

Present:

Mayor Watts
Councillor Bose
Councillor Gill
Councillor Hepner
Councillor Martin
Councillor Rasode
Councillor Villeneuve

Absent:

Councillor Steele
Councillor Hunt

Staff Present:

City Clerk
City Manager
City Solicitor
Assistant City Solicitor
Deputy City Clerk
Deputy City Manager
General Manager, Engineering
General Manager, Finance & Technology (Acting)
General Manager, Human Resources
General Manager, Parks, Recreation & Culture
General Manager, Planning & Development
Land Development Engineer
Manager, Area Planning & Development, North Division
Manager, Area Planning & Development, South Division

A. ADOPTION OF MINUTES**B. LAND USE APPLICATIONS****COMMERCIAL/INDUSTRIAL/AGRICULTURAL****FLEETWOOD/GUILDFORD**

1. **7911-0015-00**
15960 Fraser Highway
Charlie Seaman for Atlas Sign & Awning /
Investors Group Trust Co. Ltd., Inc. No. A33060
Development Variance Permit
in order to allow additional fascia signage for a tenant in a shopping centre.

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was

Moved by Councillor Martin

Seconded by Councillor Gill

That Council approve Development Variance

Permit No. 7911-0015-00, (Appendix III) varying the following, to proceed to Public Notification:

- (a) to vary the Sign By-law (No. 13656) to increase the maximum number of fascia signs from 3 to 7 for a tenant in a shopping centre.

RES.R11-309

Carried

- 2. **7910-0303-00**
#701, 15970 Fraser Highway
Zulfikar Visram / Investors Group Trust Co. Ltd., Inc. No. A33060
 Development Variance Permit
in order to allow additional fascia signage for two co-tenants in a shopping centre.

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was Moved by Councillor Martin
Seconded by Councillor Gill
That Council approve Development Variance
 Permit No. 7910-0303-00, (Appendix III) varying the following, to proceed to
 Public Notification:

- (a) to vary the Sign By-law (No. 13656) to increase the maximum number of fascia sign from 3 to 10 for two co-tenants in a shopping centre.

RES.R11-310

Carried

NEWTON

- 3. **7911-0031-00**
12725 - 80 Avenue
 Jas Bola, RDK Graphics & Printing Inc. /
 Owners of Common Property of Strata Plan BCS2004
 Development Variance Permit
in order to permit a non-premise frontage fascia sign on an existing industrial building.

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was Moved by Councillor Martin
Seconded by Councillor Gill
That Council approve Development Variance
 Permit No. 7911-0031-00, (Appendix II) varying the following, to proceed to Public
 Notification:

- (a) to vary the Sign By-law to permit one non-premise frontage fascia sign to a maximum total sign area of 3.3 square metres (35.5 sq. ft.) on the eastern elevation of an existing building, as per the attached drawings in Schedule A.

RES.R11-311

Carried

SURREY CITY CENTRE/WHALLEY

4. **7911-0006-00**
Portion of 13750 – 96 Avenue
Milton Gardner, Kasian Architecture Interior Design & Planning /
Fraser Health Authority
 Development Permit
in order to permit the expansion and renovation of the Surrey Memorial Hospital North Lobby.

It was Moved by Councillor Gill
 Seconded by Councillor Martin
 That the Mayor and Clerk be authorized to
 execute Development Permit No. 7911-0006-00 (Appendix IV).

RES.R11-312

Carried
 with Councillor Bose opposed

RESIDENTIAL/INSTITUTIONALCLOVERDALE/CLAYTON

5. **7910-0177-00**
Portions of 7287 – 192 Street, and 19156 – 72A Avenue
Maggie Koka, Aplin & Martin Consulting Ltd. / George Krushelnicki
o877911 B.C. Ltd., Inc. No. o877911 Director Information:
Sukhvinder Singh Rana / Amarjit Singh Samra / Dhiraj Tamber
No officer information filed
 OCP Amendment for a portion from Suburban to Urban / NCP Amendment of a
 portion to expand the boundary of the East Clayton NCP Extension North of 72
 Avenue / Rezoning portions from RA and RF-12 to RF-9C, RF-12C and RF-SD
*in order to allow subdivision into 21 RF-9C lots, 10 RF-12C lots, 8 RF-SD lots and 1 RA
 remnant lot.*

The General Manager, Planning & Development was recommending approval of
 the recommendations outlined in his report.

