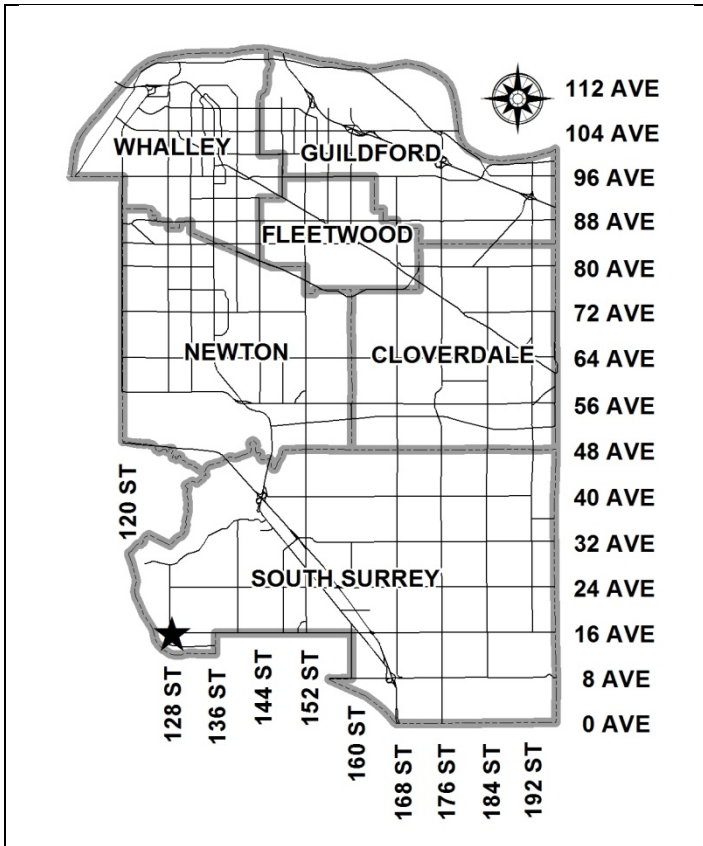


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7913-0040-00

Planning Report Date: April 8, 2013



**PROPOSAL:**

- **Development Permit**
- **Restrictive Covenant Discharge**

in order to permit exterior renovations to an existing retail commercial building.

