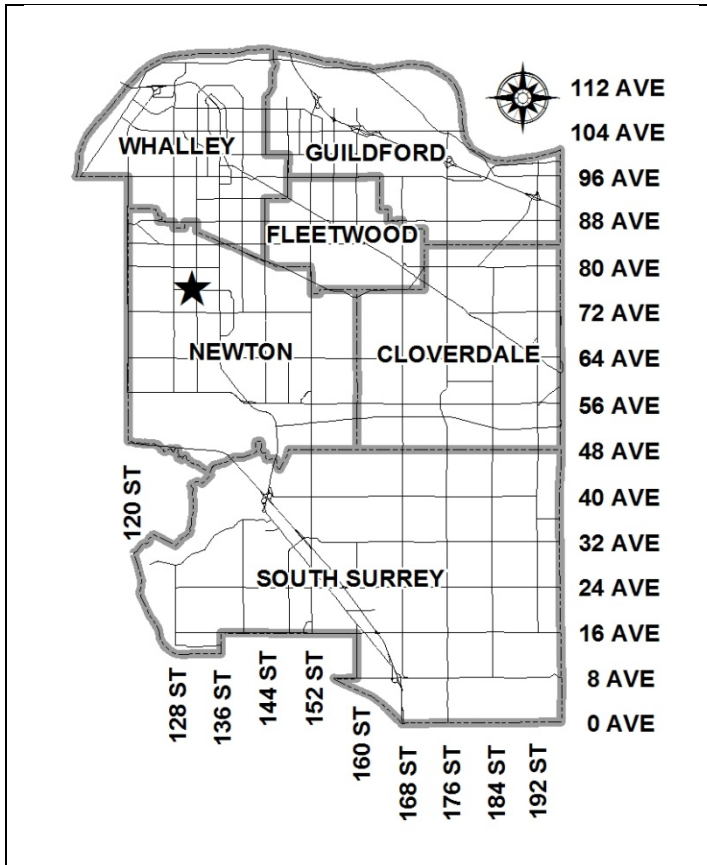


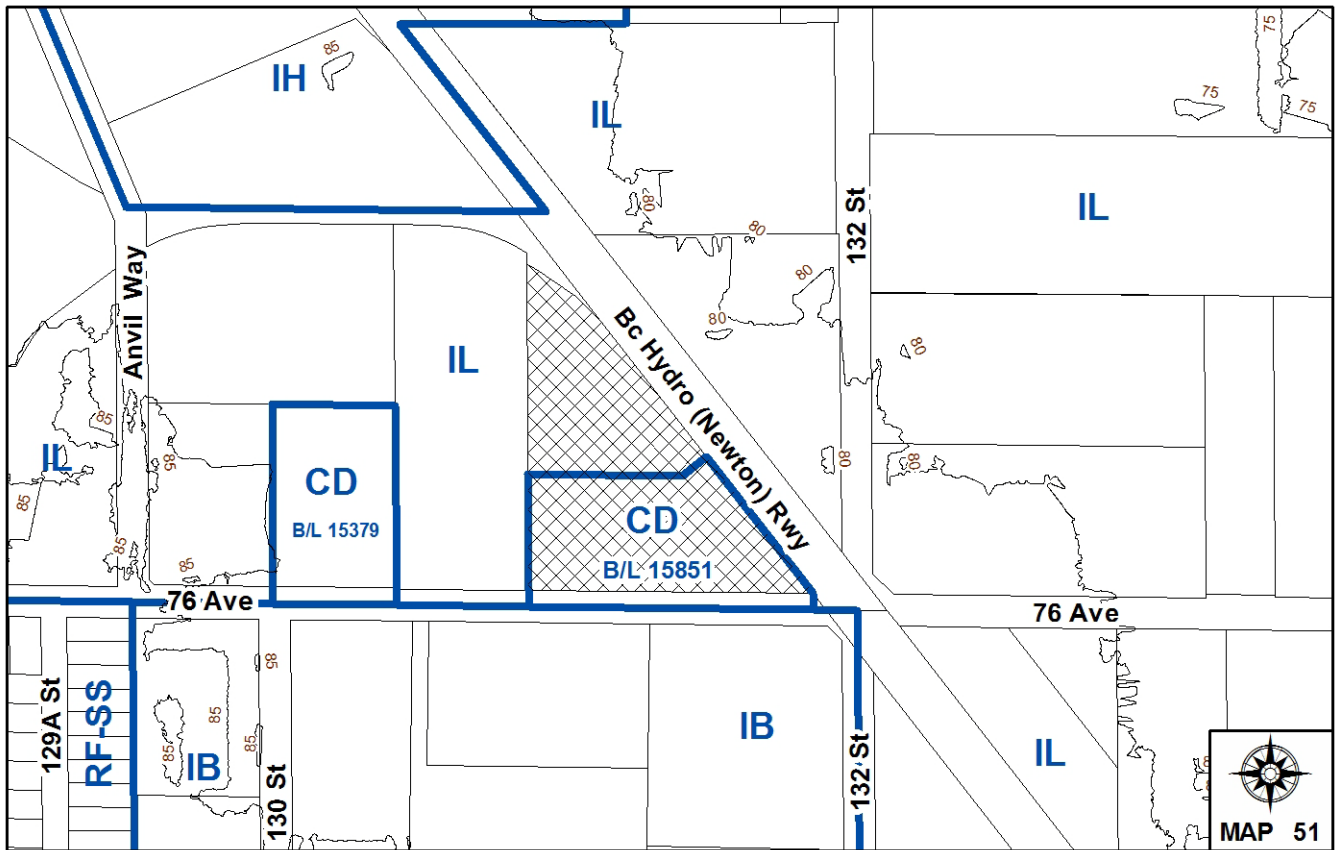
Planning Report Date: July 9, 2012



PROPOSAL:

- **Rezoning** from IL and CD (By-law No. 15851) to CD (based on IL and IB) in order to replace the existing split-zone (IL and CD) with a new CD zone thereby allowing the owner to construct another industrial building on the northerly portion of the subject property.

LOCATION: 13147 - 76 Avenue
OWNER: 581486 B.C. Ltd., Inc. No. 581486
ZONING: IL and CD (By-law No. 15851)
OCP DESIGNATION: Industrial
LAP DESIGNATION: General Industrial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with OCP Designation.
- Complies with the Central Newton Local Area Plan.
- The southerly portion of the subject property was rezoned from IL to CD (By-law No. 15851) in May, 2006. The rezoning, however, resulted in a split-zone property with several existing non-conforming buildings located within the IL and CD Zone. Under Zoning By-law No. 12000, General Provisions, the principal building on split-zone properties is only allowed in one zone (e.g. IL or CD). No further building is permitted on any portion of the subject property located within the other zone. City staff are initiating a rezoning of the subject property in order to replace the split-zone with a new CD zone which ensures that existing and proposed buildings on the property will conform to the Zoning By-law.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject property from "Light Impact Industrial Zone (IL)" (By-law No. 12000) and "Comprehensive Development Zone (CD)" (By-law No. 15851) to "Comprehensive Development Zone (CD)" (By-law No. 12000) and a date be set for Public Hearing.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Industrial complex.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North and West:	Industrial.	Industrial/ High Impact Industrial	IH and IL
East:	B.C. Hydro Railway and industrial	Industrial/ Business Park	IL
South (Across 76 Avenue):	Industrial and B.C. Hydro Corridor.	Industrial/ High Impact Industrial	IB

