

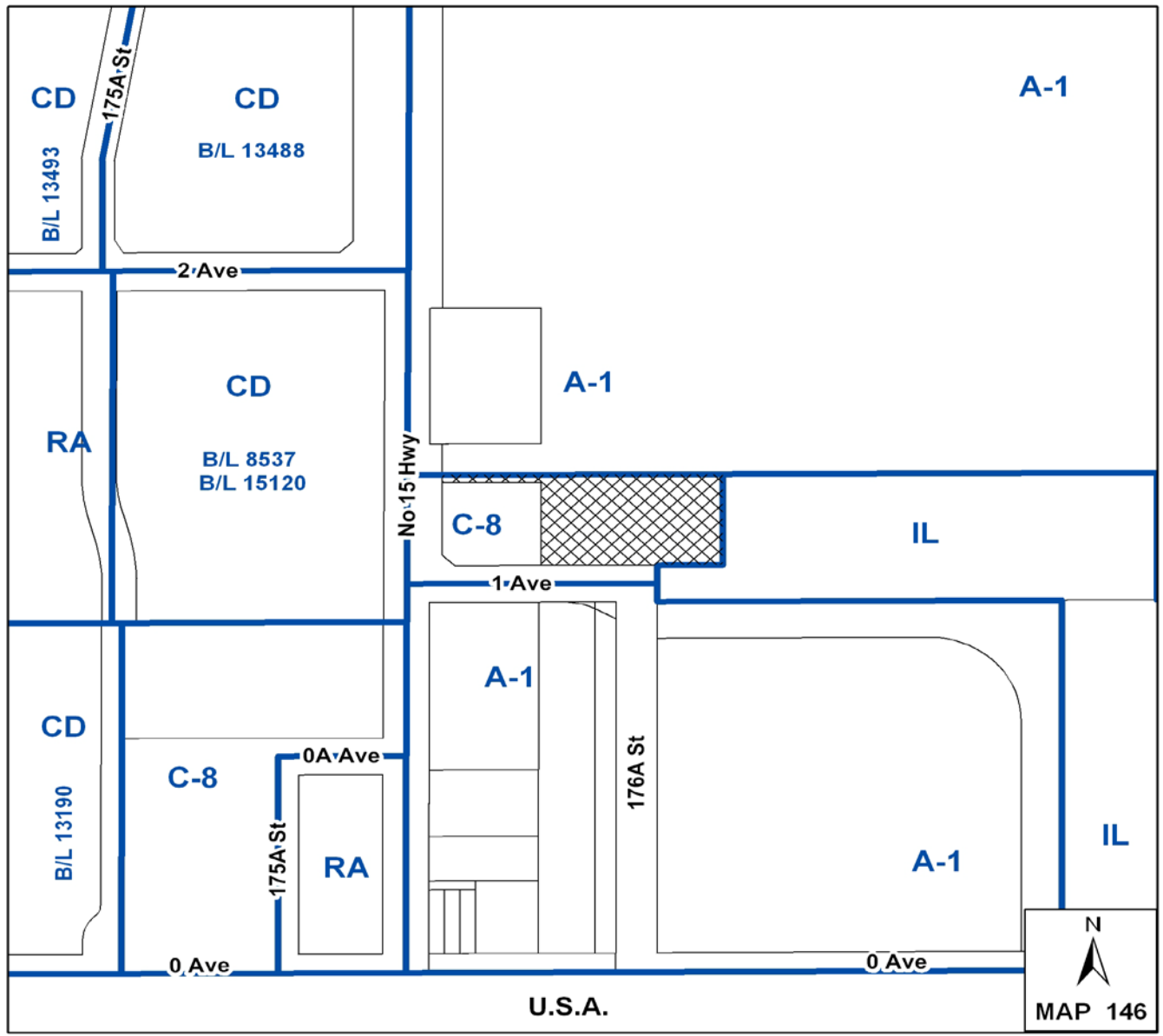
Proposal: Teletheatre license request and DP to permit the development of a neighbourhood pub with a horse racing teletheatre. DVP to vary the minimum rear and south side yard setback requirements for buildings and structures.