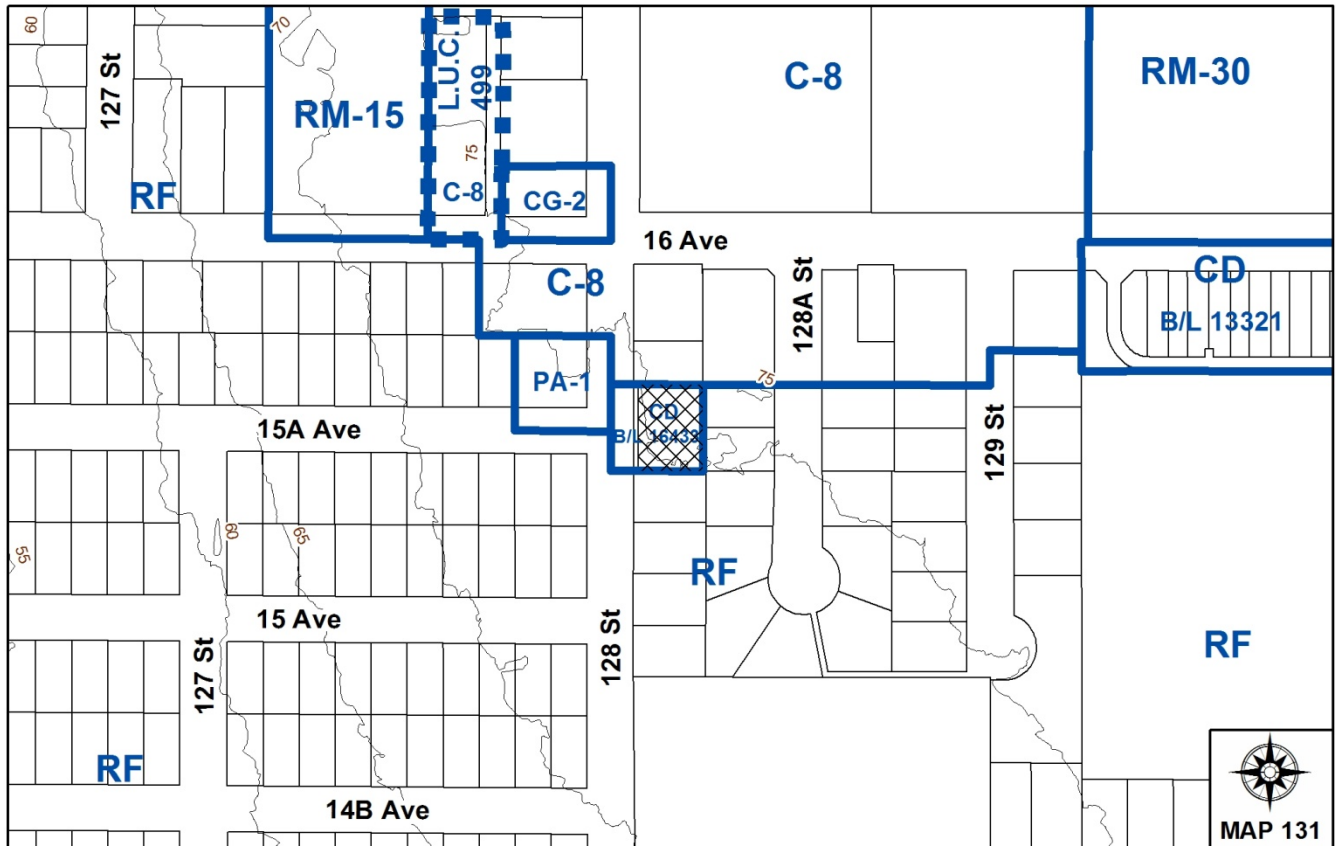
**LOCATION:** 1552-1562 - 128 Street

**OWNER:** Nicosta Holdings Ltd

**ZONING:** CD (By-law No. 16433)

**OCP DESIGNATION:** Commercial

**LAP DESIGNATION:** Retail Commercial



### RECOMMENDATION SUMMARY

- Approval and issuance of Development Permit.
- Discharge of Restrictive Covenant.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

### RATIONALE OF RECOMMENDATION

- The proposed exterior renovations will give the existing building similar design features and architectural expression of the Ocean Park Village Pub.
- As part of the rezoning application (No. 7907-0134-00), the applicant was required to register a Restrictive Covenant on the title of the property that limits the operating hours of a liquor store to a maximum closing time of 10:00pm on Sunday to Wednesday. A closing time of 11:00pm is currently permitted on Thursday, Friday and Saturday.
- On October 1, 2012, Council amended the C-8 Zone so that a "Liquor Store" is not required to be "in conjunction" with a "liquor primary" licensed establishment (By-law No. 17687). As a result, a Liquor Store is a permitted use under the C-8 Zone and is regulated by the B.C. Liquor Control and Licensing Branch (LCLB) that includes standard operating hours until 11:00 pm on Sunday to Saturday.
- The discharge of the Restrictive Covenant that limits the operating hours of a liquor retail store on the subject site will ensure that standard operating hours are applied in uniformity by the LCLB and will also ensure that the owner is not unfairly disadvantaged by this limitation.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Permit No. 7913-0040-00 and authorize the Mayor and Clerk to execute the Permit.

**NOTE:** If the Development Permit as presented is not acceptable to Council in relation to the character of the development, including landscaping and siting, form, exterior design and finish of the building and other structures, Council may refer the Development Permit back to staff with direction regarding any of these matters.

2. Council approve the discharge of Restrictive Covenant No. BB1215097 to allow a liquor store to remain open until 11:00pm on Sunday to Wednesday, in accordance with standard operating hours permitted by the BC Liquor Control and Licensing Branch (LCLB).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Retail commercial building to be upgraded.

