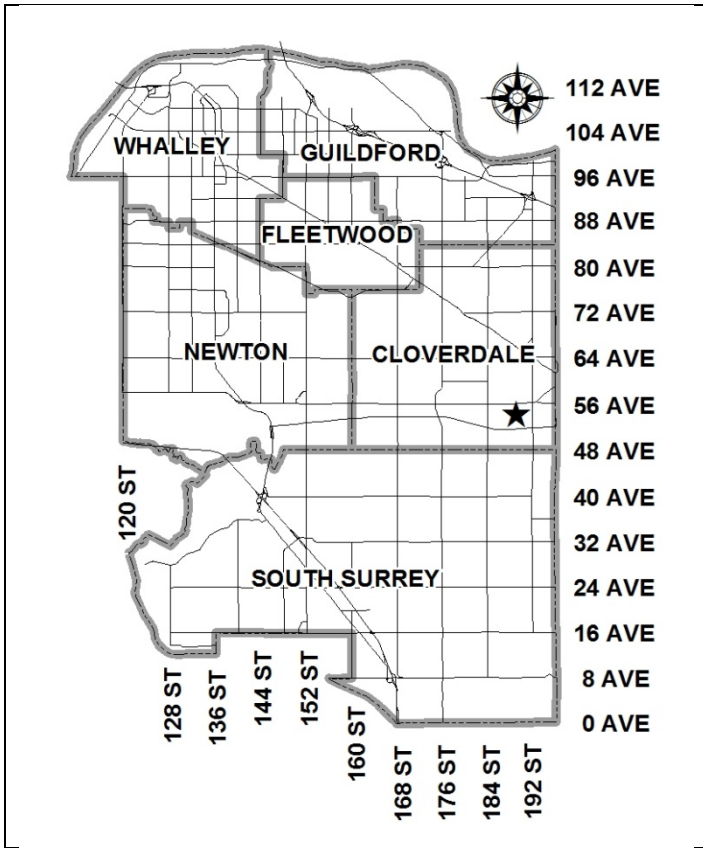


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0010-00

Planning Report Date: April 14, 2014

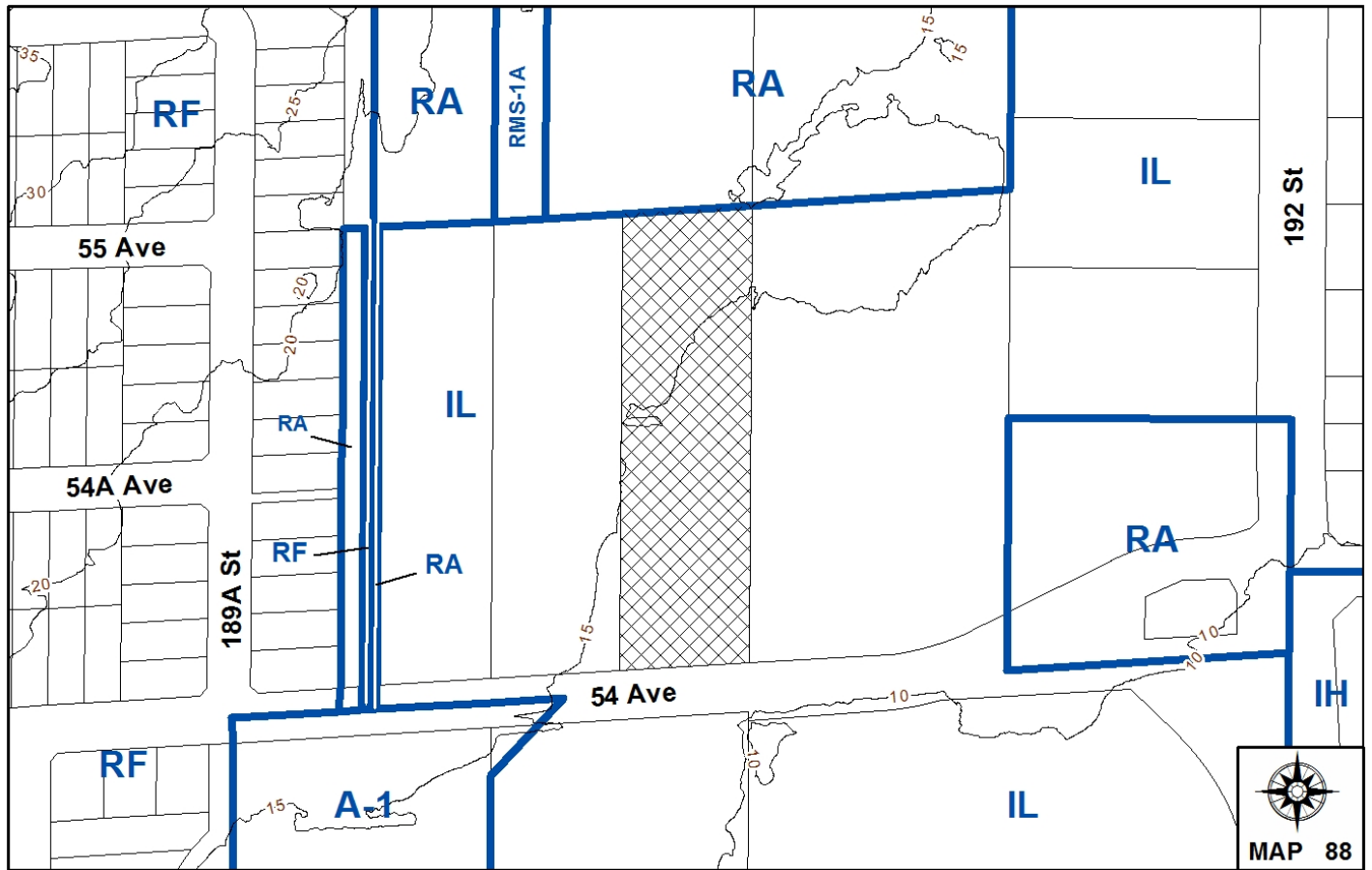


PROPOSAL:

- **OCP Text Amendment**
- **Temporary Industrial Use Permit**

to allow renewal of an existing TUP to permit a temporary office and construction equipment storage for an additional 3 years.

LOCATION: 19061 - 54 Avenue
OWNER: Surespan Construction Ltd
ZONING: IL
OCP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for OCP Text Amendment.
- Approval for Temporary Industrial Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The outside storage use without a building on the site, is contrary to the current IL zoning of the subject site.

RATIONALE OF RECOMMENDATION

- The initial Temporary Industrial Use Permit (TUP) No. 7908-0046-00, was approved on October 4, 2010 in accordance with Temporary Industrial Use Permit Area No. 29, which specifies a maximum 2-year period for the temporary construction yard.
- TUP No. 7908-0046-00 expired on October 4, 2012 and no 2-year renewal was requested.
- To allow a 3-year TUP for the temporary construction yard, TUP Area No. 29 needs to be revised and a Public Hearing is required.
- The applicant is seeking a renewal of the expired TUP to store construction equipment outside on a temporary basis and enable the applicant to continue their operation while searching for a larger, permanent site.
- The proposed 3-year TUP renewal will be based on the October 4, 2012 expiry date, resulting in a proposed new expiry date of October 4, 2015.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend Temporary Industrial Use Permit Area No. 29 in Schedule B of OCP By-law No. 12900 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. Council approve Temporary Industrial Use Permit No. 7914-0010-00 (Appendix III) to proceed to Public Notification.
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) submission of a temporary trailer permit to the satisfaction of the General Manager, Planning and Development Department; and
 - (b) augmentation of existing landscaping/hedging along 54 Avenue to the satisfaction of the City Landscape Architect.
5. Council direct staff to bring forward this application approximately 6 months from the date of approval to proceed (i.e. first Council meeting of October 2014) for consideration of filing, if the above noted issues have not been adequately fulfilled by the applicant.

REFERRALS

- Engineering: The Engineering Department has no objection to the project.
- BC Hydro: BC Hydro has no objection to the proposed storage within their right-of-way subject to a number of conditions relating to personal safety and long-term security and maintenance of the electrical system.