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located on the north side of 76 Avenue between Anvil Way and 132 Street. The property is currently split-zoned with the northerly portion zoned "Light Impact Industrial (IL)" while the southerly portion is zoned "Comprehensive Development (CD)" (By-law No. 15851). The subject property is designated "Industrial" in the Official Community Plan (OCP) and "General Industrial" in the Central Newton Local Area Plan (LAP).
- In May, 2006, the southern portion of the subject property was rezoned to CD, based on IL, plus several uses permitted in the "Business Park Zone (IB)" excluding the following: [1] eating establishment; [2] assembly hall; [3] transportation industry; as well as [4] retail display and sale of goods produced on-site. In contrast, the northern portion of the subject property remained zoned IL.
- Council issued a Development Permit (No. 7905-0205-00) for three multi-tenant industrial buildings in May, 2006. The industrial buildings located on-site are non-stratified and comprise a total floor area of 7,249 square metres (78,028 sq. ft.) reserved primarily for light impact industrial and limited office uses.
- A subsequent development application which involved rezoning the subject property from IL and CD to CD in order to add furniture store as a permitted use was recently closed at the request of the applicant

(File No. 7910-0086-00). However, prior to filing the rezoning by-law (By-law No. 17235) Council issued a Development Variance Permit (No. 7910-0086-00) which allows a fourth industrial building on-site that provides a further 976 square metres (10,500 sq. ft.) of floor space. A Development Permit (DP) was not required given that the proposed building is located more than 100 metres (300 ft.) from the southern boundary of the subject property and, therefore, not visible from 76 Avenue.

- After further review, City staff advised the owner that a rezoning would be required in order to address non-conformity issues arising out of the property's current split-zoning. Under Zoning By-law No. 12000, General Provisions, Section E. 13. (b):

"Where a *lot* lies within 2 or more Zones, a *principal building* may be placed on a portion of the *lot* lying in only 1 Zone and no further *building* shall be erected on those portions of the *lot* lying in any other Zone."

Consequently, when the southern portion of the subject property was rezoned, several existing industrial buildings located within the northerly portion (IL Zone) and southerly portion (CD Zone) of the subject property were rendered non-conforming.

Proposed Rezoning

- City staff have initiated a rezoning of 13147 – 76 Avenue in order to address a previous oversight whereby a split-zone property was created by rezoning the southerly portion of the subject property from IL to CD (By-law No. 15851). The proposed rezoning will legalize several existing non-conforming buildings located on-site as well as permit the owner to construct another industrial building (Building D) on the northerly portion of the subject property (Appendix II).
- The proposed CD By-law will allow the same land-uses currently permitted on-site. The existing CD By-law (By-law No. 15851) allows a broad range of uses based upon the "Light Impact Industrial Zone (IL)" (Block A and Block B) as well as limited uses permitted under the "Business Park Zone (IB)" (Block B). In addition, the proposed CD By-law will continue to prohibit the following uses in Block B: [1] assembly hall; [2] eating establishment; [3] transportation industry; as well as [4] retail display and sale of goods produced on-site (Appendix III).

PRE-NOTIFICATION

Pre-notification letters were sent out on June 4, 2012. To date, City staff have not received any responses.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets
- Appendix II. Site Plan
- Appendix III. Proposed CD By-law
- Appendix IV. Block Plan

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

MRJ/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: Planning & Development Department, City of Surrey
 Address: 14245 – 56 Avenue
 Surrey, BC
 V3X 3A2
 Tel: 604-591-4441

2. Properties involved in the Application

(a) Civic Addresses: 13147, 13163 and 13177 – 76 Avenue

(b) Civic Address: 13147, 13163 and 13177 – 76 Avenue
 Owner: 581486 B.C. Ltd., Inc. No. BCo581486

Director Information:
Surinder Dhaliwal

Officer Information as at March 12, 2011
Surinder Singh Dhaliwal (President, Secretary)

PID: 001-614-924
Lot 39 Section 20 Township 2 New Westminster District Plan 35187

3. Summary of Actions for City Clerk's Office

(a) Introduce a By-law to rezone the property.