Adjacent Area:

| Direction                 | Existing Use  | OCP Designation      | Existing Zone |
|---------------------------|---|----------------------|---------------|
| North:                    | Commercial lots and parking area operating as one retail centre, including the Bank of Montreal | Commercial           | C-8           |
| East and South:           | Single family dwellings.  | Urban                | RF            |
| West (Across 128 Street): | Community hall and single family dwellings.   | Commercial and Urban | PA-1 and RF   |

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject site is located at 1552-1562 - 128 Street in Ocean Park and contains a one-storey retail commercial building. The site is zoned CD (By-law No. 16433) and is designated Commercial in the OCP.
- In 2007, the applicant rezoned the subject site from C-8 to CD (based on C-8) to permit a liquor store use (application No. 7907-0134-00). At that time, a liquor store was a permitted use **only** "in conjunction" with a liquor primary licensed establishment.
- The CD Zone (By-law No. 16433) is identical to the C-8 Zone with the exception that a liquor store is a permitted use even though it is not "in conjunction" with a liquor primary licensed establishment. In addition, a neighbourhood pub was deleted as a permitted use on the subject site.
- On October 1, 2012, Council amended the C-8 Zone so that a "Liquor Store" use is not required to be operated "in conjunction" with a "liquor primary" licensed establishment (By-law No. 17687).
- A liquor store is a permitted use under the C-8 Zone and is regulated by the B.C. Liquor Control and Licensing Branch (LCLB).
- As part of application No. 7907-0134-00, a Development Permit (DP) was issued for exterior renovations to the existing retail commercial building. A Restrictive Covenant was registered on the title of the property to prohibit a Liquor Store from operating on the site until the renovations outlined in the DP are completed.
- Also as part of the rezoning application (No. 7907-0134-00), the applicant was required to register a Restrictive Covenant on the title of the property that limits the operating hours of a liquor store to a maximum closing time of 10:00pm on Sunday to Wednesday. A closing time of 11:00pm is currently permitted on Thursday, Friday and Saturday.

### Current Proposal

- The applicant is unable to obtain a Building Permit to complete the renovations and design outlined in the approved DP (No. 7907-0134-00) due to structural limitations of the existing retail commercial building. The applicant has retained Alan Brown Architect to prepare new building design plans for the exterior renovations.
- A Development Permit (DP) is required to permit the proposed exterior renovations to the existing retail commercial building on the site.
- The Restrictive Covenant that prohibits a Liquor Store from operating on the site until the renovations outlined in the DP are completed will be discharged from the title of the property upon building permit final occupancy.
- The applicant is requesting to discharge the Restrictive Covenant from the title of the property that limits the operating hours of a liquor store to a maximum closing time of

10:00pm on Sunday to Wednesday. The discharge of the Restrictive Covenant would allow a liquor store to be open until 11:00pm on Sunday to Saturday, in accordance with the Standard operating hours permitted by the LCLB.

- With the amendments made to the C-8 Zone by Council in October 2012, a liquor retail store can be operated on any C-8 zoned site. The discharge of the Restrictive Covenant that limits the operating hours of a liquor store on the subject site will ensure that standard operating hours are applied in uniformity by the BCLC and will also ensure that the owner is not unfairly disadvantaged by this limitation.

### PRE-NOTIFICATION

- Pre-notification letters were sent on March 8, 2013 to 115 households within 100 metres (328 feet) of the subject site. Staff received two (2) emails in response to pre-notification with regard to the proposed Restrictive Covenant discharge. The residents are concerned that allowing a liquor store to remain open for an additional hour on Sunday to Wednesday will:
  - increase the nightly disturbances and vehicle break-ins in the neighborhood associated with young adults purchasing liquor on their way to and from the beach;
  - encourage patrons of the Ocean Park Pub to purchase liquor and loiter on the premises after closing time; and
  - increase disturbances from events held at the Ocean Park Hall.
- *As part of the rezoning application (No. 7907-0134-00), the applicant was required to register a Restrictive Covenant on the title of the property that limits the operating hours of a liquor store to a maximum closing time of 10:00pm on Sunday to Wednesday. A closing time of 11:00pm is currently permitted on Thursday, Friday and Saturday.*
- *On October 1, 2012, Council amended the C-8 Zone so that a "Liquor Store" is not required to be "in conjunction" with a "liquor primary" licensed establishment (By-law No. 17687). As a result, a Liquor Store is a permitted use under the C-8 Zone and is regulated by the B.C. Liquor Control and Licensing Branch (LCLB) that includes standard operating hours until 11:00 pm on Sunday to Saturday.*
- *The discharge of the Restrictive Covenant that limits the operating hours of a liquor retail store on the subject site will ensure that standard operating hours are applied in uniformity by the LCLB and will also ensure that the owner is not unfairly disadvantaged by this limitation.*