It was Moved by Councillor Gill
 Seconded by Councillor Martin
 That:

1. a By-law be introduced to amend the Official Community Plan by redesignating a portion of the site from Suburban to Urban and a date for Public Hearing be set.
2. 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 879 of the Local Government Act.

3. a By-law be introduced to rezone portions of the subject site from "One-Acre Residential Zone (RA)" (By-law No. 12000) and "Single Family Residential (12) Zone (RF-12)" (By-law No. 12000) to "Single Family Residential (9) Coach House Zone (RF-9C)" (By-law No. 12000), "Single Family Residential (12) Coach House Zone (RF-12C)" (By-law No. 12000) and "Semi-Detached Residential Zone (RF-SD)" (By-law No. 12000) and a date be set for Public Hearing (Appendix III).
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, 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) submission of a landscaping plan and landscaping cost estimate for the landscape buffer along 192 Street, to the specifications and satisfaction of the City Landscape Architect;
 - (d) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department;
 - (e) the applicant to provide amenity contributions as per the approved East Clayton NCP Extension North of 72 Avenue;
 - (f) registration of a Section 219 Restrictive Covenant for a "no build" and maintenance of the 3-metre (10 ft.) landscape buffer along 192 Street;
 - (g) registration of a Section 219 Restrictive Covenant for "no build" on proposed Lot 9 until future consolidation with the adjacent property to the south at 7241 - 192 Street;
 - (h) registration of a party wall, and corresponding easement agreements for proposed Lots 1 to 8;
 - (i) registration of a Section 219 Restrictive Covenant to prohibit the construction of breezeways connecting the principal dwelling and the garage on the proposed RF-9C and RF-12C lots;
 - (j) registration of a Section 219 Restrictive Covenant for a minimum 4.6 metres (15 ft.) building setback, from the 192 Street property line to building face, for the proposed RF-SD lots; and
 - (k) registration of a Section 219 Restrictive Covenant to prohibit basements being constructed on proposed Lots 19 to 24.

5. Council pass a resolution to amend the East Clayton NCP Extension – North of 72 Avenue to extend the boundary to include the western and northern portions of the subject site under the 6-15 upa (Low Density), 10-15 upa (Medium Density) and 15-25 upa (Medium-High Density) designations when the project is considered for final adoption (Appendix X).

RES.R11-313

Carried
with Councillor Bose opposed

It was

Moved by Councillor Gill
Seconded by Councillor Martin
That "Surrey Official Community Plan

By-law, 1996, No. 12900, No. 282 Amendment By law 2011, No. 17367" pass its first reading.

RES.R11-314

Carried
with Councillor Bose opposed

The said By-law was then read for the second time.

It was

Moved by Councillor Gill
Seconded by Councillor Martin
That "Surrey Official Community Plan

By-law, 1996, No. 12900, No. 282 Amendment By law 2011, No. 17367" pass its second reading.

RES.R11-315

Carried
With Councillor Bose opposed

It was then

Moved by Councillor Gill
Seconded by Councillor Martin
That the Public Hearing on "Surrey Official

Community Plan By-law, 1996, No. 12900, No. 282 Amendment By law 2011, No. 17367" be held at the City Hall on Monday, March 14, 2011, at 7:00 p.m.

RES.R11-316

Carried

It was

Moved by Councillor Gill
Seconded by Councillor Martin
That "Surrey Zoning By-law, 1993, No. 12000,

Amendment By law 2011 No. 17368" pass its first reading.

RES.R11-317

Carried
with Councillor Bose opposed

The said By-law was then read for the second time.

It was

Moved by Councillor Gill
Seconded by Councillor Martin
That "Surrey Zoning By-law, 1993, No. 12000,

Amendment By law 2011 No. 17368" pass its second reading.

RES.R11-318

Carried
with Councillor Bose opposed

It was then
 Moved by Councillor Gill
 Seconded by Councillor Martin
 That the Public Hearing on "Surrey Zoning
 By-law, 1993, No. 12000, Amendment By law 2011 No. 17368" be held at the City Hall
 on Monday, March 14, 2011, at 7:00 p.m.