SITE CHARACTERISTICS

- Existing Land Use: Outside storage of construction materials, permitted under Temporary Industrial Use Permit No. 7908-0046-00 which has since expired. A BC Hydro transmission line encumbers the north-east 2,200-square metre (0.5 acre) portion of site.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family dwelling and unauthorized outside storage of trucks, recreational vehicles and related vehicles under Development Application No. 7909-0080-00 (pre-Council).	Suburban	RA
East:	Truck parking.	Industrial	IL
South (Across 54 Avenue):	Concrete manufacturing.	Industrial	IL
West:	Stratified industrial complex.	Industrial	IL

DEVELOPMENT CONSIDERATIONSBackground

- The subject site at 19061 - 54 Avenue encompasses a site area of 1 hectare (2.5 acres). It is currently designated Industrial in the Official Community Plan and is currently zoned Light Industrial Zone (IL). A BC Hydro transmission line encumbers approximately 2,200 square metres (0.5 acre) of the north-east portion of site.
- The IL Zone allows outside storage, only if screened from sight from adjacent roadways, provided there is a building on the site with a minimum 100 square metres (1,075 sq. ft.) of floor area and which contains washroom facilities. The subject site, however, is vacant and contains no permanent building. As a result, outdoor storage is not permitted.
- On October 4, 2010, Council issued Temporary Industrial Use Permit (TUP) No. 7908-0046-00 to permit construction site storage on the site. TUP No. 7908-0046-00 was issued for a two-year period and, as a result, expired on October 4, 2012.
- The applicant, Surespan Construction, a bridge builder and general contractor, has grown substantially over the past few years and is still looking for a larger site better suited to their needs.

Current Proposal

- The applicant has now applied to renew their TUP for an additional three years.
- As TUP Area No. 29 allows for an extension of only two years, the applicant is proposing an OCP text amendment to TUP Area No. 29 to allow for a renewal for three years.
- The proposed TUP renewal will be based on the October 4, 2012 expiry date, resulting in a proposed new expiry date of October 4, 2015.

- The applicant, Surespan Construction, has been using the site for outside storage since at least January 2008. A renewal of the TUP will allow the business to operate until they can secure a larger permanent 2-hectare (5-acre) site to which they can locate.
- Although Surespan Construction was originally considering developing the subject site, the company has grown substantially in the past few years and now requires a larger site within Surrey.
- If Surespan is unable to find another site they may construct a permanent industrial building on the subject which will bring the outside storage into conformance with the IL Zone.
- A BC Hydro right-of-way (ROW) encumbers the northeast portion of the property. BC Hydro allows storage of goods as a use under their rights-of-way but height is limited.
- The applicant proposes to store construction material mainly from high-rise and bridge construction projects. The proposed storage consists of 2 to 3 portable site offices, cranes as well as metal, wood and container storage (see Appendix II). The maximum height of storage anywhere under the Hydro ROW will be 6.1 metres (20 ft.). No cranes are allowed to be within 12.1 metres (40 ft.) of the hydro power line.
- The proposed temporary trailers will not meet the 100-square metre (1,076 sq. ft.) building requirement. As a condition of Final Approval, the applicant must receive a temporary trailer permit.
- As a condition of the previous TUP, the applicant planted a screening hedge along 54 Avenue to match neighbouring properties along 54 Avenue. The hedge is in relatively good condition but could benefit from some enhancement in the form of additional or replacement planting. As a condition of Final Approval, the applicant will be required to repair portions of the hedge.
- Temporary Industrial Use Permit Area No. 29 was created under Development Application No. 7908-0046-00. The applicant has applied for text amendments to the description, purpose and expiration of TUP Area No. 29 as follows:
 - The purpose is currently for “Outdoor Steel Storage” which is proposed to be changed to “Construction Site Storage and Office Trailer” which will allow for the associated bridges, cranes and other construction related materials which are proposed to be stored on site.
 - The purpose and expiration both stipulate a two-year period for any TUP within TUP Area No. 29. The applicant proposes that this be changed to three years which is consistent with other recent TUP areas.

PRE-NOTIFICATION

- A Development Proposal Sign was erected on the site and pre-notification letters were sent to surrounding property owners on February 6, 2014. Staff received no comments in response.

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.