Recommendation: Approval to Proceed

Location: 17637 - 1 Avenue **Zoning:**

OCP Designation: Industrial

LAP Designation: Industrial **Owner:** P.C.B. Properties Ltd. (Inc. No. 78028)



PROJECT TIMELINE

Completed Application Submission Date: October 14, 2005
Planning Report Date: May 8, 2006

PROPOSAL

The applicant is proposing:

- addition of a horse racing teletheatre to an approved Liquor-Primary establishment;
- a Development Permit; and
- a Development Variance Permit to vary the following by-law regulations:
 - to vary the rear (east) yard setback of the C-8 Zone from 7.5 metres (25 ft.) to 0 metre (0 ft.); and
 - to vary the south side yard setback of the C-8 Zone from 7.5 metres (25 ft.) to 1.1 metres (4 ft.);

in order to permit the development of a neighbourhood pub with horse racing teletheatre.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7905-0348-00 in accordance with the attached drawings (Appendix III).
2. Council approve Development Variance Permit No. 7905-0348-00, (Appendix IX) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear (east) yard setback of the C-8 Zone from 7.5 metres (25 ft.) to 0 metre (0 ft.); and
 - (b) to reduce the minimum south side yard setback of the C-8 Zone from 7.5 metres (25 ft.) to 1.1 metres (4 ft.).
3. Council approve the horse racing teletheatre as proposed and authorize the City Clerk to forward a letter to the General Manager of the Gaming Policy & Enforcement Branch (GPEB) to confirm City Council's approval of the proposed horse racing teletheatre use at the subject site;
4. Council instruct staff to resolve the following issues prior to approval of the Development Permit:

- (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 finalized landscaping plan and finalized landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect; and
- (c) registration of a reciprocal access agreement for shared parking with 17735 - 1 Avenue to the satisfaction of the City.

REFERRALS

Engineering:	The Engineering Department has no objection to the project. There are no Engineering requirements relative to the issuance of the DP and DVP (Appendix IV).
Parks:	No concerns (Appendix V).
Ministry of Transportation:	No concerns (Appendix VI).
Surrey RCMP:	No concerns.
Surrey By-laws & Licensing Services:	No concerns (Appendix VII).
Building Division:	No concerns (Appendix VIII).

SITE CHARACTERISTICS

- **Existing Land Use** Office building.
- **East:** Industrial warehouse facility, zoned IL, designated Industrial in the OCP.
- **South:** Across 1 Avenue, Canada Customs and other customs-related businesses, zoned A-1, designated Commercial in the OCP.
- **West:** Across Highway No. 15, Westcoast Duty Free store, zoned CD, designated Commercial in the OCP.
- **North:** Agricultural land under development application No. 7901-0332-00. Proposed OCP amendment from Agricultural to Industrial, rezoning from A-1 to IB and discharge from ALR to allow an industrial business park use.

PLAN AND POLICY COMPLIANCE

- OCP Designation: Complies. The site is zoned C-8 which permits a neighbourhood pub. The C-8 zoning pre-dates the "Industrial" OCP designation.
- LAP Designation: Complies. The site is zoned C-8 which permits a neighbourhood pub. The C-8 zoning pre-dates the "Industrial" LAP designation.

DEVELOPMENT CONSIDERATIONS

Background and Site Context

- The subject site is located on 1st Avenue, just east of the No. 15 Highway, and close to the Pacific Border Crossing. The lot is in a panhandle configuration and therefore has frontage on both 1-Avenue, and No. 15 Highway. The site is zoned "Community Commercial Zone (C-8)" and is designated "Industrial" in the OCP. The site is also designated "Industrial" in the Douglas Local Area Plan (LAP).
- The C-8 zoning pre-dates both the Official Community Plan designation and the Douglas Local Area Plan designation. Since a rezoning is not being proposed at this time, an OCP amendment and/or LAP amendment are not required.
- The neighboring property to the east of the subject site is designated "Industrial" in the OCP and contains an industrial warehouse. The neighboring properties to the south and west of the subject site are designated "Commercial" in the OCP and contain border related commercial uses. The neighboring property to the north of the subject site is designated "Agricultural" in the OCP, is within the Agricultural Land Reserve, and contains farming related structures.
- The subject site is 4,420 square metres (47,552 sq.ft.) in area and is currently occupied by a two-storey office building with a total office floor area of 1,788 square metres (19,238 sq.ft.). The building also contains a small eating establishment with a total floor area of 41.3 sq.m. (445 sq.ft.).
- On July 26, 1996, the applicant (PCB Properties Ltd.) made application for a Development Permit and a Liquor Permit in order to construct a neighborhood pub on the subject site (File #7996-0181-00). A neighborhood pub is a permitted use under the C-8 Zone. On July 26, 1999, Council considered the neighborhood pub application and approved the proposal to proceed to a Public Hearing. It was noted at that time that traffic concerns had been raised by the Ministry of Transportation & Highways (MOTH) and that these concerns would need to be addressed prior to final approval of the Development Permit.