RES.R11-319

CarriedNEWTON

6. **7908-0146-00**
12501 – 53 Avenue
Mike Helle, Coastland Engineering & Surveying Ltd. /
Avtar Singh Sendher and Amarjit Kaur Sendher
 Development Variance Permit
in order to permit a reduced frontage to allow subdivision into two half-acre single family lots.

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was
 Moved by Councillor Martin
 Seconded by Councillor Gill
 That Council approve Development Variance
 Permit No. 7908-0146-00, (Appendix III) varying the following, to proceed to
 Public Notification:

- (a) reducing the minimum lot frontage from 4.5 metres (14.8 ft.) to 4.4 metres (14.4 ft.) for the panhandle portion of proposed Lot 2 only.

RES.R11-320

Carried

with Councillor Bose opposed

7. **7910-0243-00**
12598 – 62 Avenue
Kuldeep S. Sekhon / Kuldeep Singh Sekhon and Nasib Kaur Sekhon
 Development Variance Permit
to relax the front yard setback in order to permit the construction of a two-car garage along the flanking sideyard that is affected by the B.C. Hydro corridor.

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was
 Moved by Councillor Gill
 Seconded by Councillor Martin
 That:

1. Council approve Development Variance Permit No. 7910-0243-00 (Appendix II) varying the following to proceed to Public Notification:

- (a) To reduce the minimum front yard (easterly) setback of the RF Zone from 7.5 metres (25 ft.) to 5.0 metres (16 ft.) at the southern portion and 3.0 metres (10 ft.) at the northern portion of the building in order to accommodate a double attached garage on a single family dwelling.
2. Council instruct staff to resolve the following issues prior to approval;
- (a) registration of a Section 219 Restrictive Covenant to limit maximum house size to 306.6 sq. m. (3,300 sq. ft.).
- RES.R11-321 Carried

8. **7910-0056-00**
6823 - 148 Street and 14787 - 68 Avenue
Mike Helle, Coastland Engineering & Surveying Ltd.
Kulwinder Singh Kang, Inderjit Kaur Kang, Paramjit Singh Kang,
Balwinder Kaur Kang and Harbhajan Singh Kang
Manjinder Singh Kang and Manjit Kaur Kang
 NCP Amendment from Urban Single Family Residential to Single Family Small Lots / Rezoning from RA and RS to RF-12
in order to allow subdivision into five (5) single family small lots.

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was Moved by Councillor Hepner
 Seconded by Councillor Martin
 That:

1. By-law No. 16266 be filed.
2. a By-law be introduced to rezone a portion of the subject site from "One-Acre Residential Zone (RA)" (By-law No. 12000) to "Single Family Residential (12) Zone (RF-12)" (By-law No. 12000) and a date be set for Public Hearing.
3. a By-law be introduced to rezone a portion of the subject site from "Suburban Residential Zone (RS)" (By-law No. 5942) to "Single Family Residential (12) Zone (RF-12)" and a date be set for Public Hearing.
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, 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) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
- (d) the applicant address the shortfall in tree retention;
- (e) registration of a Section 219 Restrictive Covenant to ensure the retained dwelling on proposed Lot 5 is improved to meet the requirements of the Building Scheme Restrictive Covenant.
5. Council pass a resolution to amend East Newton South Neighbourhood Concept Plan to redesignate the land from "Urban Single Family Residential" to "Single Family Small Lots" when the project is considered for final adoption.
- RES.R11-322 Carried
with Councillor Bose opposed
- It was Moved by Councillor Gill
Seconded by Councillor Martin
That "Surrey Zoning By-law, 1993, No. 12000,
Amendment By-law, 2007, No. 16266" be filed.
- RES.R11-323 Carried
with Councillor Bose opposed
- It was Moved by
Seconded by
That "Surrey Zoning By-law, 1993, No. 12000,
Amendment By-law, 2011, No. 17369" pass its first reading.
- RES.R11-324 Carried
with Councillor Bose opposed
- The said By-law was then read for the second time.
- It was Moved by Councillor Gill
Seconded by Councillor Martin
That "Surrey Zoning By-law, 1993, No. 12000,
Amendment By-law, 2011, No. 17369" pass its second reading.
- RES.R11-325 Carried
with Councillor Bose opposed
- It was then Moved by Councillor Gill
Seconded by Councillor Martin
That the Public Hearing on "Surrey Zoning
By-law, 1993, No. 12000, Amendment By-law, 2011, No. 17369" be held at the City
Hall on Monday, March 14, 2011, at 7:00 p.m.
- RES.R11-326 Carried