### DESIGN PROPOSAL AND REVIEW

- The project architect proposes exterior renovations that will give the existing building similar design features and architectural expression of the Ocean Park Village Pub.
- The south elevation will be upgraded with a new parapet, glass canopy and lighting.
- The application was not referred to the Advisory Design Panel (ADP), but was reviewed by staff and was found to be satisfactory.

- The proposed materials and colours are generally acceptable.
- The fascia signage on the south elevation will also be upgraded and will consist of individual channel letters on a dark metal sign band. All fascia signage will comply with the Sign By-law.
- Enhanced landscaping was approved under DP No. 7907-0134-00.
- It is noted that 7 of the existing 15 parking stalls have historically encroached into the 128 Street road allowance. Under application No. 7907-0134-00, the City's Engineering Department agreed to continue to permit this encroachment on a temporary basis. As a result, the applicant entered into a lease agreement for use of these stalls with the City.

#### 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. Development Permit No. 7913-0040-00

*original signed by Nicholas Lai*

Jean Lamontagne  
General Manager  
Planning and Development

TH/da

\\file-server1\net-data\csdc\generate\areaproduct\save\9379794017.doc  
DRV 4/4/13 3:05 PM



CITY OF SURREY

(the "City")

DEVELOPMENT PERMIT

NO.: 7913-0040-00

Issued To: NICOSTA HOLDINGS LTD.

("the Owner")

Address of Owner: 12822 - 16 Avenue  
Surrey, BC V4A 1N4

1. This development 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 permit.
2. This development 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: 009-580-956

Lot A (See G33546) Section 8 Township 1 New Westminster District Plan 11696

Except: Part Dedicated Road on Plan BCP42606

1554 - 128 Street

(the "Land")

3. This development permit applies to only to that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development permit.
4. The character of the development including landscaping and the siting, form, exterior design and finish of buildings and structures shall be in accordance with the drawings numbered 7913-0040-00(A) through to and including 7913-0040-00 (C) (the "Drawings") which are attached hereto and form part of this development permit.
5. Minor changes to the Drawings that do not affect the general form and character of the landscaping and the siting, form, exterior design and finish of buildings and structures on the Land, may be permitted subject to the approval of the City.
6. This development permit supplements Development Permit No. 7907-0134-00.



- 7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development permit.
- 8. This development permit shall lapse if the Owner does not substantially start any construction with respect to which this development permit is issued, within two (2) years after the date this development permit is issued.
- 9. The terms of this development permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
- 10. This development permit is not a building permit.

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

\_\_\_\_\_  
 Mayor - Dianne L. Watts

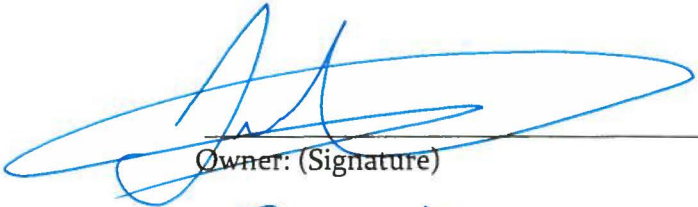
\_\_\_\_\_  
 City Clerk - Jane Sullivan

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

\_\_\_\_\_  
 Authorized Agent: (Signature)

\_\_\_\_\_  
 Name: (Please Print)

OR

  
 \_\_\_\_\_  
 Owner: (Signature)

*George Docolas*  
 \_\_\_\_\_  
 Name: (Please Print)