- On September 20, 1999, the Public hearing was held at which Council considered the majority of residents to be in favor of the liquor license. After the Public Hearing, Council passed a resolution indicating the following:
 - a. That Council has considered the proximity of the establishment to other social facilities and public buildings and has no concerns;
 - b. That Council has considered the traffic, road access and availability of parking and has no concerns;
 - c. That Council has considered the noise and appearance of the establishment and has no concerns; and
 - d. That Council has considered the local issues and has no concerns;

This resolution, together with a copy of the original Planning Report, were forwarded to the Liquor Control and Licensing Branch (LCLB).

- On November 8, 1999, Council considered a letter from the applicant's agent (Hick & Associates Consulting Ltd.) requesting that Council pass an additional resolution regarding Hours of Sale, Off-Sales and Games Area. After considering the letter, Council amended its original resolution to include the following:
 - a. Council has considered the hours of operation to include opening to 1:00 am on Friday and Saturday nights and has no concerns;
 - b. Council has considered the matter of an off-sales endorsement on the license to permit the sale of package beverages, cider and wine coolers containing less than 7% alcohol for off premises consumption and has no concerns; and
 - c. Council has considered the matter of 38 square metres added to the inside licensed area for a dedicated games area for a pool table and darts, and has no concerns.
- The Development Permit never received final approval because the applicant did not adequately address the concerns raised by MOTM. However, Staff has confirmed with LCLB that the resolution from Council in support of the neighborhood pub remains in effect so long as the approved occupant load (113 persons) does not change.
- On October 17, 2003, the applicant made a 2nd application (File #7903-0380-00) for a new Development Permit and Liquor Permit for a neighborhood pub with a different capacity and liquor store on the site. This application never proceeded to Council and was closed on November 1, 2005.

Development Proposal

- The applicant now proposes a new Development Permit to construct a 120 square metre (1,297 sq.ft.) addition to the existing building for the proposed development of a neighborhood pub on the subject site. Since the applicant is not proposing an increase to the original approved occupant load, a new resolution from Council is not required by LCLB for the liquor license.

- Along with the 120 square metre proposed addition, the neighborhood pub proposal also involves renovation of a 219 square metre (2,360 sq.ft.) area on the first floor of the existing office building. The proposed neighborhood pub will have a total floor area of 339 sq.m. (3,649 sq.ft.).
- The proposed addition/renovation to the building will result in a total site coverage of 0.29, and a total floor area ratio of 0.49, both of which are significantly less than permitted by the C-8 Zone (0.50 and 0.80 respectively).
- The required parking for the office building and neighborhood pub totals 83 parking stalls. The existing parking lot has 55 stalls leaving a shortfall of 28 cars. The applicant owns the adjacent lot to the east (17735 – 1st Avenue). The applicant's agent (Ankenman Associates Architects Inc.) has completed a parking study which indicates that this neighboring property requires 68 cars but has provision for 108 cars; a 40 car surplus. As a result, the applicant proposes a reciprocal access agreement for shared parking to transfer the use of 28 parking stalls from 17735 – 1st Avenue to the subject site. Vehicular access to the parking area will be from 1st Avenue. Registration of the reciprocal access agreement will be required prior to final approval of the Development Permit.
- The Ministry of Transportation and Highways (MOTH) has stated that they have no longer have concerns with the proposed neighborhood pub.
- The City's Parks, Recreation, and Culture Department and the Surrey RCMP have reviewed the proposal and have no concerns.

Proposed Horse Racing Teletheatre

- The applicant proposes to incorporate 4 automated horse racing teletheatre kiosks at various locations throughout the pub. A teletheatre kiosk will allow patrons to place bets on horse racing events run at local, national, and international tracks. The horse racing events are broadcasted via satellite on the various television screens located throughout the pub. Winnings are paid out at the pub upon completion of the event similar to other pub activities such as Keno or Pull-Tabs.
- The applicant considers the subject site to be an ideal location for a horse racing teletheatre because of its proximity to the Pacific Border Crossing. The pub is being designed to a high-end standard and the applicant hopes to attract horse racing enthusiasts from both Canada and the United States.
- There are currently 16 horse racing teletheatre locations in the Province, all of which are operated by The Betting Company Teletheatre BC (TBC). TBC, which calls its teletheatres "TBC Race Centres", is a company in partnership with Hastings Entertainment Inc., Fraser Downs, B.C. Standardbred Association, and Horsemen's Benevolent & Protective Association. The proposed horse racing teletheatre at the subject site will be operated by TBC as well.
- Only 3 of the 16 horse racing teletheatre locations are located in the Lower Mainland. These include the "River Rock Casino Resort" in Richmond, the "Best Western Rainbow Country Inn" in Chilliwack, and the "Chieftain Hotel" in Squamish. The remaining 13 teletheatres are located in the interior of the Province and on Vancouver Island.