INFORMATION ATTACHED TO THIS REPORT

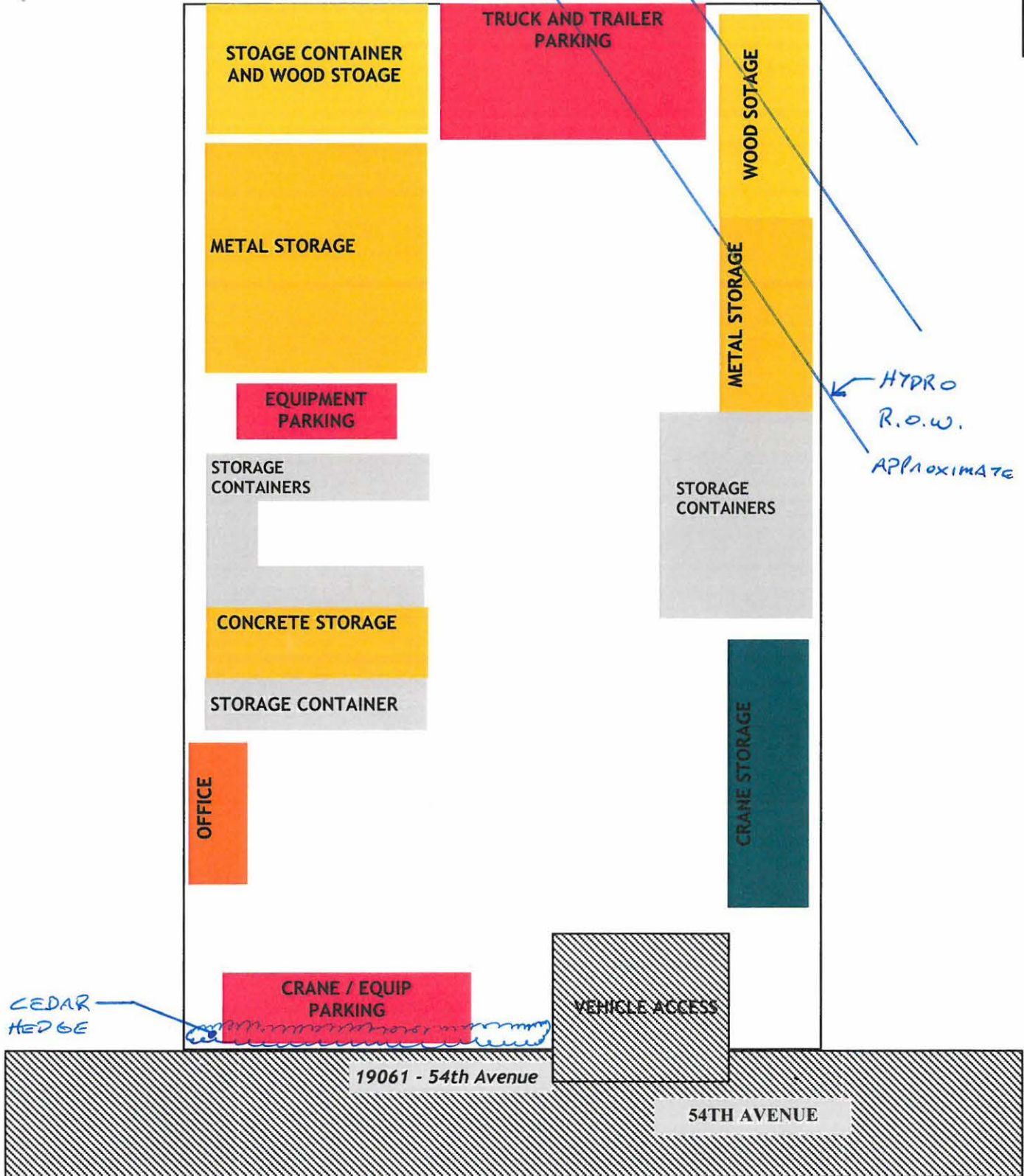
The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Proposed Site Layout
Appendix III.	Temporary Industrial Use Permit No.7914-0010-00
Appendix IV.	TUP Area No. 29 (By-law No. 16888)
Appendix V.	Proposed OCP Text Amendment By-law

Original signed by Judith Robertson for
Jean Lamontagne
General Manager
Planning and Development

JKS/da

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CITY OF SURREY

(the "City")

TEMPORARY INDUSTRIAL USE PERMIT

NO.: 7914-0010-00

Issued To: Surespan Construction Ltd

("the Owner")

Address of Owner: 301-38 FELL AVENUE
NORTH VANCOUVER BC V7P 3S2

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this temporary use permit.
2. This temporary use 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: 012-203-661

East Half of the South Half Lot 10 Section 10 Township 8 New Westminster District Plan 1461
19061 - 54 Avenue

