

 - (b) Civic Address: 7421 - 135 Street
 Owner: Nav Canada, Inc. No. A42957
 PID: 025-695-142
 Lot 2 Section 20 Township 2 New Westminster District Plan BCP6343

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7908-0195-00.