- Horse racing teletheatres are licensed by the Gaming Policy and Enforcement Branch (GPEB). GPEB regulates all gaming in British Columbia, ensures the integrity of people and equipment involved in the gaming industry and investigates allegations of wrongdoing. This includes regulatory oversight of the British Columbia Lottery Corporation, all gaming service providers, BC's horse racing industry, and licensed gaming events.
- An applicant wishing to establish, relocate, or substantially change a teletheatre is required to submit an application in writing to the General Manager of GPEB. Currently, GPEB only issues teletheatre licenses to TBC, no other individual or company can obtain a license. As a result, TBC is making the application to GPEB for the teletheatre license at the subject location. TBC has a separate agreement with the property owner allowing TBC to locate and operate the teletheatre within the pub establishment.
- As part of the application to the General Manager of GPEB, TBC is required to submit the following information
 - The address of the proposed teletheatre;
 - The proposed commencement date; and
 - The nature and scope of horse racing wagering proposed to take place at the facility.
- The applicant must also satisfy the Branch's registration requirements including a background check, which includes but is not limited to a criminal record check, and a credit check. Since GPEB only issues licenses to TBC, and since TBC is considered a reputable organization, these registration requirements are typically only a formality. Finally, the applicant must provide written confirmation of the approval of the host local government (municipality, regional district, or First Nation), or its representative, that has authority over land use planning at the location. Staff have determined that this written confirmation should come in the form of a resolution from City Council.
- TBC has not yet made a formal application to GPEB for a teletheatre at the subject site because typically GPEB requires that approval from the host local government be obtained prior to making an application. Staff have confirmed with the manager of TBC, that TBC has asked the property owner to request local government approval on their behalf. Once this approval has been obtained, TBC would make the formal application to GPEB. The Manager of GPEB also indicated GPEB will not consider the application if a confirmation of approval is not obtained from the host local government having authority over land use planning.
- The C-8 Zone permits a number of uses including Neighborhood Pubs and Entertainment uses. A "Gaming Facility" is prohibited in all zones, but pari-mutuel systems and machines for horse racing are excluded from the definition of "gaming facility" in the City's Zoning By-law. It has been determined that a horse racing teletheatre use is a permitted use at the subject site and therefore rezoning is not required.
- The City's Gaming Policy does not address horse racing teletheatre facilities.

- "Horse racing teletheatres" do not fall within the definition of "gambling" as contained in Liquor Control and Licensing Act and therefore are permitted from a Provincial perspective within a liquor primary licensed establishment subject to the approval of the General Manager.
- The subject proposal is being evaluated on a site-specific basis. From a land-use perspective, the impact of the proposed teletheatre is expected to be minimal for the following reasons:
 - The subject site is located in a commercial/industrial/agricultural-designated area. Surrounding uses include industrial and commercial buildings, and agricultural land. The closest residential neighborhood is in the Douglas area, which is located farther than 200 metres (656 ft.) from the subject site.
 - A neighborhood pub at the subject site has already been approved by Council under development application #7996-0181-00. The proposed teletheatre consists of only 4 automated betting kiosks, and can be considered a minor, complementary, accessory use to the pub.
 - The teletheatre license will be issued to TBC, who operates teletheatres throughout the Province, and who is directly affiliated with the horse racing industry. TBC is tightly regulated and registered by the Provincial and Federal governments and is considered by GPEB to be a reputable organization.
 - The teletheatre does not require much additional staff to operate. The betting kiosks are fully automated; only 1 staff member will be on site to facilitate the betting, answer questions, provide instruction, and to maintain the machines. This staff member will be registered with GPEB.
- The public have not been notified of the proposed teletheatre use. The Gaming Policy and Enforcement Branch (GPEB) has advised staff that Council does not need to seek community input in respect to this application since it is accessory to a liquor primary licensed facility. However, before the General Manager will consider issuing a license allowing the proposed teletheatre use, Council must forward a letter to the General Manager to confirm Council's approval of the proposal to establish the teletheatre use at this location. If the General Manager does not receive such a confirmation letter, the General Manager will not issue the license for the teletheatre use.
- Notwithstanding the fact that Council does not need to seek community input for this application, if Council wishes to seek input from the public prior to forwarding a confirmation letter to the General Manager of GPEB, Council could follow a similar approach to the approach used for seeking public input with respect to changes to the conditions of operation of liquor primary licensed establishments. Under this approach, written notification is forwarded by the City Clerk to the owners of properties located within 100m (330 ft.) of the liquor primary establishment giving those owners a period of time during which they may submit written comments to the City. Any submissions that are received are forwarded to Council for consideration.

