

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7910-0088-00

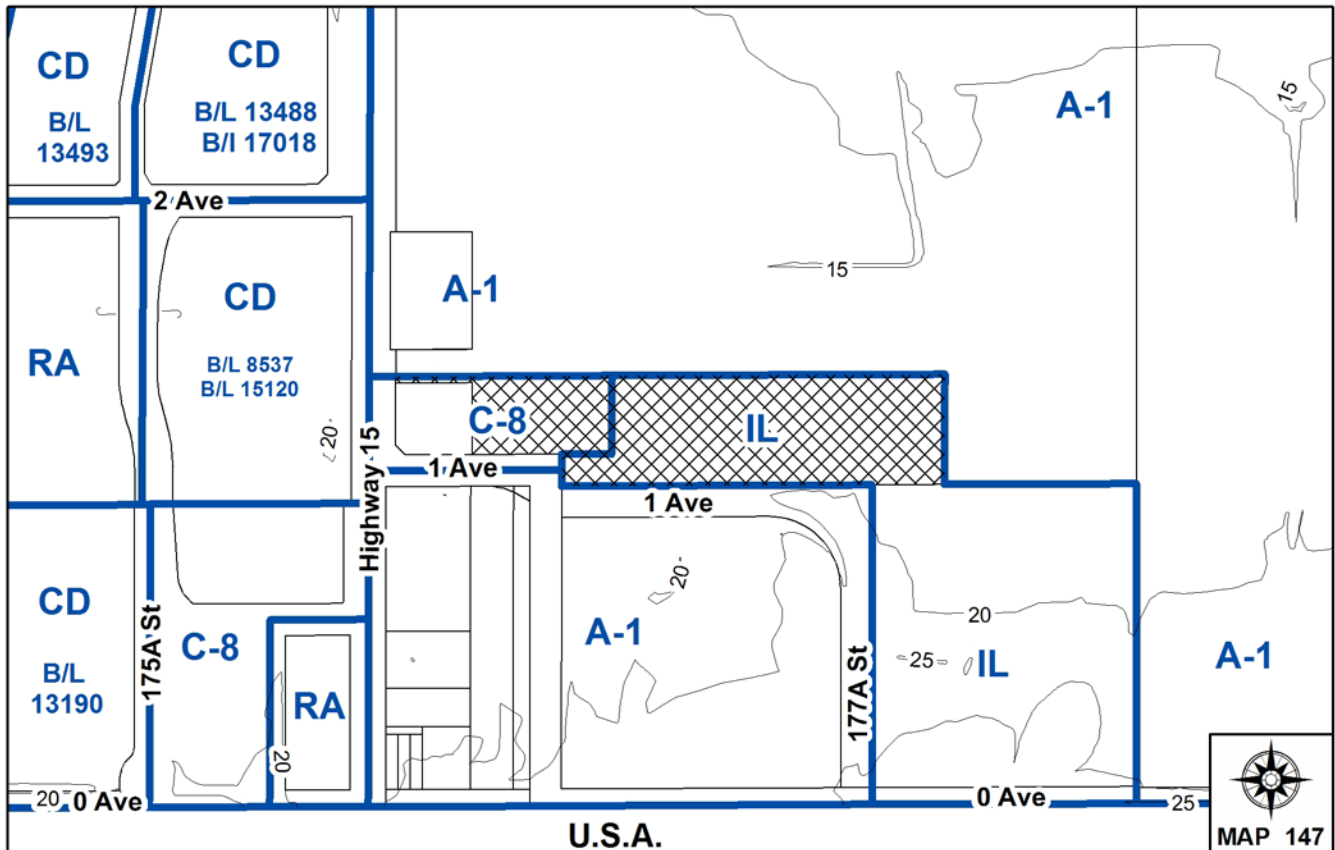
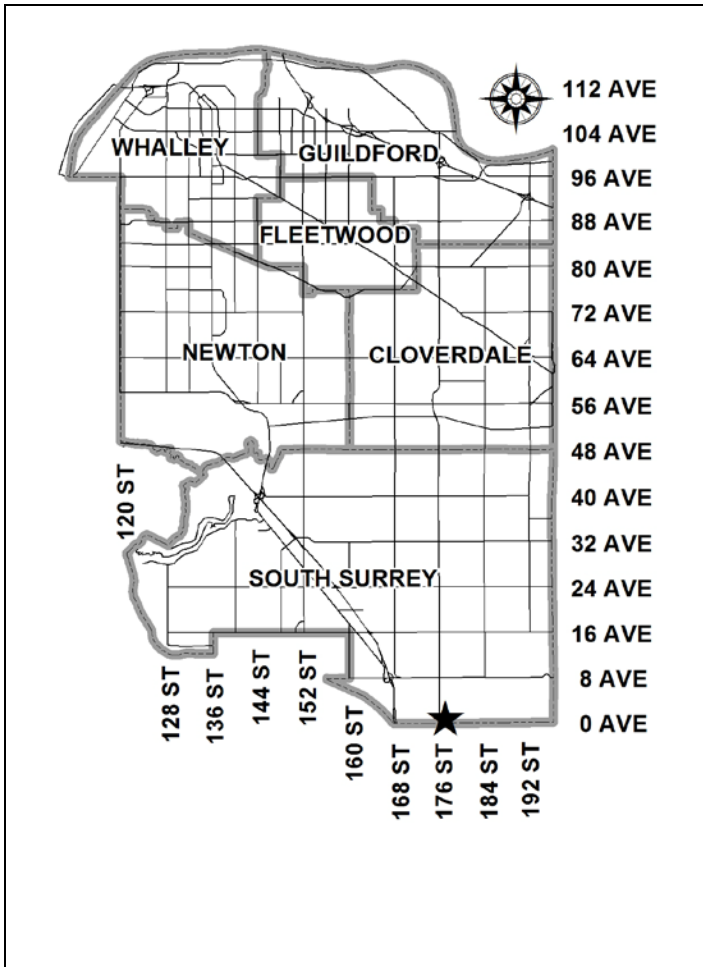
Planning Report Date: April 18, 2011