DEVELOPMENT DATA SHEET

Proposed Zoning: CD

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		20,377 sq. m.
Road Widening area		
Undevelopable area		1,813 sq. m.
Net Total		18,564 sq. m.
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	41%	40.4%
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	7.5 m.	See Multiple
Rear	7.5 m.	Buildings Data Sheet
Side #1 (N,S,E, or W)	7.5 m./o m.	
Side #2 (N,S,E, or W)	7.5 m./o m.	
BUILDING HEIGHT (in metres/storeys)	See Multiple	See Multiple
Principal	Buildings Data Sheet	Buildings Data Sheet
Accessory		
NUMBER OF RESIDENTIAL UNITS	N/A	N/A
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	N/A	N/A
FLOOR AREA: Commercial	N/A	N/A
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		9,894 sq. m.

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	0.5	0.49
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial	97	
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Office	6	
Total Number of Parking Spaces	103	199
Number of disabled stalls	2	1
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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MULTIPLE BUILDINGS DATA SHEET

Proposed Zoning CD

Required Development Data	Building A	Building B	Building C	Building D
SETBACK (in metres)				
Front	+7.5 m.	+7.5 m.	+7.5 m.	+7.5 m.
Rear	+7.5 m.	+7.5 m.	+7.5 m.	2.44 m.
Side #1 (E)	+7.5 m.	+7.5 m.	7.5 m.	7.5 m.
Side #2 (W)	0 m.	+7.5 m.	0 m.	0 m.
Building Height (in metres/storeys)				
NUMBER OF RESIDENTIAL UNITS/ SIZE RANGE	N/A	N/A	N/A	N/A
Bachelor				
One Bedroom				
Two Bedroom				
Three Bedroom +				
TOTAL FLOOR AREA	2,423 sq. m.	1,813 sq. m.	3,013 sq. m.	976 sq. m.

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend Surrey Zoning By-law, 1993, No. 12000, as amended
.....

THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended, pursuant to the provisions of Section 903 of the Local Government Act, R.S.B.C. 1996 c. 323, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM: LIGHT IMPACT INDUSTRIAL ZONE (IL) AND COMPREHENSIVE DEVELOPMENT ZONE (CD) (BY-LAW NO. 15851) (SURREY ZONING BY-LAW, 1993, NO. 12000, AMENDMENT BY-LAW, 2005, NO. 15851)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 001-614-924
Lot 39 Section 20 Township 2 New Westminster District Plan 35187

13147 – 76 Avenue

(hereinafter referred to as the "*Lands*")

- 2. The following regulations shall apply to the *Lands*:

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate the *comprehensive design of industrial business consisting of light impact industry, office uses and general service uses.*

The *Lands* are divided into Blocks A and B as shown on the Survey Plan attached hereto and forming part of this By-law as Schedule A, certified correct by Kenneth W. Shuurman, B.C.L.S. on the 7th day of July, 2010.

B. Permitted Uses

The *Lands* and *structures* shall be used for the following uses only, or for a combination of such uses:

1. Block A
 - (a) *Light impact industry;*
 - (b) *Recycling depots provided that:*
 - i. The use is confined to an enclosed *building*; and
 - ii. The storage of used tires is prohibited;
 - (c) *Transportation industry;*
 - (d) *Automotive service uses;*
 - (e) *Automobile painting and body work;*
 - (f) *Vehicle storage and parking facilities including truck parking and recreational vehicle storage;*
 - (g) *General services uses limited to the following:*
 - i. *Driving schools;*
 - ii. *Taxi dispatch offices;*
 - iii. *Industrial first aid training; and*
 - iv. *Trade schools;*
 - (h) *Industrial equipment rentals;*
 - (i) *Warehouse uses;*
 - (j) *Distribution centres;*
 - (k) *Office uses limited to the following:*
 - i. *Architectural and landscape architectural offices;*
 - ii. *Engineering and surveying offices;*
 - iii. *General contractor offices;*
 - iv. *Government offices; and*
 - v. *Utility company offices;*
 - (l) *Accessory uses including the following:*
 - i. *Coffee shops provided that the seating capacity shall not exceed 35 and the said coffee shop is not licensed by the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, as amended;*

