

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7906-0422-00

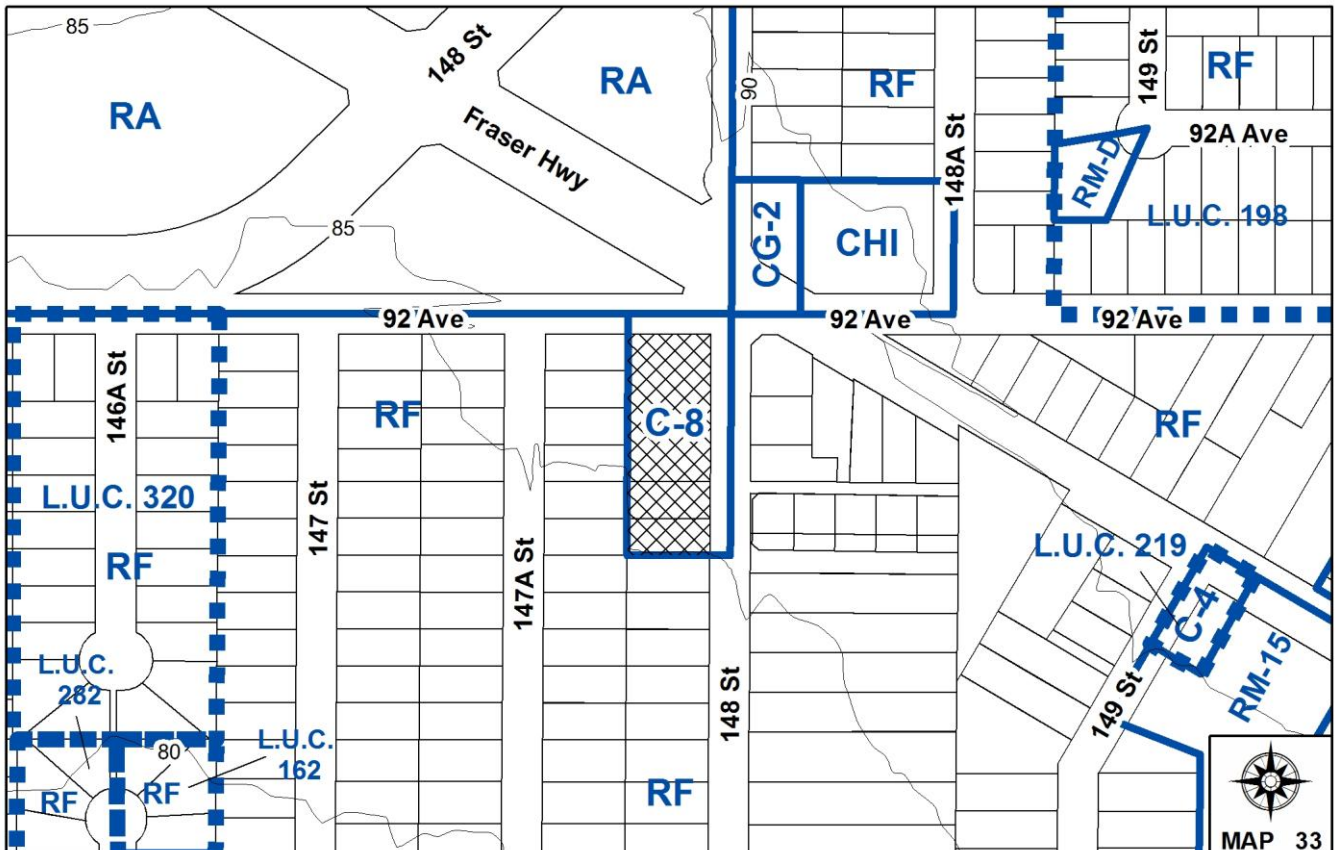
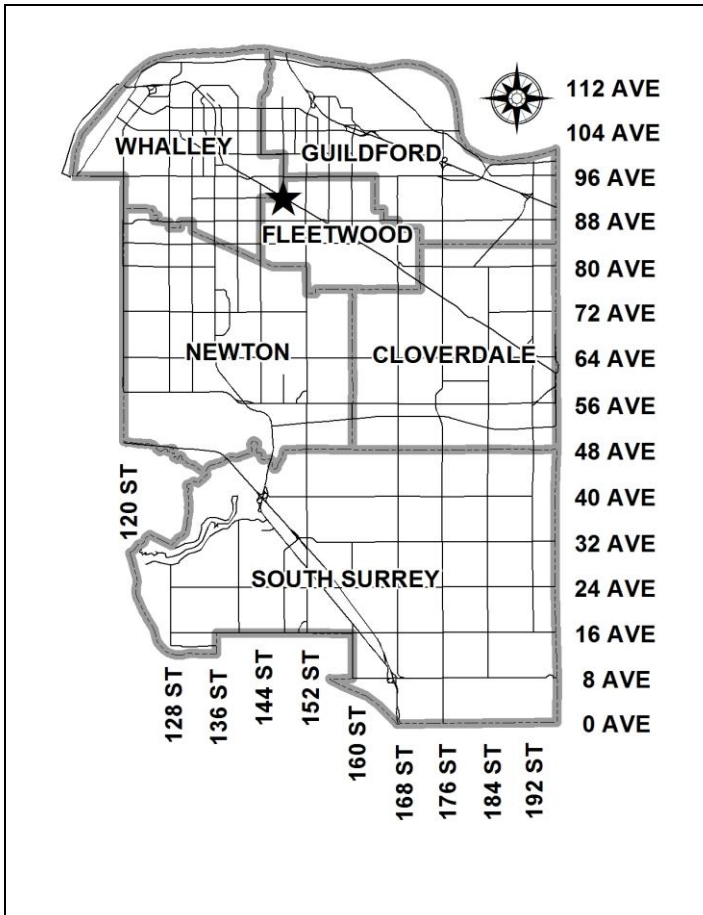
Planning Report Date: February 9, 2009