**PROPOSAL:**

- **OCF Amendment** from Industrial to Commercial for a portion of the site
- **Rezoning** from IL to C-8 for a portion of the site
- **Development Variance Permit**

in order to allow a lot line adjustment to accommodate outdoor patios for an existing neighbourhood pub (The Derby Bar & Grill).

**LOCATION:** 17637 and 17735 - 1 Avenue  
**OWNER:** P.C.B. Properties Ltd.  
 (Incorporation No. 78028)  
**ZONING:** IL and C-8  
**OCF DESIGNATION:** Industrial  
**LAP DESIGNATION:** Industrial



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for:
  - OCP Amendment; and
  - Rezoning.
- Approval for Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- An Official Community Plan (OCP) amendment is proposed to redesignate the property at 17637 – 1 Avenue, as well as a portion of the property at 17735 – 1 Avenue to be consolidated with the property at 17637 – 1 Avenue, from "Industrial" to "Commercial".
- An amendment to the Douglas Community Plan is proposed to redesignate the property at 17637 – 1 Avenue, as well as a portion of the property at 17735 – 1 Avenue to be consolidated with the property at 17637 – 1 Avenue, from "Industrial" to "Commercial".

### RATIONALE OF RECOMMENDATION

- The proposed redesignation from Industrial to Commercial is consistent with the surrounding land use context which consists of commercial zoned and designated properties occupied by border, and non-border related, commercial uses.
- The existing outdoor patio locations are appropriate from an operational perspective as they are conveniently accessed from the inside of the pub. Alternative locations on the property at 17637 – 1 Avenue would be detached from the pub and separated by the office tenant space, and therefore are not desirable.
- The outdoor patios have been operating for two years under temporary use permits without issue.
- The subject proposal makes the existing temporary arrangement permanent and will not result in any change to the existing uses or business operations on the two subject properties.
- The portion of 17735 – 1 Avenue to be rezoned to C-8 and consolidated with the property at 17637 – 1 Avenue is already used for outdoor patios and parking for the neighbourhood pub and is isolated from the rest of the property by landscape islands. As such the proposal will not result in any reduction to functioning industrial land.
- It is appropriate to also redesignate the adjacent property at 120-Highway 15 to Commercial to accurately reflect its historic and future anticipated commercial use. This can be dealt with through a future housekeeping amendment.
- Staff have received no responses to pre-notification letters or the development proposal sign.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend the OCP by redesignating the property at 17637 – 1 Avenue, as well as the portion of the property at 17735 – 1 Avenue shown as Block "A" on the Survey Plan attached in Appendix I, 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 portion of the property at 17735 – 1 Avenue shown as Block A on the Survey Plan attached in Appendix I from "Light Impact Industrial Zone (IL)" (By-law No. 12000) to "Community Commercial Zone (C-8)" (By-law No. 12000) and a date be set for Public Hearing.
4. Council approve Development Variance Permit No. 7910-0088-00 (Appendix V) varying the following, to proceed to Public Notification:
  - (a) to reduce the minimum east yard setback of the C-8 Zone for buildings and structures on the property at 17637 – 1 Avenue from 7.5 metres (25 ft.) to 0 metre (0 ft.); and
  - (b) to reduce the minimum west side yard setback of the IL Zone for buildings and structures on the property at 17735 – 1 Avenue from 7.5 metres (25 ft.) to 0 metre (0 ft.).
5. 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; and
  - (c) approval from the Ministry of Transportation and Infrastructure.
6. Council pass a resolution to amend the Douglas Community Plan to redesignate the property at 17637 – 1 Avenue, as well as the portion of the property at 17735 – 1 Avenue, shown as Block "A" on the Survey Plan attached in Appendix I, from Industrial to Commercial when the project is considered for final adoption.

## REFERRALS

Engineering:

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

Ministry of Transportation & Infrastructure (MOTI): Preliminary approval granted for one year.

### SITE CHARACTERISTICS

Existing Land Use: Neighbourhood pub (The Derby Bar & Grill), office building and an Industrial building.

### Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Agricultural land.	Agricultural	A-1
East:	Agricultural land.	Agricultural	A-1
South (Across 1 Avenue):	Border facilities.	Commercial	A-1
West:	Office building.	Industrial	C-8

### JUSTIFICATION FOR PLAN AMENDMENT

- The subject proposal includes an Official Community Plan (OCP) amendment to redesignate the property at 17637 – 1 Avenue, as well as a portion of the property at 17735 – 1 Avenue to be consolidated with the property at 17637 – 1 Avenue, from "Industrial" to "Commercial".
- The proposal also includes an amendment to the Douglas Community Plan to redesignate the property at 17637 – 1 Avenue, as well as a portion of the property at 17735 – 1 Avenue to be consolidated with the property at 17637 – 1 Avenue, from "Industrial" to "Commercial".
- The commercial use of the property at 17637 – 1 Avenue predates the 1996 Official Community Plan and the 1987 Douglas Community Plan designations. The property has been zoned "Community Commercial Zone (C-8)" since 1993 under Zoning By-law No. 12000 and prior to that it was zoned "Retail Commercial Zone One (C-R(1))" under Zoning By-law No. 5942. The existing commercial building on the property was constructed in 1984. The building was just renovated and an addition constructed for the Derby Bar & Grill in 2006. The proposed redesignation from Industrial to Commercial therefore accurately reflects the historic and future anticipated use of the property.
- The portion of 17735 – 1 Avenue to be consolidated with the property at 17637 – 1 Avenue is already used for outdoor patios and parking for the neighbourhood pub and is isolated from the rest of the industrial site by landscape islands. As such the proposed redesignation of this portion of the property is not resulting in any reduction to functioning industrial land.

- The properties south of the subject site across 1 Avenue and west of the subject site across 176 Street (Highway 15) are designated Commercial in the Official Community Plan and in the Douglas Community Plan and are occupied by border, and non-border related, commercial uses. As such, the proposed redesignation is consistent with the surrounding context.
- The adjacent property to the west, at 120 – Highway 15 is also currently zoned C-8 and occupied by a commercial building. It is appropriate to also redesignate this property to Commercial to accurately reflect its historic and future anticipated commercial use. This can be dealt with through a future housekeeping amendment.

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject application involves 2 adjacent properties located on the east side of 176 Street (Highway 15) just north of 1 Avenue. The westernmost property (17637 – 1 Avenue) is in a panhandle configuration with frontages on both 176 Street (Highway 15) and 1 Avenue. This property is designated "Industrial" in the Official Community Plan (OCP), is zoned Community Commercial Zone (C-8), and is occupied by an office building with attached neighbourhood pub and teletheatre (The Derby Bar & Grill). The easternmost property (17735 – 1 Avenue) is also in a panhandle configuration with frontage on 1 Avenue. This property is designated "Industrial" in the Official Community Plan (OCP), is zoned Light Impact Industrial Zone (IL), and is occupied by an industrial building. Both properties are under the same ownership.
- Although the neighbourhood pub building itself, along with the office building, are located entirely on the property at 17637 – 1 Avenue, the two outdoor patios for the neighbourhood pub encroach over the property line onto the adjacent property at 17735 – 1 Avenue. The two properties also share access and parking. A reciprocal access and shared parking agreement allows the Derby Bar & Grill to share access to 1 Avenue with the industrial building site and also to use 28 of that site's surplus parking stalls. The parking stall configuration, and location of landscape islands, physically delineates the parking area on the industrial building site that is for use by Derby Bar & Grill staff and patrons.
- The two outdoor patios are not permitted under the Light Impact Industrial (IL) Zone of the property at 17735 – 1 Avenue and as such, on July 27, 2009, Council issued a Temporary Use Permit (TUP) under application No. 7909-0120-00 to allow the 2 outdoor patios to operate for 12 months, providing the owner time to pursue the necessary approvals to permanently legalize the patios. On July 12, 2010, Council issued an extension to the TUP under application No. 7910-0116-00, which allowed the 2 outdoor patios to operate for an additional 12 months. The owner is aware that upon expiration of this TUP (July 12, 2010), if he is unable to obtain the necessary approvals to accommodate the patios on a permanent basis, the patios will need to be closed and removed.

### Proposal

- The subject application, if endorsed by Council, will accommodate the outdoor patios on a permanent basis. The application includes the following:
  1. A lot line adjustment to shift the property line such that the outdoor patios, and parking areas for the Derby Bar & Grill are entirely on the property at 17637 – 1 Avenue;

2. Rezoning of the portion of 17735 – 1 Avenue to be consolidated with 17637 – 1 Avenue, from IL to C-8, to match the existing zoning of the property at 17637 – 1 Avenue;
  3. An OCP Amendment to redesignate the property at 17637 – 1 Avenue, as well as the portion of 17735 – 1 Avenue to be consolidated with 17637 – 1 Avenue, from "Industrial" to "Commercial" to accommodate the C-8 Zoning of that site;
  4. An amendment to the Douglas Community Plan to redesignate the property at 17637 – 1 Avenue, as well as the portion of 17735 – 1 Avenue to be consolidated with 17637 – 1 Avenue, from "Industrial" to "Commercial" to accommodate the C-8 Zoning of that site; and
  5. A Development Variance Permit (DVP) to vary setback requirements to accommodate the siting of the existing building and structures on both properties relative to the relocated property line.
- The subject proposal makes the existing temporary arrangement permanent and will not result in any change to the existing uses or business operations on the two subject properties.
  - The portion of 17735 – 1 Avenue to be rezoned to C-8 and consolidated with the property at 17637 – 1 Avenue is already used for outdoor patios and parking for the neighbourhood pub and is isolated from the rest of the property by landscape islands. As such the proposal will not result in any reduction to functioning industrial land.
  - The existing outdoor patio locations are appropriate from an operational perspective as they are conveniently accessed from the inside of the pub. Alternative locations on the property at 17637 – 1 Avenue would be detached from the pub and separated by the office tenant space, and therefore are not desirable.
  - The outdoor patios have been operating for two years under the temporary use permits without issue.