(the "Land")

- 3 The Land has been designated as a Temporary Industrial Use Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.
- 4 The temporary industrial use permitted on the Land shall be for temporary construction material and equipment storage as show on Schedule A.
- 5 The temporary use shall be carried out according to the following conditions:
 - A security deposit is held by the City of Surrey to ensure the subject lands are restored to a developable state, within a specified period of time, as stated in the Temporary Industrial Use Permit; and
 - The following activities are prohibited on the lot: vehicle washing, vehicle maintenance, vehicle fuel storage or refuelling, storage of waste petroleum fluids, storage of vehicles containing dangerous goods as defined by the Transport of Dangerous Goods Act;
6. As a condition of the issuance of this temporary use permit, Council is holding security set out below (the "Security") to ensure that the temporary use is carried out in accordance with the terms and conditions of this temporary use permit. Should the Owner fail to comply with the terms and conditions of this temporary use permit within the time

provided, the amount of the Security shall be forfeited to the City. The City has the option of using the Security to enter upon the Land and perform such works as is necessary to eliminate the temporary use and bring the use and occupancy of the Land into compliance with Surrey Zoning By-law, 1993, No. 12000, as amended (the "Works"). The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Works. There is submitted accordingly:

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$10,000

7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.
8. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.
9. This temporary use permit is not transferable.
10. This temporary use permit shall lapse on or before three years from date of issuance.

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

ISSUED THIS DAY OF , 20 .

Mayor – Dianne L. Watts

City Clerk – Jane Sullivan

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

Name (Please Print)

I. Nobile

Owner: Signature

Ilonka Nobile

Name: (Please Print)

OR

TO THE CITY OF SURREY:

I, Surespan Construction Ltd. (Name of Owner)

being the owner of
East Half of the South Half Lot 10 Section 10 Township 8 New Westminster District Plan 1461
(Legal Description)

known as 19061 - 54 Avenue
(Civic Address)

hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove all buildings and/or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on the temporary use permit to a condition specified in that permit;

all of which shall be done not later than the termination date set out on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its agents may enter upon the land described on the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with Surrey Zoning By-law, 1993, No. 12000, as amended, and that any securities submitted by me to the City pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

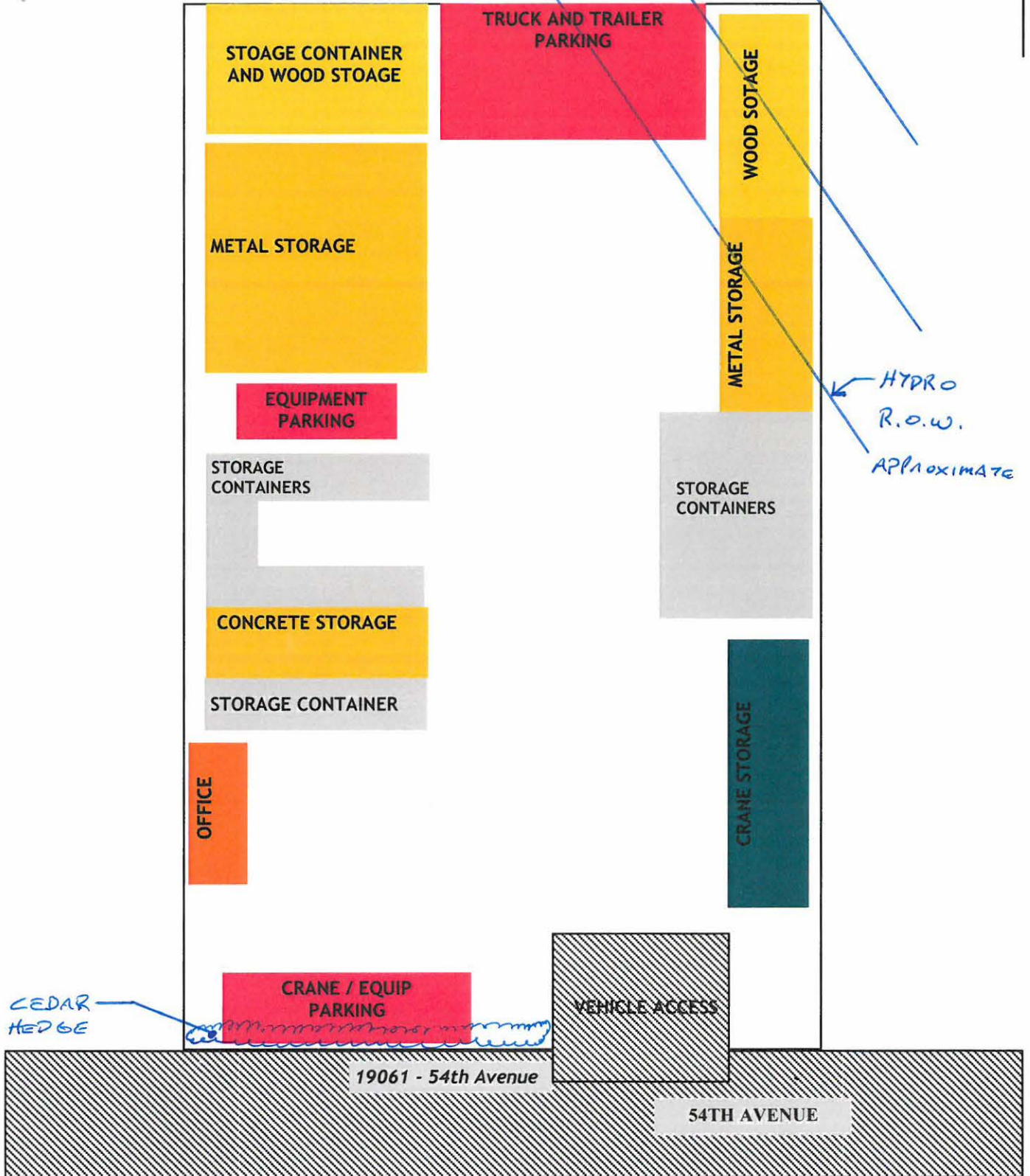
This undertaking is attached hereto and forms part of the temporary use permit.