PROPOSAL:

- **Development Permit**
- **Development Variance Permit**
- **Liquor License Amendment**

to increase the person capacity and to expand an outdoor patio in an existing liquor primary facility and to vary the Sign By-law.

LOCATION: 9145/57/67 - 148 Street
OWNER: Green Timbers Plaza Limited
ZONING: C-8
OCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

- Approval to draft Development Permit.
- Approval for Development Variance Permit to proceed to Public Notification.
- Approval of the proposed liquor license amendment for an increase in person capacity to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The existing free-standing sign exceeds the maximum height of 4.5 metres (15 ft.) permitted in commercial zones.
- The existing free-standing sign is located less than 2.0 metres (6.6 ft.) from the property line.

RATIONALE OF RECOMMENDATION

- The proposed addition to the outdoor patio will increase the occupant load for the patio from 34 to 60 persons.
- The Surrey RCMP, the Fire Department and the By-laws & Licensing Services have no concerns regarding the proposed addition to the patio and the increase in occupant load.
- The outdoor patio addition is consistent with the proposed character of the new building facade.
- The existing free-standing sign has been located in its current form on the subject site prior to the applicant purchasing the site in 1980.
- The owner is proposing to upgrade the existing sign by replacing the sign face along with an addition of a stone base to reflect the new building facade.
- The sign was recently relocated to its current location to accommodate road works completed by the Engineering Department.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to draft Development Permit No. 7906-0422-00 in accordance with the attached drawings (Appendix IV).
2. Council approve Development Variance Permit No. 7906-0422-00 (Appendix V), varying the following Sign By-law regulations, to proceed to Public Notification:
 - (a) to increase the maximum height of the existing free-standing sign from 4.5 metres (15 ft.) to 7.09 metres (23.3 ft.); and
 - (b) to reduce the minimum front (north) setback of the existing free-standing sign from 2.0 metres (6.6 ft.) to 0.46 metre (1.5 ft.).
3. Council approve the following proposed liquor primary liquor license amendments to proceed to Public Notification:
 - (a) an increase to the existing maximum person capacity for the outdoor patio from 34 to 60; and
 - (b) an increase in the inside person capacity from 147 to 205.
4. Council instruct staff to resolve the following issues prior to approval:
 - (a) registration of a reciprocal access easement to allow parking and circulation between all subject lots;
 - (b) discharge Restrictive Covenant 186522C registered on the title of 9145 - 148 Street; and
 - (c) discharge Restrictive Covenant T100041 registered on the title of 9157 - 148 Street.