#### PRE-NOTIFICATION

- Pre-notification letters were sent on February 16, 2011 and a Development Proposal Sign was erected on the property. Staff received no response to the letters or sign.

#### PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

- Pursuant to Section 879 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.

BY-LAW VARIANCES & JUSTIFICATION

## (a) Requested Variances:

- To vary the east yard setback for buildings and structures on the property at 17637 – 1 Avenue from 7.5 metres (25 ft.) to 0 metres (0 ft.)
- To vary the west yard setback for buildings and structures on the property at 17735 – 1 Avenue from 7.5 metres (25 ft.) to 0 metres (0 ft.)

## Staff Comments:

- The proposed variances are to accommodate the siting of the existing buildings and structures on both properties relative to the relocated property line. The location of the existing buildings and structures on the two properties have been addressed previously through appropriate building design, site planning, and landscaping treatments.

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.	Existing Site Plan and Proposed Subdivision Layout
Appendix III.	Engineering Summary
Appendix IV.	OCP Redesignation Map
Appendix V.	Development Variance Permit No. 7910-0088-00

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

RG/kms

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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:                      Debra Costanzo, Etruscan Design Associates Ltd.  
                         Address:                      15842 Cliff Avenue  
    White Rock, BC  
    V4B 5B1  
    Tel:                              604-541-8409
  
2.      Properties involved in the Application
  - (a)      Civic Addresses:              17637 and 17735 – 1 Avenue
  
  - (b)      Civic Address:                      17637 – 1 Avenue  
                         Owner:                              P.C.B. Properties Ltd. (Incorporation No. 78028)  
                         PID:                                      005-415-233  
                         Lot 1 Section 33 Block 1 North Range 1 East New Westminster District Plan 73076
  
  - (c)      Civic Address:                      17735 – 1 Avenue  
                         Owner:                              P.C.B. Properties Ltd. (Incorporation No. 78028)  
                         PID:                                      005-415-241  
                         Lot 2 Section 33 Block 1 North Range 1 East New Westminster District Plan 73076
  
3.      Summary of Actions for City Clerk's Office
  - (a)      Introduce a By-law to amend the Official Community Plan to redesignate portions of the site.
  
  - (b)      Introduce a By-law to rezone portions of the site.
  
  - (c)      Application is under the jurisdiction of MOTI.  
                         MOTI File No. 2011-01091.
  
  - (d)      Proceed with Public Notification for Development Variance Permit No. 7910-0088-00 .