SURREY CITY CENTRE/WHALLEY

9. 7909-0134-00
10601, 10609 and 10619 – 138 Street
Wilson Chang, Wilson Change Architect Inc. / Manjinder Singh Pandher
Jasvir Kaur Pandher / Manjit Kaur Mangat / Darshan Singh Mangat
Rezoning from RF to CD (based upon RM-70)
Development Permit
*in order to permit the development of a 3-storey stacked townhouse project
consisting of approximately 29 units.*

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was
Moved by Councillor Bose
Seconded by Councillor Hepner
That:

1. a By-law be introduced to rezone the subject site from "Single Family Residential Zone (RF)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
2. Council approve the applicant's request to eliminate the required indoor amenity space.
3. Council authorize staff to draft Development Permit No. 7909-0134-00 in accordance with the attached drawings (Appendix II).
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, 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) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (d) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (e) resolution of all urban design issues to the satisfaction of the Planning and Development Department;
 - (f) the applicant address the concern that the development will place additional pressure on existing park facilities to the satisfaction of the General Manager, Parks, Recreation and Culture;

- (g) demolition of existing buildings and structures to the satisfaction of the Planning and Development Department; and
- (h) the applicant adequately address the impact of no indoor amenity space.

RES.R11-327

Carried

It was

Moved by Councillor Bose
Seconded by Councillor Hepner

That "Surrey Zoning By-law, 1993, No. 12000,

Amendment By-law 2011, No. 17370" pass its first reading.

RES.R11-328

Carried

The said By-law was then read for the second time.

It was

Moved by Councillor Bose
Seconded by Councillor Hepner

That "Surrey Zoning By-law, 1993, No. 12000,

Amendment By-law 2011, No. 17370" pass its second reading.

RES.R11-329

Carried

It was then

Moved by Councillor Bose
Seconded by Councillor Hepner

That the Public Hearing on "Surrey Zoning

By-law, 1993, No. 12000, Amendment By-law 2011, No. 17370" be held at the City Hall on Monday, March 14, 2011, at 7:00 p.m.

RES.R11-330

Carried**B. LAND USE APPLICATIONS cont'd****COMMERCIAL/INDUSTRIAL/AGRICULTURAL****NEWTON****10. 7910-0272-00****12068 – 88 Avenue****Maciej Dembek, Barnett Dembek Architects Inc /****88 Ave. Warehousing Ltd. (Incorporation No. 285887)**

OCP Amendment from Industrial to Commercial / Rezoning from CHI to CD

/Development Permit / Development Variance Permit

in order to allow the redevelopment of the existing building into a community shopping centre and distribution centre.

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was

Moved by Councillor Villeneuve
Seconded by Councillor Martin
That:

1. a By-law be introduced to amend the OCP by redesignating the subject site from Industrial to Commercial and a date for Public Hearing be set.
2. 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 879 of the Local Government Act.
3. a By-law be introduced to rezone the subject site from "Highway Commercial Industrial Zone (CHI)" (By-law No. 12000) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.
4. Council authorize staff to draft Development Permit No. 7910-0272-00 in accordance with the attached drawings (Appendix II).
5. Council approve Development Variance Permit No. 7910-0272-00, (Appendix VI) varying the following, to proceed to Public Notification:
 - (a) to vary the Sign By-law to allow all businesses on the lot to place fascia signs on the north façade of the building by removing limitation on third party advertising; and
 - (b) to vary the Sign By-law by increasing the number of allowable fascia signs to allow the anchor grocery store to place a fascia sign on both the north and south façades; and
 - (c) to vary the Sign By-law by increasing the number of allowable under canopy signs to allow an under canopy mall entry sign on both the north and south façades.
6. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) submission of a finalized subdivision layout to the satisfaction of the Approving Officer;
 - (c) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect; and

- (d) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect.

7. Council pass a resolution to amend the Newton Local Area Plan to redesignate the land from General Industrial to Commercial when the project is considered for final adoption.

RES.R11-331

Carried

"Surrey Official Community Plan By-law, 1996, No. 12900, No. 283 Amendment By-law 2011 No. 17372"

It was

Moved by Councillor Villeneuve

Seconded by Councillor Martin

That "Surrey Official Community Plan

By-law, 1996, No. 12900, No. 283 Amendment By law 2011 No. 17372" pass its first reading.