REFERRALS

Engineering:	The Engineering Department has no requirements for this Development Permit application.
Surrey RCMP:	No concerns regarding the proposed amendment.
Surrey By-laws & Licensing Services:	No objection to the proposed amendment. The new outdoor patio area must comply with the City of Surrey Business License By-law, 1999, No. 13680, Section 53.4.

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant commercial building with existing neighbourhood pub.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 92 Avenue):	Green Timbers Park	Conservation	RA
East (Across 148 Street):	Single family dwellings.	Urban	RF
South and West:	Single family dwellings.	Urban	RF

DEVELOPMENT CONSIDERATIONSBackground

- The subject site consists of 3 properties located at the south-west corner of 92 Avenue and 148 Street.
- The 1.1-acre (4,388.6 square metre) subject site is designated Commercial in the Official Community Plan (OCP) and is currently zoned Community Commercial (C-8). The proposal conforms to the existing land use designation and zone.
- Green Timbers Pub is currently located on the subject site within a multi-tenant neighbourhood commercial complex. The pub has been in its current location at 9167 – 148 Street since 1977.
- In 2001 the Provincial Government adopted new liquor licensing regulations under the *Liquor Control and Licensing Act* which changed the liquor licensing process in British Columbia. The new liquor licensing regulations allowed an increase of person capacity for existing neighbourhood pubs by 50%. This allowed the seating capacity for Green Timbers Pub to be increased from 65 to a seating capacity of 98 persons (Application No. 7901-0106-00).
- Prior to the amendment to the Liquor Control and Licensing Act in 2002, seating capacity was used to regulate capacity. Current practice is to use occupant load to regulate capacity.
- Green Timbers Pub currently has a capacity of 34 on the patio and 147 inside which includes an existing outdoor patio located on the east side of the building.
- The applicant's liquor primary license currently permits liquor service from 11:00 a.m. to 1:00 a.m. Monday through Saturday and from 10:00 a.m. to Midnight on Sunday. There are no changes proposed to hours of operation.

- The Surrey Business License By-law indicates that outdoor patios are permitted to operate only between the hours of 11:00 a.m. and 10:00 p.m. seven days a week, if they are within 100 metres (330 ft.) of a residential area. The Green Timbers Pub patio is subject to these restrictions.

Current Proposal

Proposed Renovation to the Existing Pub and Patio and Increase in Person Capacity

- The applicant is requesting an amendment to the existing liquor primary license for:
 - an increase in the person capacity from 147 to 205 inside; and
 - an increase in person capacity from 34 to 60 on the patio.
- The applicant has also requested a Development Permit to allow for a renovation and upgrade of the existing facade and free-standing sign and a patio expansion. The applicant has also requested a Development Variance Permit to relax the setback and increase the allowable height of an existing free-standing sign (see By-law Variance section).
- As part of their proposed facade renovation, the applicant will be removing interior walls and enclosing a portion of the existing outdoor patio to accommodate additional seats inside.
- The pub is proposed to be expanded to include a portion of the existing outdoor patio, increasing the floor area of the pub by 36.7 square metres (394.8 sq. ft.) and the person capacity for the liquor primary license from 147 to 205 persons inside.
- A 29.5 square metre (317.8 sq. ft.) addition is proposed to expand the remaining portion of the existing patio, increasing the capacity from 34 to 60 persons.
- The proposed changes will increase the occupant load of the building from 181 to 265 persons for both indoor and outdoor. The applicant intends to accommodate 109 seats inside and 40 seats on the patio for a total of 149 seats.
- The renovated outdoor patio is proposed to be 47.7 square metres (513.9 sq. ft.) in size enclosed by a 1.5-metre (5 ft.) high tempered glass wall topped with stained and sealed wood caps and cultured stone pillars.
- This change in structure and person capacity requires a resolution from Council. A Development Permit is also required to permit the physical changes to the building and patio. The applicant will also be required to obtain a Building Permit to ensure that the addition meets the BC Building Code.
- Council has adopted a policy (Council Resolution R04-0386) that liquor primary establishments are to operate from 11:00 a.m. to no later than 1:00 a.m. Sunday through Thursday, and from 11:00 a.m. to not later than 2:00 p.m. Friday and Saturday. The existing neighbourhood pub, therefore, operates within the hours of operation set by Council policy.
- The Surrey Business License By-law indicates that outdoor patios are permitted to operate only between the hours of 11:00 a.m. and 10:00 p.m. seven days a week, if they are within 100 metres (330 ft.) of a residential area. The Green Timbers Pub patio is subject to these restrictions.