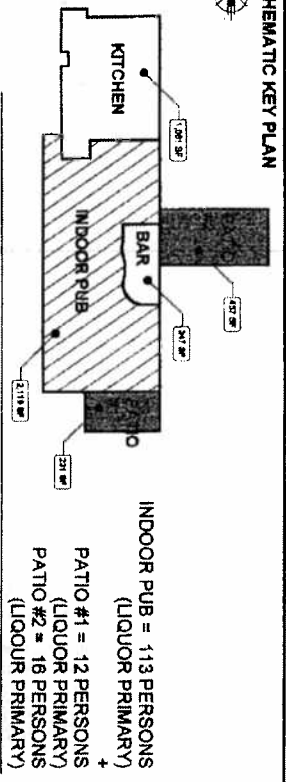
## SUBDIVISION DATA SHEET

Proposed Zoning: C-8 and IL

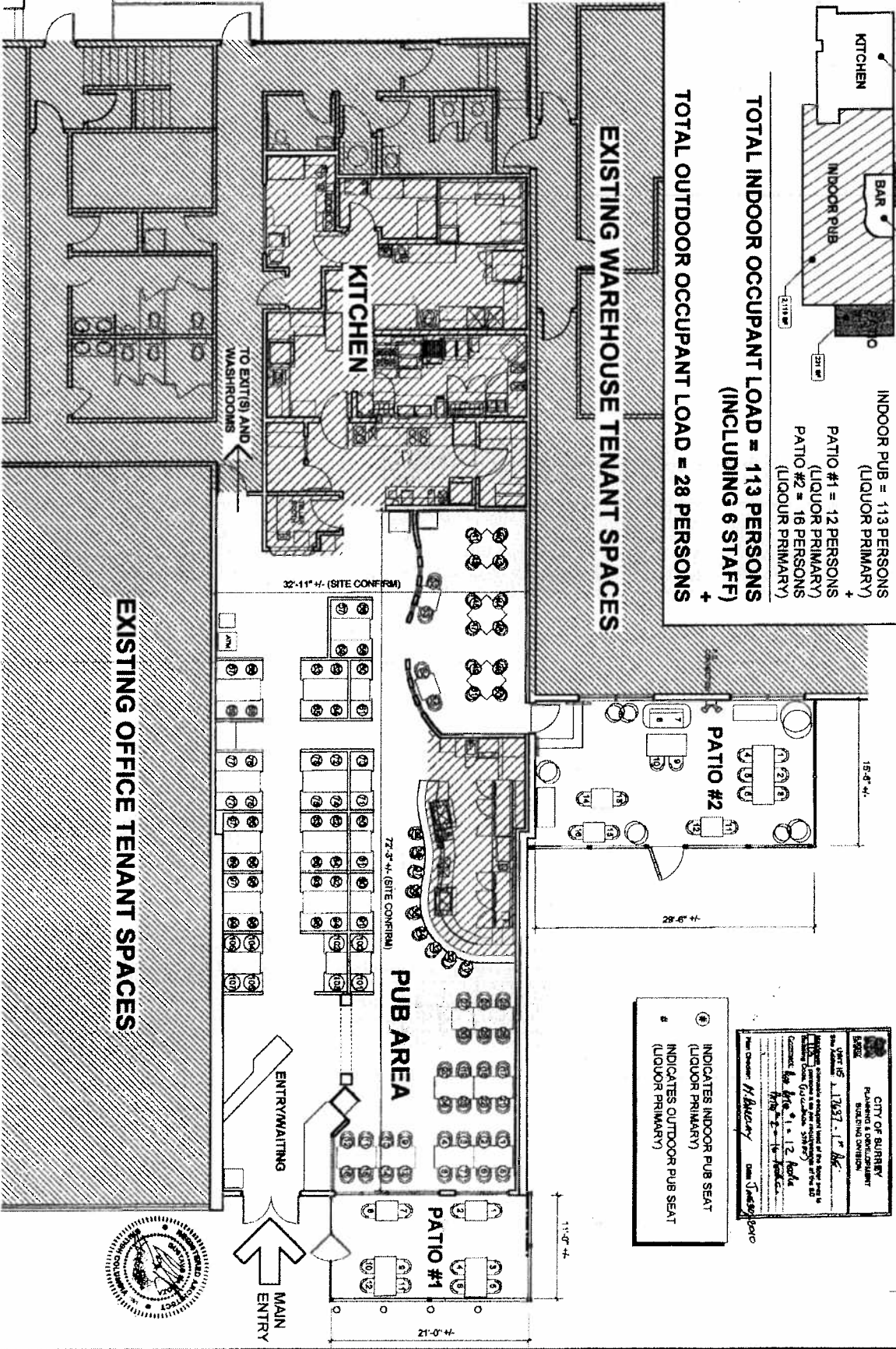
Requires Project Data	Proposed
<b>GROSS SITE AREA</b>	
Acres	4.94 ac
Hectares	2.00 ha
<b>NUMBER OF LOTS</b>	
Existing	2
Proposed	2
<b>SIZE OF LOTS</b>	
Range of lot widths (metres)	
Range of lot areas (square metres)	5,450 m <sup>2</sup> - 14,060 m <sup>2</sup>
<b>DENSITY</b>	
Lots/Hectare & Lots/Acre (Gross)	
Lots/Hectare & Lots/Acre (Net)	
<b>SITE COVERAGE (in % of gross site area)</b>	
Maximum Coverage of Principal & Accessory Building	
Estimated Road, Lane & Driveway Coverage	
Total Site Coverage	
<b>PARKLAND</b>	
Area (square metres)	n/a
% of Gross Site	
<b>Required</b>	
<b>PARKLAND</b>	
5% money in lieu	NO
<b>TREE SURVEY/ASSESSMENT</b>	
	NO
<b>MODEL BUILDING SCHEME</b>	
	NO
<b>HERITAGE SITE Retention</b>	
	NO
<b>BOUNDARY HEALTH Approval</b>	
	NO
<b>DEV. VARIANCE PERMIT required</b>	
Road Length/Standards	NO
Works and Services	NO
Building Retention	NO
Others	YES



**SCHEMATIC KEY PLAN**



**TOTAL TENANT SPACE FLOOR AREA = 4,179 SF (388 SM)**



● INDICATES INDOOR PUB SEAT (LIQUOR PRIMARY)

○ INDICATES OUTDOOR PUB SEAT (LIQUOR PRIMARY)

**CITY OF SURREY**  
**PLANNING & DEVELOPMENT**  
**BUILDING DIVISION**

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 BY: [Signature]

REVISIONS:

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**G3 ARCHITECTURE INC.**  
 17345 - 8TH AVENUE  
 SOUTH SURREY, B.C.  
 V4S 1P9

TEL: 604-916-8382  
 FAX: 604-677-5967  
 EMAIL: g3@architects.com

**DERBY BAR & GRILL INC**  
**OUTDOOR PATIOS**

Civic Address:  
 4116 - 178ST - 1ST AVENUE  
 SURREY, BC  
 V4S 1B1

LEGAL DESCRIPTION:  
 LOT 1, SECTION 23, BLOCK 1 NORTH,  
 RANGE 1 EAST, NEW WESTMINSTER  
 DISTRICT, PLAN 73078

**OCCUPANT LOAD AND SEATING PLAN**

SCALE: 1/4" = 1'-0"