RES.R11-332

Carried

The said By-law was then read for the second time.

It was

Moved by Councillor Villeneuve

Seconded by Councillor Martin

That "Surrey Official Community Plan

By-law, 1996, No. 12900, No. 283 Amendment By law 2011 No. 17372" pass its second reading.

RES.R11-333

Carried

It was then

Moved by Councillor Villeneuve

Seconded by Councillor Martin

That the Public Hearing on "Surrey Official

Community Plan By-law, 1996, No. 12900, No. 283 Amendment By law 2011 No. 17372" be held at the City Hall on Monday, March 14, 2011, at 7:00 p.m.

RES.R11-334

Carried

"Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2011, No. 17373"

It was

Moved by Councillor Villeneuve

Seconded by Councillor Martin

That "Surrey Zoning By-law, 1993, No. 12000,

Amendment By-law, 2011, No. 17373" pass its first reading.

RES.R11-335

Carried

The said By-law was then read for the second time.

RES.R11-336 It was Moved by Councillor Villeneuve
Seconded by Councillor Martin
That "Surrey Zoning By-law, 1993, No. 12000,
Amendment By-law, 2011, No. 17373" pass its second reading.
Carried

RES.R11-337 It was then Moved by Councillor Villeneuve
Seconded by Councillor Martin
That the Public Hearing on "Surrey Zoning
By-law, 1993, No. 12000, Amendment By-law, 2011, No. 17373" be held at the City
Hall on Monday, March 14, 2011, at 7:00 p.m.
Carried

C. DELEGATIONS

1. **Jeff Arason, Manager, Utilities and Legal Services staff.**
File: 4520-20 (17155-01200)

Note: The property owner of 11678 – 130 Street has been asked to be in attendance to speak to Corporate Report L002 that was provided in advance.

In attendance before Council, to provide information relative to an unauthorized infilling of an Open Ditch within a Statutory Right-of-Way located at 11678 - 130 Street.

The following comments were made:

- Council are requested to impose remedial action requirements pursuant to Sections 75, 74(1)(c) and Section 72(2)(b) of the Community Charter.
- Staff noted an expert engineering report indicates that 330m of the Canal has been filled since April 2009. The Delcan Report indicates that there are a number of impacts that the infilling have caused to neighboring properties and the environment.
- The time limit for compliance must not be earlier than 30 days. If the owner fails to comply, the City may exercise its powers under the Charter to carry out the work and remediate the costs.
- The owner has the right to request reconsideration and the owner has a right to be heard by Council within 14 days.
- Staff has prepared a corporate report recommending that Council reinstate the Canal to its 1999 condition.
- Legal staff shared that to date; no new information has been provided by the property owner to contradict the findings of the Delcan Report.

Council advised a letter was received on-table from the property owner of 11678 – 130 Street requesting time to address the matter with Council.

Navesh Aggarwal, Legal Council representing the property owner addressed Mayor and Council and requested additional time to review the matter in detail.

Staff reiterated that the potential for heavy rains still exist, and with the Fraser River freshet approaching, the threat of flooding remains. They are requesting that Council impose a Remedial Action Requirements to reinstate the Canal to its 1999 condition.

The Assistant City Solicitor commented that:

1. The time limit for compliance must not be earlier than 30 days after notice under Section 77 of the *Community Charter* has been sent to the owner that is subject to the remedial action requirements.
2. This time limit may be shortened if Council considers that there is a significant risk to health or safety if action is not taken earlier.
3. The owner may seek reconsideration of Council's decision to impose remedial action requirements.
4. The owner must provide a written request within 14 days of the notice of the remedial action requirements being sent to the owner.
5. Council must then provide an opportunity to the owner to make representations before Council.
6. Council after hearing the owner may confirm, amend, or cancel the remedial action requirements.

D. CORPORATE REPORTS

1. The Corporate Reports under date of Monday, February 28, 2011 were considered and dealt with as follows:

Item No. L002	Unauthorized Infilling of a Canal within a Statutory Right-of-Way at 11678 – 130 Street File: 4520-20 (17155-01200); 4520-80 (17155-01200)
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The General Manager, Engineering and the City Solicitor submitted a report to advise Council of unauthorized filling along 330 metres of open ditch, commonly known as East Bridgeview Canal (the "Canal"), within the property known as 11678 - 130 Street and to seek Council direction for a course of action to correct this critical situation.