DESIGN PROPOSAL AND REVIEW

- The proposed addition has been designed to compliment the design of the existing commercial building. Horizontal and vertical metal siding, with aluminum storefront windows, and aluminum entry doors have been chosen to compliment the existing vertical metal siding which covers most of the existing building.
- The proposed addition requires setback reductions on the rear (east) yard from 7.5 m (25 ft.) to 0 m (0 ft.), and on the south side yard from 7.5 m (25 ft.) to 1.1 m (4 ft.). These proposed setbacks are consistent with the existing building which already does not conform with the setback requirements of the C-8 Zone.
- The applicant proposes a shared parking arrangement with the neighboring property to the east (17735 – 1 Avenue). A comprehensive parking plan has been prepared for both sites including additional landscaping in the parking area. A finalized landscaping plan and landscaping cost estimate will be required prior to final approval of the Development Permit.
- No mature trees are proposed to be removed as part of this development proposal.
- Architectural and landscape plans are generally acceptable; however, minor refinements will be required prior to final approval of the Development Permit.

ADVISORY DESIGN PANEL

This application was not referred to the ADP due to the scale of the project but was reviewed by staff and found satisfactory.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the rear (east) yard building setback from 7.5 metres (25 ft.) to 0 metre (0 ft.).

Staff Comments:

- The proposed variance for the addition is consistent with the existing building which is already located 0 metre (0 ft.) from the rear property line.
- The proposed addition will back onto the parking lot of the existing industrial building to the east which is also owned by the applicant and is proposed to be shared with the subject site. The visual impact of the variance will, therefore, be minimal.

(b) Requested Variance:

- To vary the south side yard building setback from 7.5 metres (25 ft.) to 1.1 metres (4 ft.).

Staff Comments:

- The proposed variance for the addition is consistent with the existing building which is already located 1.1 metres (4 ft.) from the south property line.
- The proposed addition will front onto the parking area which is to be shared with the neighbouring property to the east. The visual impact will, therefore, be minimal.

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.	Contour Map
Appendix III.	Site Plan, Typical Floor Plans and Elevations, Landscape Plans and Perspective
Appendix IV.	Engineering Summary
Appendix V.	Parks Comments
Appendix VI.	Ministry of Transportation Comments
Appendix VII.	Surrey By-laws and Licensing Services Comments
Appendix VIII.	Building Division Comments
Appendix IX.	Development Variance Permit No. 7905-0348-00

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated May 4, 2006.
- Soil Contamination Review Questionnaire prepared by Glenn Todd dated October 17, 2005.

How Yin Leung
Acting 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: Mark Ankenman (Ankenman Associates Architects Inc.)
 Address: #200 - 12321 Beecher Street
 Surrey, B.C.
 V4A 3A7
 Tel: 604-536-1600

2. Properties involved in the Application

- (a) Civic Address: 17637 - 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

3. Summary

- (a) Proceed with Public Notification for Development Variance Permit No. 7905-0348-00.

DEVELOPMENT DATA SHEET

Existing Zoning: C-8

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		4,420 m ²
Road Widening area		
Undevelopable area		
Net Total		4,420 m ²
LOT COVERAGE (in % of net lot area)	50%	29%
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	7.5 m	49.37 m
Rear	7.5 m	0 m
Side #1 (North)	7.5 m	10.67 m
Side #2 (South)	7.5 m	1.19 m
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m	7.77 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		0
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		0
FLOOR AREA: Commercial		
Pub		380.5 m ²
Office		1,789.9 m ²
Total		2,168.4 m ²
FLOOR AREA: Industrial		0
FLOOR AREA: Institutional		0
TOTAL BUILDING FLOOR AREA		2,168.4 m ²

** 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)	0.80	0.49
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	83	83
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	83	83
Number of disabled stalls		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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CONTOUR MAP FOR SUBJECT SITE