- ii. *Recreation facilities*, excluding go-kart operations, drag racing and rifle ranges;
- iii. *Community services*;
- iv. *Assembly halls* limited to *churches*, provided that:
 - a. The *church* does not exceed a total floor area of 700 square metres (7,500 sq. ft.);
 - b. The *church* accommodates a maximum of 300 seats; and
 - c. There is not more than one *church* on a *lot*;
- v. *Child care centres*; and
- vi. *Dwelling unit(s)* provided that the *dwelling unit(s)* is (are):
 - a. Contained within the *principal building*;
 - b. Occupied by the owner or a caretaker, for the protection of the businesses permitted;
 - c. Restricted to a maximum number of:
 - (i) One *dwelling unit* in each *principal building* less than 2,800 square metres [30,000 sq. ft.] in floor area;
 - (ii) Two *dwelling units* in each *principal building* of 2,800 square metres [30,000 sq. ft.] or greater in floor area; and
 - (iii) Notwithstanding Sub-sections B.1 (l) vi.c.(i) and vi.c.(ii), the maximum number shall be two *dwelling units*; and
 - d. Restricted to a maximum floor area of:
 - (i) 140 square metres [1,500 sq. ft.] for one (first) *dwelling unit* on a *lot* and where a *lot* has been subdivided by a strata plan then there shall only be one 140-square metre [1,500-sq. ft.] *dwelling unit* within the strata plan;
 - (ii) 90 square metres [970 sq. ft.] for each additional *dwelling unit*; and
 - (iii) Notwithstanding Sub-sections B.1 (l) vi.d.(i) and vi.d.(ii), the maximum floor area shall not exceed 33% of the total floor area of the *principal building* within which the *dwelling unit* is contained;

- vii. Sales of rebuilt *vehicles* less than 5,000 kilograms [11,023 lbs.]
G.V.W. provided that:
 - a. It is part of an automobile painting and body work business;
 - b. The number of rebuilt *vehicles* ready for sale shall not exceed 5 at any time;
 - c. The business operator holds a current and valid Motor Dealer's certificate; and
 - d. The business operator is an approved Insurance Corporation of British Columbia Salvage Buyer.

2. Block B

- (a) *Light impact industry;*
- (b) Office uses excluding:
 - i. *Social escort services;* and
 - ii. *Methadone clinics;*
- (c) *General service uses* excluding *drive-through banks;*
- (d) *Warehouse uses;*
- (e) *Distribution centres;*
- (f) *Accessory uses* including the following:
 - i. *Personal service uses* limited to the following:
 - a. Cleaning and repair of clothing; and
 - b. Shoe repair shops;
 - ii. *Recreational facilities,* excluding go-kart operations, drag racing and rifle ranges;
 - iii. *Coffee shops* provided that the seating capacity shall not exceed 35 and the said *coffee shop* is not licensed by the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, as amended;
 - iv. *Community services;*
 - v. *Child care centre;* and
 - vi. *Dwelling unit(s)* provided that the *dwelling unit(s)* is (are):

- a. Contained within the *principal building*;
- b. Occupied by the owner or a caretaker, for the protection of the businesses permitted;
- c. Restricted to a maximum number of:
 - (i) One *dwelling unit* in each *principal building* less than 2,800 square metres [30,000 sq. ft.] in floor area;
 - (ii) Two *dwelling units* in each *principal building* of 2,800 square metres [30,000 sq. ft.] or greater in floor area; and
 - (iii) Notwithstanding Sub-sections B.2 (f) vi.c.(i) and vi.c.(ii), the maximum number shall be two *dwelling units*; and
- d. Restricted to a maximum floor area of:
 - (i) 140 square metres [1,500 sq. ft.] for one (first) *dwelling unit* on a *lot* and where a *lot* has been subdivided by a strata plan then there shall only be one 140-square metre [1,500-sq. ft.] *dwelling unit* within the strata plan;
 - (ii) 90 square metres [970 sq. ft.] for each additional *dwelling unit*; and
 - (iii) Notwithstanding Sub-sections B.2 (f) vi.d.(i) and vi.d.(ii), the maximum floor area shall not exceed 33% of the total floor area of the *principal building* within which the *dwelling unit* is contained.