The General Manager, Engineering, and the City Solicitor were recommending approval of the recommendations outlined in their report.

The property owner was given an opportunity to provide an explanation as to why he proceeded to fill the Canal within the statutory right-of-way at 11678 – 130 Street was filled without securing the necessary permits.

It was Moved by Councillor Bose
Seconded by Councillor Villeneuve
That Council:

1. Receive Corporate Report Loo2 as information;
2. Resolve that:

“WHEREAS Sections 72 and 75 of the *Community Charter* (the “Charter”) authorize Council to impose a remedial action requirement on a person that has obstructed, filled up or damaged a ditch, drain, creek or watercourse and to require that person to undertake restoration work in accordance with the directions of Council or a person authorized by Council;

WHEREAS Sections 72 and 74 of the *Charter* authorize Council to declare a drain, ditch, or watercourse, or a matter or thing that is in or about a drain, ditch or watercourse a nuisance and to impose a remedial action requirement in relation to that nuisance on the owner of land on which the drain, ditch or watercourse is located and to require the owner to alter or otherwise deal with the nuisance in accordance with the directions of Council or a person authorized by Council;

WHEREAS Gurcharan Enterprises Ltd. is the registered owner (the “Owner”) of land with the civic address 11678 130 Street, Surrey, B.C. and legally described as PID: 024-646-407, Lot 2 Section 4 Block 5 North Range 2 West New Westminster District Plan LMP44274 (the “Property”);

WHEREAS there is a ditch commonly known as the East Bridgeview Canal that was constructed for drainage purposes that runs through a City statutory right-of-way on the Property (the “Canal”) that has been obstructed, filled in or damaged without the City’s approval or consent (the “Unauthorized Fill”);

THEREFORE Surrey City Council:

Declares that the Owner has obstructed, filled up, damaged or destroyed the Canal on the Property within the meaning of Section 75 of the *Charter*;

Declares that the Unauthorized Fill in and about the Canal on the Property is a nuisance within the meaning of Section 74 of the *Charter*; and

Requires the Owner to, no later than thirty (30) days after notice of this requirement under Section 77 of the *Charter* has been sent by the City to the Owner to:

- a. Remove the Unauthorized Fill in and about the Canal on the Property and undertake and complete the restoration work identified in Section 3 of the engineer report prepared by Delcan dated January 25, 2011 in respect of the Canal (the "Engineer Report") and any additional measures as directed by a registered Professional Engineer approved by General Manager, Engineering to restore the Canal to its previous condition (collectively, the "Remedial Work") including the removal to a property with a valid Soil Deposition Permit of the Unauthorized Fill from the Property; and
 - b. Obtain certification in writing from a registered Professional Engineer approved by the General Manager, Engineering that the Remedial Work has been completed in accordance with the requirements of the Engineer Report. (collectively known as the "Remedial Action Requirement"); and
3. Authorize staff to notify the Owner that the Owner may request that Council reconsider the Remedial Action Requirement by providing the City written notice within fourteen (14) days of the date on which the notice of the Remedial Action Requirement under Section 77 of the *Charter* is sent to the Owner and that if any or all of the actions required by the Remedial Action Requirement is not completed by the date specified for compliance, the City may take action in accordance with Section 17 of the *Charter* and undertake any or all of the actions required by the Remedial Action Requirement without further notice to and at the expense of the Owner.

RES.R11-338

Carried**E. ITEMS TABLED BY COUNCIL****F. CORRESPONDENCE****G. NOTICE OF MOTION**

H. BY-LAWS

FINAL ADOPTIONS

1. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2009, No. 16926, Amendment By-law, 2011, No. 17357"
7910-0311-00 - Common Exchange Ltd. c/o Peter Dandyk
To amend CD By-law. 16926 in Part 2, Section D. Density as follows:
by replacing the words:

"The *floor area ratio* shall not exceed 0.65".

with the words

"The *floor area ratio* shall not exceed 0.90".

The purpose of this amendment is to permit second storey storage space within the existing pawnshop on the site located at 13438 - 72 Avenue.