- The applicant indicated that the expansion of the existing patio and increased person capacity are necessary to allow the applicant to meet market demand, remain competitive and financially viable.
- The Surrey RCMP has no concerns regarding the proposed patio addition and increase in person capacity.

LCLB Criteria

- The LCLB requires that Council provide a response to the proposed increase in person capacity and comment on how the subject site satisfies a specific list of criteria. The analysis of the criteria for this site is provided as follows:

Potential for Noise

- Green Timbers Pub is located within a commercial building. The neighbourhood pub has been at its current location since 1977.
- The ground floor patio is to remain in its current location at the southeast corner of the building, facing a large surface parking lot and 148 Street.
- As a result, it is not anticipated that the adjoining properties will be adversely impacted by any noise that may be generated by the larger liquor primary area.
- According to the By-law Enforcement and Licensing records, there have been no complaints received concerning noise generated by the existing establishment.

The Impact on the Community

- The Green Timbers neighbourhood pub currently operates from 11:00 a.m. to 1:00 a.m. Monday through Saturday and from 10:00 a.m. to Midnight on Sunday. As per the Business License By-law, the existing patio is permitted to operate only between the hours of 11:00 a.m. and 10:00 p.m. seven days a week, as it is located within 100 metres (330 ft.) of a residential area.
- The Green Timbers Neighbourhood Pub has operated at this location for over thirty years. Both the RCMP and Surrey's By-laws and Licensing Services have indicated that the Green Timbers neighbourhood pub is a responsible and cooperative business and indicate that they have no objection to the proposal to extend liquor service to the existing patio.

PRE-NOTIFICATION

Following the amendment to the Liquor Control and Licensing Act in 2002, which changed the provincial liquor licensing regulations, Council approved public consultation procedures for various types of liquor permit applications. The procedure approved for applications to amend existing liquor primary licenses is similar to the process for a Development Variance Permit in addition to pre-notification letters and erection of a development sign.

Pre-notification letters were sent out on December 3, 2008 and a development proposal sign has been erected on the property. To date, staff received one phone call concerning the proposed amendment. Staff called the resident twice and left a voice-mail message. To date, the caller has not responded back to staff's voice mail message.

DESIGN PROPOSAL AND REVIEW

Upgrade of Façade

- The applicant is proposing to upgrade the exterior of the building and the existing free-standing sign in order to revitalize the existing commercial complex.
- On the north, south and west elevations, the existing wood siding will be cleaned, stained and sealed. The existing parapet flashing will also be patched.
- The building fronts 148 Street, this elevation (east) will undergo extensive upgrades.
- New light-coloured hardi-plank siding, prefinished metal window frames, cultured stone accent along the base of the building, new wood posts, new truss work for a signage band are proposed to be included in the east elevation upgrade. The new signage band will replace the existing Green Timbers Pub and Liquor Store awning.
- There are two new two-way fireplaces that will also be added to the pub, one inside and one on the outdoor patio. The patio will also feature a retractable awning on wood beams.
- The facade upgrade includes new truss work for a signage band for all premises within the complex. The proposed number of fascia signs conforms to the Sign By-law regulations.
- The existing free-standing sign is proposed to be upgraded with a new sign face and cultured stone base to reflect the character of the renovated building. The existing sign does not conform to the Sign By-law with respect to height and location and requires a Development Variance Permit (see By-law Variance section).
- The site currently has two entrance and two exit locations. The site circulation for vehicular and pedestrian traffic will remain unchanged.
- This increase in floor area does not affect the maximum floor area ratio (FAR) or the parking requirement for the site. With the patio addition, 62 parking stalls are required to accommodate all the uses on the property. The existing site layout provides for 65 parking stalls as well as motorcycle and bicycle parking adjacent to the patio addition.
- A portion of the parking and site circulation for the commercial complex is provided on 9145 and 9157 – 148 Street. Since the three properties will not be consolidated, the applicant will be required to register a reciprocal access easement to allow parking and access over these two properties in favour of 9167 – 148 Street where the building is currently located.