**ABA**

PROJECT NO. 1218  
 PROJECT NAME Ocean Park Plaza  
 PROJECT ADDRESS 1552-1562 - 128 st

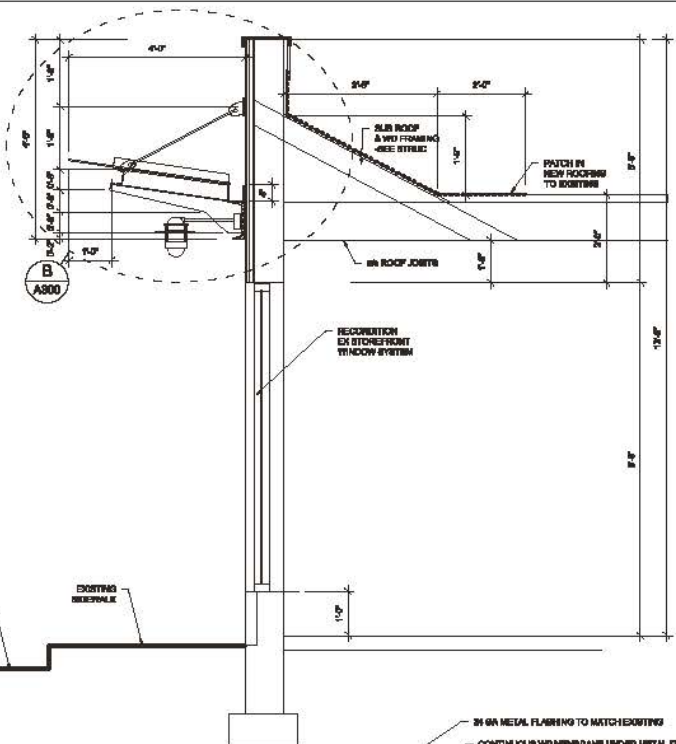
| REVISIONS |                    |          |
|-----------|--------------------|----------|
| NO.       | REVISION           | DATE     |
| 1         | Issued for review  | 10.21.18 |
| 2         | Issued for Permits | 11.28.18 |
|           |                    |          |
|           |                    |          |
|           |                    |          |
|           |                    |          |
|           |                    |          |
|           |                    |          |

**ALAN BROWN ARCHITECT**  
 158 - 3 Ave New Westminster BC V3B 1G5  
 TEL: 604-273-8888 FAX: 604-273-8888  
 email: alan@alanbrown.ca

COPYRIGHT OF THIS DRAWING IS CONFIRMED ON THE ARCHITECT BY THE ARCHITECTS ACT. THE DRAWING AND THE INFORMATION CONTAINED HEREIN MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PRIOR WRITTEN PERMISSION OF THE ARCHITECT. THE DRAWING AND THE ASSOCIATED DOCUMENTS ARE INSTRUMENTS OF SERVICE AND ARE INTENDED FOR THE SOLE USE OF THE OWNER.