Approved by Council: January 24, 2011

It was

Moved by Councillor Bose

Seconded by Councillor Hepner

That "Surrey Zoning By-law, 1993, No. 12000,

Amendment By-law, 2009, No. 16926, Amendment By-law, 2011, No. 17357" be finally adopted, signed by the Mayor and Clerk, and sealed with the Corporate Seal.

RES.R11-339

Carried

2. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2009, No. 16980"
7907-0177-00 - Ambros Developments VI Ltd., c/o Focus Architecture Inc.
(Colin Hogan)

RF to CD (BL 12000) - 8615, 8625, 8635 and 8655 - 160 Street - to permit the development of a mixed-use development consisting of 169 residential units and approximately 3,162 square metres of commercial floor area.

Approved by Council: July 13, 2009

Note: See Development Permit No. 7907-0177-00 under Clerk's Report, Item I.1(a)

It was

Moved by Councillor Martin

Seconded by Councillor Gill

That "Surrey Zoning By-law, 1993, No. 12000,

Amendment By-law, 2009, No. 16980" be finally adopted, signed by the Mayor and Clerk, and sealed with the Corporate Seal.

RES.R11-340

Carried

with Councillor Bose opposed

3. "Surrey Official Community Plan By-law, 1996, No. 12900, No. 262 Amendment By-law, 2010, No. 17178"
7909-0170-00 - 0749818 B.C. Ltd., c/o Hub Engineering Inc. (Mike Kompter)
To authorize the redesignation of the property located at 5877 - 131A Street from Suburban (SUB) to Urban (URB).

Approved by Council: May 3, 2010

This by-law is proceeding in conjunction with By-law No 17179.

It was
Moved by Councillor Martin
Seconded by Councillor Gill
That "Surrey Official Community Plan By-law, 1996, No. 12900, No. 262 Amendment By law, 2010, No. 17178" be finally adopted, signed by the Mayor and Clerk, and sealed with the Corporate Seal.

RES.R11-341

Carried
with Councillor Bose opposed

4. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2010, No. 17179"
7909-0170-00 - 0749818 B.C. Ltd., c/o Hub Engineering Inc (Mike Kompter)
RA to RF-9 and RF-12 (BL 12000) - 5877 - 131A Street - to allow subdivision into 17 single family small lots.

Approved by Council: May 3, 2010

This by-law is proceeding in conjunction with By-law No 17178.

It was
Moved by Councillor Martin
Seconded by Councillor Gill
That "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2010, No. 17179" be finally adopted, signed by the Mayor and Clerk, and sealed with the Corporate Seal.

RES.R11-342

Carried
with Councillor Bose opposed

5. "Surrey Official Community Plan By-law, 1996, No. 12900, No. 275 Amendment By-law, 2010, No. 17272"
7910-0090-00 - 0825207 B.C. Ltd., c/o Hub Engineering Inc. (Mike Kompter)
To redesignate the property located at 13131 - Highway 10 (58 Avenue) from Suburban (SUB) to Urban (URB).

This By-law is proceeding in conjunction with By-law No. 17273.

Approved by Council: October 18, 2010

RES.R11-343

It was Moved by Councillor Martin
Seconded by Councillor Gill
That "Surrey Official Community Plan
By-law, 1996, No. 12900, No. 275 Amendment By law, 2010, No. 17272" be finally
adopted, signed by the Mayor and Clerk, and sealed with the Corporate Seal.
Carried
with Councillor Bose opposed

6. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2010, No. 17273"
7910-0090-00 - 0825207 B.C. Ltd., c/o Hub Engineering Inc. (Mike Kompter)
RA to RF-9C and RF-12 (BL 12000) - 13131 - Highway 10 (58 Avenue) -
to permit subdivision into 18 lots with Block C remaining as park.

This By-law is proceeding in conjunction with By-law No. 17272.

Approved by Council: October 18, 2010

RES.R11-344

It was Moved by Councillor Martin
Seconded by Councillor Gill
That "Surrey Zoning By-law, 1993, No. 12000,
Amendment By-law, 2010, No. 17273" be finally adopted, signed by the Mayor and
Clerk, and sealed with the Corporate Seal.
Carried
with Councillor Bose opposed

7. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2008, No. 16736,
Amendment By-law, 2010, No. 17331"
7910-0249-00 - Pacific Link Industrial Park Ltd., c/o Wesgroup Properties
(Adam Donnelly)
To amend "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2008,
No. 16736" as follows:
- (a) Sub-section 2.B.1.(d) is deleted and replaced with the following:
"(d) *Retail stores* provided that:
i. *Adult entertainment stores*, auction houses and *secondhand
stores* and *pawnshops* are excluded; and
ii. Notwithstanding Sub-section 2.B.1., the *gross floor area* of one
business may be increased to a maximum of 1,858 square
metres [20,000 sq.ft.]."
- (b) Sub-section 2.G.1(a) is deleted and replaced with the following:
"(a) Principal buildings: The *building height* shall not exceed 11 metres
[36 ft.]."