DATE: 10/20/17

DRAWN BY: ALZ

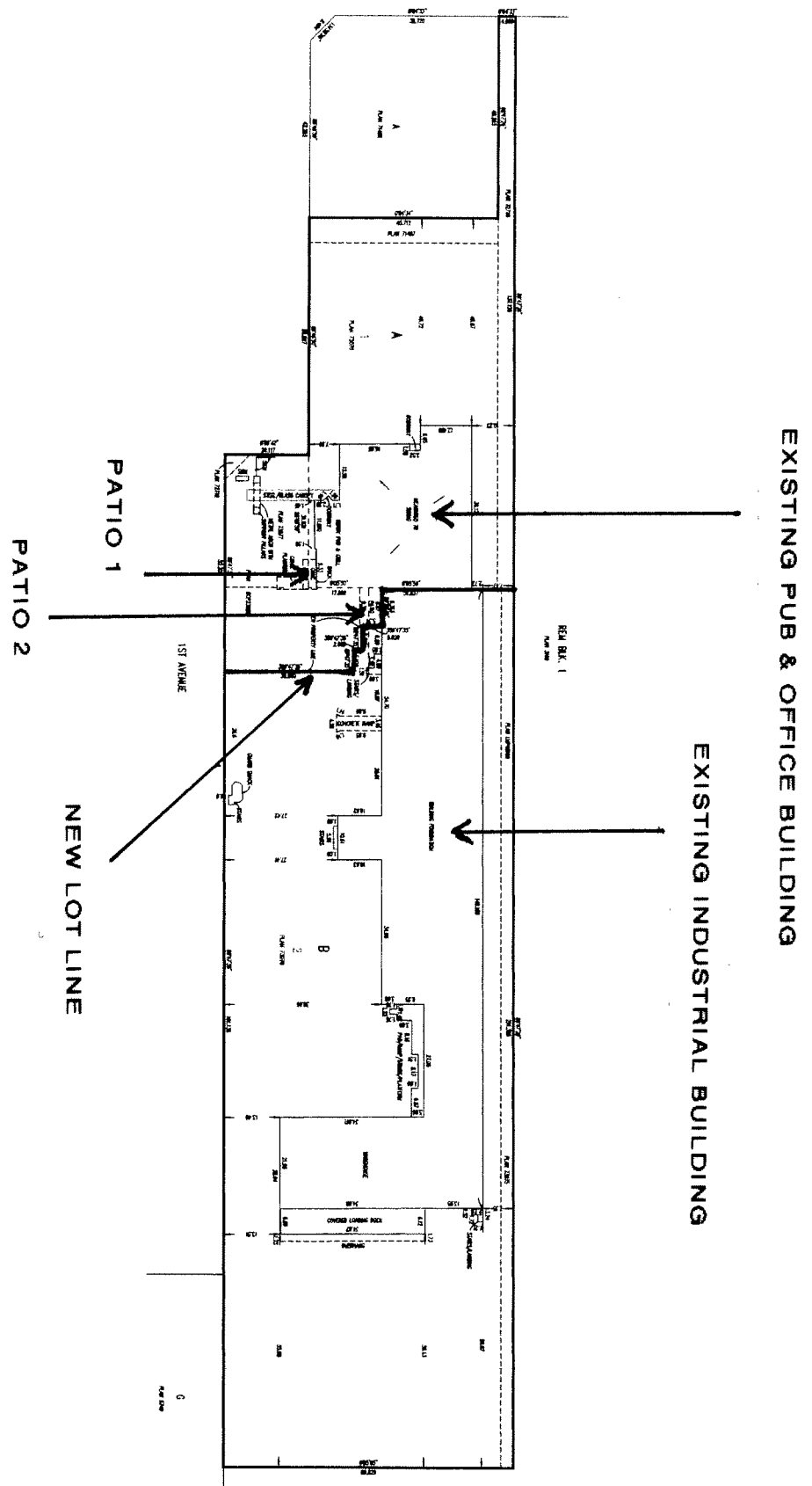
B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE ON: PROPOSED LOTS A AND B, SECTION 33, BLOCK 1 NORTH, RANGE 1 EAST, NEW WESTMINSTER DISTRICT, PLAN BCP \_\_\_\_\_

(7.1.3. 88-146-111 (REV. 04-10))

Scale: 1" = 100' (Horizontal)  
 1" = 20' (Vertical)



THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.



THE SURVEYOR HAS CONDUCTED THE NECESSARY SURVEYING AND HAS FOUND THAT THE PROPOSED LOTS A AND B ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE B.C. LAND SURVEY ACT AND THE B.C. LAND SURVEY REGULATIONS. THE SURVEYOR HAS FOUND THAT THE PROPOSED LOTS A AND B ARE IN ACCORDANCE WITH THE REQUIREMENTS OF THE B.C. LAND SURVEY ACT AND THE B.C. LAND SURVEY REGULATIONS.