C. Lot Area

Not applicable to this Zone.

D. Density

The *floor area ratio* shall not exceed 0.50.

E. Lot Coverage

The *lot coverage* shall not exceed 41%.

F. Yards and Setbacks

Buildings and structures shall be sited in accordance with the following minimum setbacks:

Use	Setback	Front Yard	Rear Yard	Side Yard
<i>Principal and Accessory Buildings and Structures</i>		7.5 m. [25 ft.]	7.5 m. [25 ft.]	7.5 m.* [25 ft.]

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

* Minimum *side yard setback* for any *buildings and structures* may be reduced to 0 m. (0 ft.) along the west *lot line*.

G. Height of Buildings

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

1. *Principal buildings:* The *building height* shall not exceed 18 metres [60 feet].
2. *Accessory buildings and structures:* The *building height* shall not exceed 6 metres [20 feet].

H. Off-Street Parking

1. Refer to Table C.3, Part 5 Off-Street Parking and Loading/Unloading of the Surrey Zoning By-law, 1993, No. 12000, as amended.
2. *Tandem parking* may be permitted for company fleet *vehicles*.

I. Landscaping

1. All developed portions of the *lot* not covered by *buildings, structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.
2. Along the developed sides of the *lot* which abut a *highway*, a continuous *landscaping* strip of not less than 3 metres [10 ft.] in width shall be provided from back of curb or projected future curb location. This *landscaping* strip shall consist of an earth berm of not less than 0.7 metre [2 ft.] in height, which shall be planted with maintenance-free ground cover or grass and trees at a spacing of not less than 7.5 metres [25 ft.] which shall have an initial planting trunk diameter of not less than 4.75 centimetres [2 in.] measured 1.5 metres [5 ft.] above *finished grade*. The trees chosen shall be capable of attaining a height of not less than 6 metres [20 ft.] in two years.

3. Open display and storage including the outdoor storage of damaged or wrecked *vehicles* on Block A shall be completely screened to a height of at least 2.5 metres [8 ft.] by *buildings* and/or solid decorative fencing and/or substantial *landscaping* strips of not less than 2.5 metres [8 ft.] in height and not less than 1.5 metres [5 ft.] in width. No display or storage of material shall be piled up to a height of 2.5 metres [8 ft.] within 5 metres [16 ft.] of the said screen and in no case shall these materials be piled up to the height of more than 3.5 metres [12 ft.].

J. Special Regulations

1. Land and *structures* shall be used for the uses permitted in this Zone only if such uses:
 - (a) Constitute no unusual fire, explosion or safety hazard;
 - (b) Do not emit noise in excess of 70dB measured at any point on any boundary of the *lot* on which the use is located; and
 - (b) Do not produce heat or glare perceptible from any *lot line* of the *lot* on which the use is located.
2. Outdoor storage of any goods, materials or supplies on Block B is specifically prohibited.

K. Subdivision

Lots created through subdivision in this Zone shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
20,390 sq. m. [5 acres]	180 metres [590 ft.]	207 metres [679 ft.]

Dimensions shall be measured in accordance with Section E.21 of Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000 as amended.

L. Other Regulations

In addition to all statutes, by-laws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended.

2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements for the IL Zone as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. Sign regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.
7. *Building* permits shall be subject to the Surrey Building By-law, 1987, No. 9011, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge By-law, 2012, No. 17539, as may be amended or replaced from time to time, and the development cost charges shall be based on the IL Zone.
9. Tree regulations are set out in Surrey Tree Protection By-law, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.
11. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act R.S.B.C. 2002. c. 75, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.
12. Safety regulations are set out in the Health Act R.S.B.C., 1979, c.161 and the "Surrey Fire Prevention By-law".

13. Permits may be required for the storage of *special wastes* in accordance with the Waste Management Act R.S.B.C.

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, _____, No. _____."