(Owner)



(Witness)



CITY OF SURREY

BY-LAW NO. 16888

A by-law to amend the provisions of Surrey Official
Community Plan By-law, 1996, No. 12900, as amended

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

- 1. Surrey Official Community Plan By-law 1996, No. 12900, as amended, is hereby further amended as follows:

Division A. Schedule B Temporary Use Permit Areas, under the heading Temporary Industrial Use Permit Areas, by adding the following section immediately following Temporary Industrial Use Permit Area No. 28:

Temporary Industrial Use Permit Area No. 29

Outdoor Steel Storage

Purpose: To allow a temporary construction storage yard for a period not to exceed two years.

Location: Parcel Identifier: 012-203-661
East Half of the South Half Lot 10 Section 4 Township 8 New
Westminster District Plan 1461

19061 - 54 Avenue

Conditions: (a) A security deposit is held by the City of Surrey to ensure the subject lands are restored to their original natural state;

(b) The subject lands are to be used in accordance with the provisions of this Temporary Industrial Use Permit;

Expiration: The Temporary Industrial Use Permit will remain in effect until the earlier of the following:

- (a) The date specified in the Temporary Industrial Use Permit;
or
- (b) Two years after the Temporary Industrial Use Permit was issued.

- 2. This By-law shall be cited for all purposes as "Surrey Official Community Plan By-law, 1996, No. 12900, Text No. 85 Amendment By-law, 2009, No. 16888."

PASSED FIRST AND SECOND READING on the 9th day of March, 2009.

PUBLIC HEARING HELD thereon on the 30th day of March, 2009.

PASSED THIRD READING on the 30th day of March, 2009.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 4th day of October, 2010.

_____ MAYOR

_____ CLERK

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CITY OF SURREY

BY-LAW NO. _____

A by-law to amend Surrey Official Community Plan By-law, 1996, 12900, as amended Text Amendment No. 85, By-law, 2009 No. 16888

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

1. Division A Schedule B Temporary Industrial Use Permit Area No. 29 of Surrey Official Community Plan by-law 1996, No. 12900 is hereby amended as follows:
 - a. Replace description “**Outside Steel Storage**” with “**Construction Material and Equipment Storage**”
 - b. In the Purpose and Expiration sections, replace “two years” with “three years”;

2. This By-law shall be cited for purposes as "Surrey Official Community Plan By-law, 1996, 12900 Text Amendment By-law _____, No. _____, Amendment By-law, 2014, No. _____."