DATE OF SURVEY: 2010-01-15  
 SURVEYOR: [Name]  
 PROJECT: [Name]  
 PLAN: [Name]

DATE OF SURVEY: 2010-01-15  
 SURVEYOR: [Name]  
 PROJECT: [Name]  
 PLAN: [Name]

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**TO:** Manager, Area Planning & Development  
- South Surrey Division  
Planning and Development Department **APPENDIX III**

**FROM:** Acting Development Services Manager, Engineering Department

**DATE:** April 13, 2011 **PROJECT FILE:** 7810-0088-00

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**Engineering Requirements (Commercial/Industrial)**  
**Location: 17735 1 Ave**

**OCP AMENDMENT**

There are no engineering requirements relative to the OCP Amendment.

**REZONE/SUBDIVISION**

***Property and Right-of-Way Requirements***

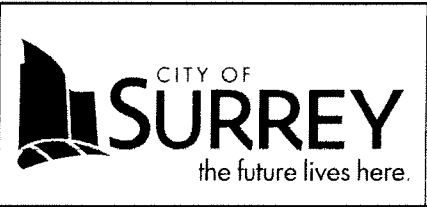
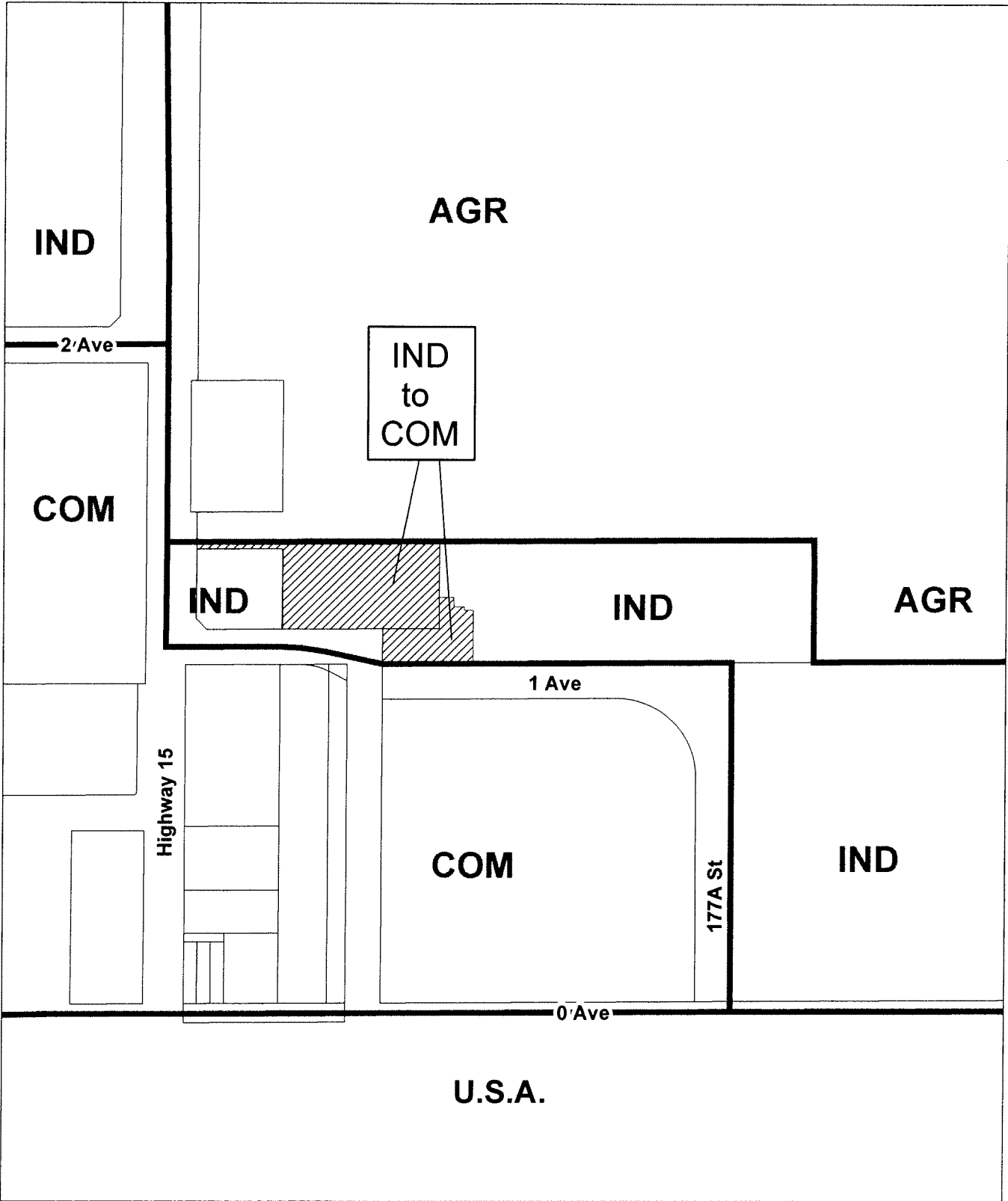
- dedicate lands under SRW E1986-1569 (Plan 72710) for 1 Avenue;
- dedicate additional width as required to provide 10 m from 1 Avenue centre line at "S" curve.

A Servicing Agreement is not required as a condition of Rezone or Subdivision.