READ A FIRST AND SECOND TIME on the _____ th day of _____, 20 .

PUBLIC HEARING HELD thereon on the _____ th day of _____, 20 .

READ A THIRD TIME ON THE _____ th day of _____, 20 .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ th day of _____, 20 .

_____ MAYOR

_____ CLERK

SURVEY PLAN TO ACOMPANY CITY OF SURREY REZONING BYLAW NO. _____ OF LOT 39, SECTION 20, TOWNSHIP 2, NWD, PLAN 35187

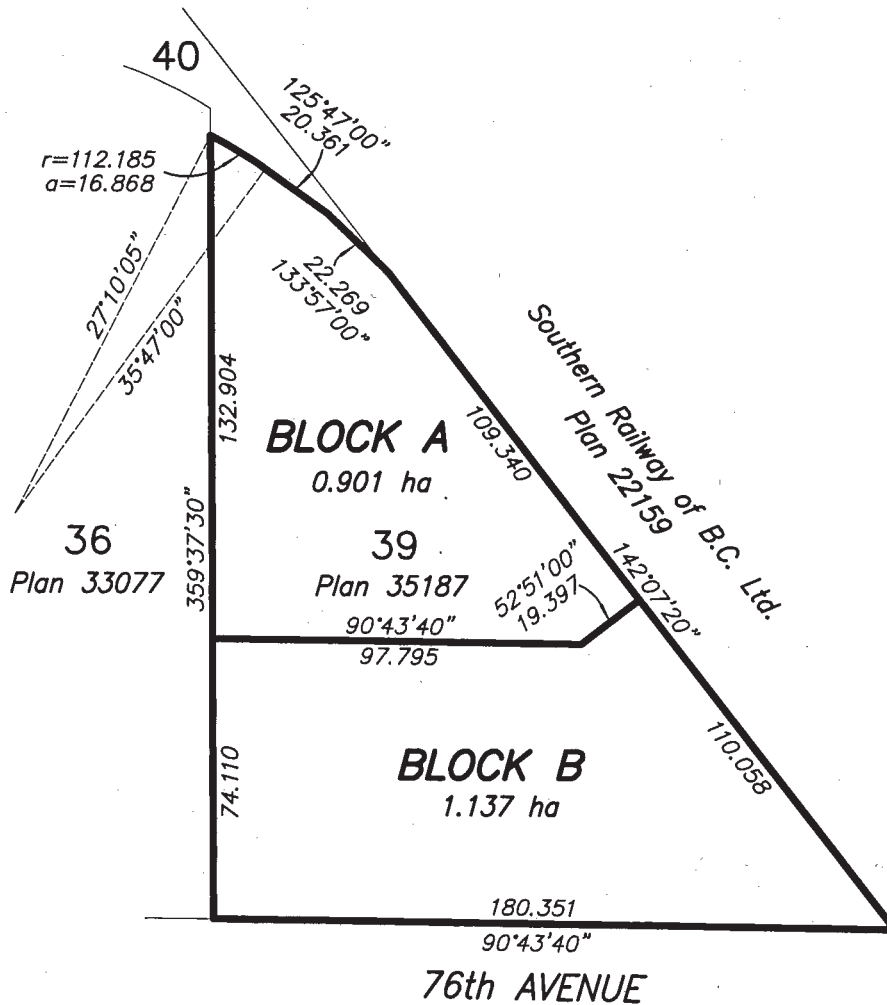
City of Surrey BCGS 92G.016

Scale 1:2000

All distances are in metres
(unless otherwise noted)

Bearings are astronomic and are
derived from Plan 35187

ha Denotes hectares



Certified correct according to Land Title
Office records this 7th day of July, 2010.

Ken Schuurman

B.C.L.S.

Cameron Land Surveying Ltd.
B.C. Land Surveyors
Unit 206 - 16055 Fraser Highway
Surrey, B.C. V4N 0G2
Phone: 604-597-3777
Fax: 604-597-3783

This plan lies within the Greater Vancouver Regional District

File: 4258-Z