The purpose of this amendment is to increase the maximum allowable commercial
floor area per individual business and to permit the development of three single
storey commercial buildings and one single storey commercial/industrial building
located at 10377 - 120 Street.

Approved by Council: December 13, 2010

Note: See Development Permit No. 7910-0249-00 under Clerk's Report, Item
I.1(b).

- It was Moved by Councillor Martin
Seconded by Councillor Gill
That "Surrey Zoning By-law, 1993, No. 12000,
Amendment By-law, 2008, No. 16736, Amendment By-law, 2010, No. 17331" be
finally adopted, signed by the Mayor and Clerk, and sealed with the Corporate
Seal.
- RES.R11-345 Carried
with Councillor Bose opposed

MISCELLANEOUS

8. "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2010, No. 17332"
7909-0214-00 - Alpha Beta (Hyland Properties) Ltd.,
c/o Alpha Beta Developments Ltd. (Riad Yassin)
RF and RF-G to CD (BL 12000) - 6670 - 138 Street and 13864 Hyland Road - to
permit the development of 43 townhouse units.

Approved by Council: December 13, 2010

- * As per recommendations of Corporate Report L001 dated February 7, 2011 (see
by-law back-up) approved by Council R11-245; Planning & Development advise
that By-law No. 17332 be amended as documented in Appendix I of the
Corporate Report.

- It was Moved by Councillor Martin
Seconded by Councillor Gill
That Council rescind Resolution R10-2134 of
the Regular Council-Land Use Meeting granting second reading of "Surrey Zoning
By-law, 1993, No. 12000, Amendment By-law, 2010, No. 17332".
- RES.R11-346 Carried
with Councillor Bose opposed

- It was Moved by Councillor Martin
Seconded by Councillor Gill
That Council amend "Surrey Zoning By-law,
1993, No. 12000, Amendment By-law, 2010, No. 17332" to reflect the revised
setbacks as outlined in Appendix I of Land Use Corporate Report L001 dated
February 7, 2011.
- RES.R11-347 Carried
with Councillor Bose opposed

- It was Moved by Councillor Martin
Seconded by Councillor Gill
That "Surrey Zoning By-law, 1993, No. 12000,
Amendment By-law, 2010, No. 17332" pass its second reading as amended.
- RES.R11-348 Carried
with Councillor Bose opposed

- (c) **Development Permit No. 7910-0159-00**
Adrian Tuck / Capstar Hotel (Surrey) Inc., Inc. No. 538502
 15269 - 104 Avenue

Memo received from the Manager, Area Planning & Development North Division, Planning & Development, requesting Council to pass the following resolution:

It was Moved by Councillor Hepner
 Seconded by Councillor Martin
 That the Mayor and Clerk be authorized to
 execute Development Permit No. No. 7910-0159-00.

RES.R11-352

Carried

J. OTHER BUSINESS

K. ADJOURNMENT

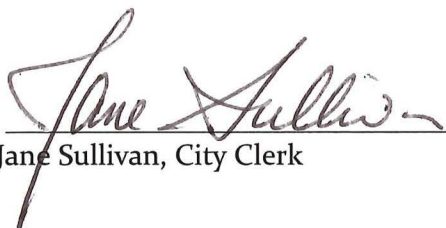
It was Moved by Councillor Hepner
 Seconded by Councillor Martin
 That the Regular Council - Land Use meeting
 do now adjourn.

RES.R11-353

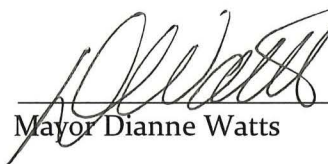
Carried

The Regular Council- Land Use meeting adjourned at 6:01 p.m.

Certified Correct:



 Jane Sullivan, City Clerk



 Mayor Dianne Watts