Rémi Dubé, P.Eng.  
Acting Development Services Manager

RD



OCP Amendment  
Proposed amendment from Industrial to  
Commercial



CITY OF SURREY

(the "City")

APPENDIX V

DEVELOPMENT VARIANCE PERMIT

NO. 7910-0088-00

Issued To: P.C.B. PROPERTIES LTD. (INCORPORATION NO. 78028)

(the "Owner")

Address of Owner: 1200 - 1055 West Georgia Street  
Vancouver, BC

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: 005-415-233

Lot 1 Section 33 Block 1 North Range 1 East New Westminster District Plan 73076

17637 - 1 Avenue

Parcel Identifier: 005-415-241

Lot 2 Section 33 Block 1 North Range 1 East New Westminster District Plan 73076

17735 - 1 Avenue

(the "Land")

3. (a) As the legal description of the Land is to change, the City Clerk is directed to insert the new legal description for the Land once title(s) has/have been issued, as follows:

Parcel Identifier:

---

- (b) If the civic address(es) change(s), the City Clerk is directed to insert the new civic address(es) for the Land, as follows:
-

4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section F of Part 36 Community Commercial Zone (C-8) the minimum east yard setback is reduced from 7.5 metres (25 ft.) to 0 metre (0 ft.) for buildings and structures on Lot A as shown on Schedule A, which is attached hereto and forms part of this development variance permit; and
  - (b) In Section F of Part 48 Light Impact Industrial Zone (IL) the minimum west yard setback is reduced from 7.5 metres (25 ft.) to 0 metre (0 ft.) for buildings and structures on Lot B as shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.
5. This development variance permit applies to only 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. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.
6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
7. This development variance permit shall lapse unless the subdivision, as conceptually shown on Schedule A which is attached hereto and forms part of this development variance permit, is registered in the New Westminster Land Title Office within three (3) years after the date this development variance permit is issued.
8. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
9. This development variance permit is not a building permit.

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

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Mayor – Dianne L. Watts

---

City Clerk – Jane Sullivan



SCHEDULE A

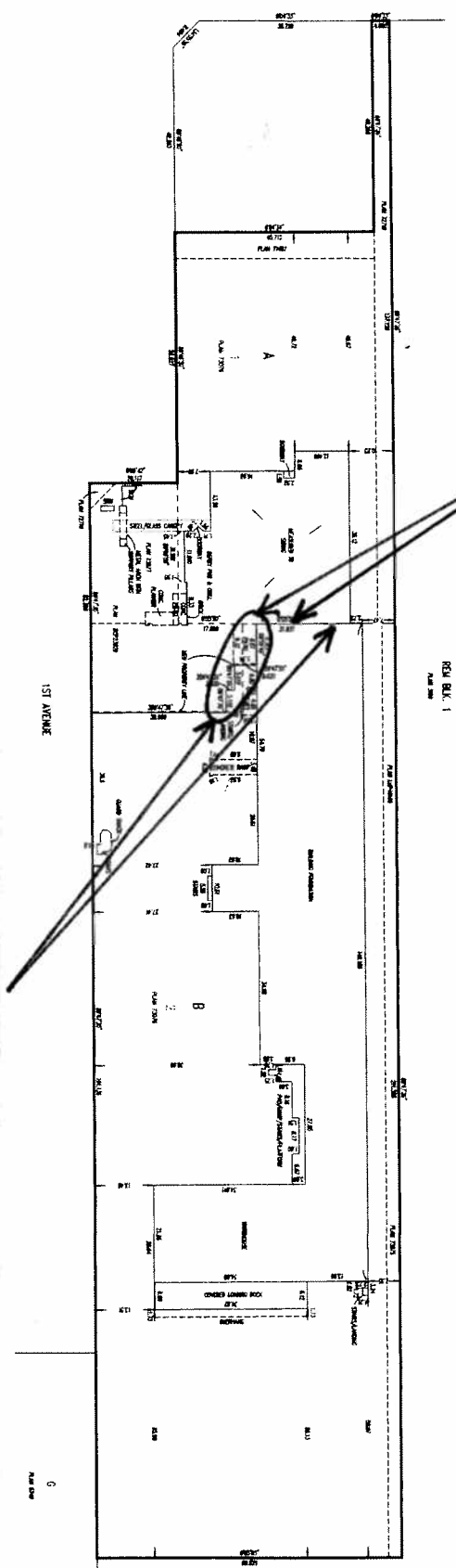
B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE ON: PROPOSED LOTS A AND B, SECTION 33, BLOCK 1 NORTH, RANGE 1 EAST, NEW WESTMINSTER DISTRICT, PLAN BCP \_\_\_\_\_

(7.5. 08-44-141-10-44-10)



The proposed lots to be shown on this plan are shown in accordance with the provisions of the Land Survey Act and the Land Survey Regulation. The proposed lots are shown in accordance with the provisions of the Land Survey Act and the Land Survey Regulation. The proposed lots are shown in accordance with the provisions of the Land Survey Act and the Land Survey Regulation.

**BUILDING SETBACK REDUCED FROM 7.5M TO 0M**



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DATE OF THIS PLAN: 2011-08-15  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

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