- The applicant is proposing new landscaping along the 92 Avenue and 148 Street frontages in order to provide an attractive edge along their site and at both entrances. There are currently four sequoias on the subject site which will be retained within the planting beds.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To increase the maximum allowable height of the existing free-standing sign from 4.5 metres (15 ft.) to 7.09 metres (23.3 ft.).

Applicant's Reasons:

- The existing free-standing sign has been located on the site since at least 1980, before the current owner purchased the property.

Staff Comments:

- The applicant is proposing to upgrade the existing free-standing sign by replacing the sign face, painting the sign frame and adding a cultured stone base to reflect the character of the proposed building upgrade.
- The proposed upgrade of the existing sign provides a modern and updated sign face that complements the proposed building upgrade.
- Planning and Development support the increase in height only for the existing sign, any new signage will be subject to the Sign By-law regulations and Development Permit review process.

(b) Requested Variance:

- To reduce the minimum front (north) setback of a free-standing sign from 2.0 metres (6.6 ft.) to 0.46 metre (1.5 ft.).

Applicant's Reasons:

- The sign was recently relocated to its current location to accommodate road works completed on 148 Street by the Engineering Department.
- The applicant has requested that the sign remain in its current location to avoid the costs associated with relocating and rewiring the sign.

Staff Comments:

- Staff concur with the applicant.
- Staff support the siting for the existing sign.

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, Building Elevations and Landscape Plans
- Appendix III. Engineering Summary
- Appendix IV. Development Variance Permit No. 7906-0422-00

Jean Lamontagne
General Manager
Planning and Development

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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: Brian Shigetomi, Atelier Pacific Architecture Inc.
 Address: Suite 109 - 131 Water Street
 Vancouver, BC
 V6B 4M3
 Tel: 604-662-8689

2. Properties involved in the Application

- (a) Civic Addresses: 9145, 9157 and 9167 - 148 Street
- (b) Civic Address: 9145 - 148 Street
 Owner: Green Timbers Plaza Ltd., Inc. No. 322805
 PID: 001-416-847
 Lot 30 Section 34 Township 2 New Westminster District Plan 14754
- (c) Civic Address: 9157 - 148 Street
 Owner: Green Timbers Plaza Ltd., Inc. No. 322805
 PID: 007-120-508
 Lot 29 Section 34 Township 2 New Westminster District Plan 14754
- (d) Civic Address: 9167 - 148 Street
 Owner: Green Timbers Plaza Limited, Inc. No. 322805
 PID: 007-120-532
 Lot "A" Section 34 Township 2 New Westminster District Plan 14754

3. Summary of Actions for City Clerk's Office

- (a) Proceed with Public Notification for Development Variance Permit No. 7906-0422-00.

Liquor Application

- (b) Proceed with Public Notification to solicit public opinion with respect to a liquor license amendment.

DEVELOPMENT DATA SHEET

Existing Zoning: C-8

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total	4,388.6 m ²	4,388.6 m ²
Road Widening area		n/a
Undevelopable area		n/a
Net Total		4,388 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	50%	29%
SETBACKS (in metres)		
Front	7.5 m	9.1 m
Rear	7.5 m	2.54 m
Side #1 (West)	7.5 m	6.04 m
Side #2 (East)	7.5 m	8.58 m
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m	7.2 m
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		
Retail		868 m ²
Office		96.3 m ²
Pub		350.4 m ²
Total		1,314.7 m ²
FLOOR AREA: Industrial	n/a	n/a
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	3,511 m ²	1,314.7 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)		
FAR (net)	0.80	0.35
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	24	} 65
Pub	35	
Office	2	
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	61	65
Number of disabled stalls	1	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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