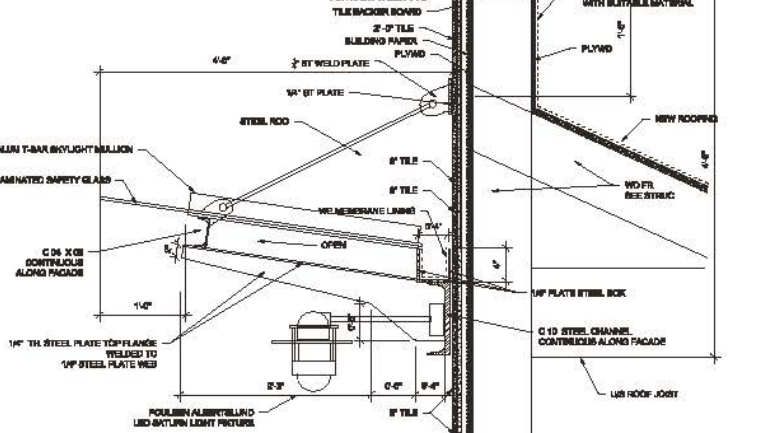
DRAWING TITLE  
**SECTIONS & DETAILS**

SCALE 1/4" = 1'-0"  
 DRAWING NO. **A 300**  
 DATE 12.07.24



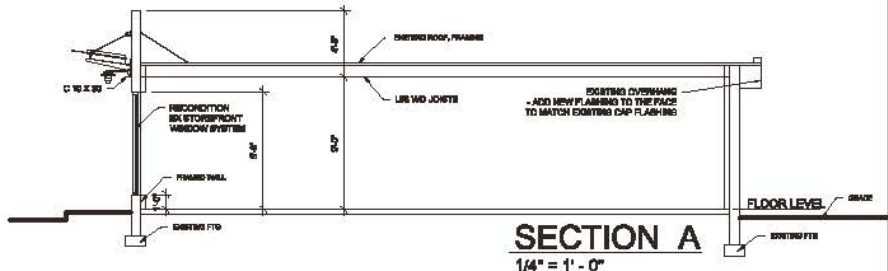
**SECTION A**

3/4" = 1'-0"



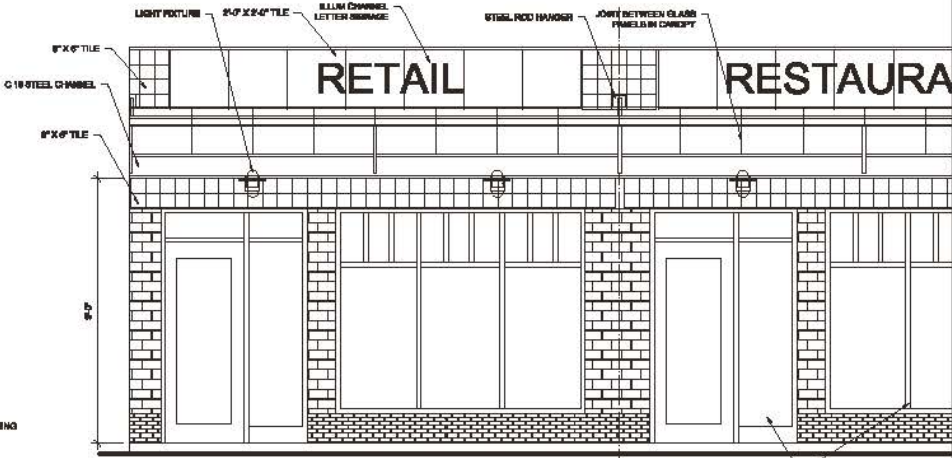
**SECTION A DETAIL**

3/4" = 1'-0"



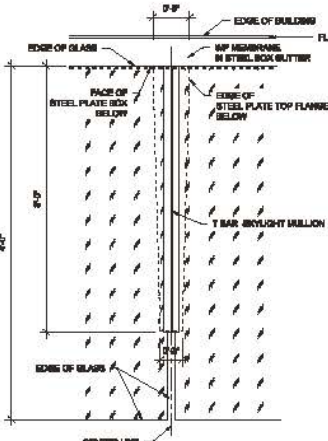
**SECTION A**

1/4" = 1'-0"



**ELEVATION DETAIL**

1/2" = 1'-0"



**PLAN DETAIL**

1 1/2" = 1'-0"

**Albertshund Pendant**


**Design**  
 Jens Holten-Jensen

**Key features**  
 • glare-free light • symmetric light distribution • Saturn ring directs light downwards • suitable for high and low placement • suitable for repetitive installations

**Concept**  
 The fixture provides characteristic symmetric and functional lighting. The horizontal ring reflects the light downwards, but its position also allows some light to slip past and illuminate the ceiling. The anti-glare ring prevents from horizontal glare, and the diffuser is available either as clear or white opal glass, depending on the desired light source.

**Finish**  
 Galvanized, stainless steel, brushed and lacquered, white, powder coated.

**Story behind the product**  
 Albertshund Pendant was designed by Jens Holten-Jensen in 1980. The pendant is an extension of the Albertshund family and is closely related to the Planet Family. The pendant is based on the same design seen in the Albertshund post fixtures and features an anti-glare ring, three bolts and a Saturn ring, which serves as a reflector.



**LIGHT FIXTURE SPECIFICATION**

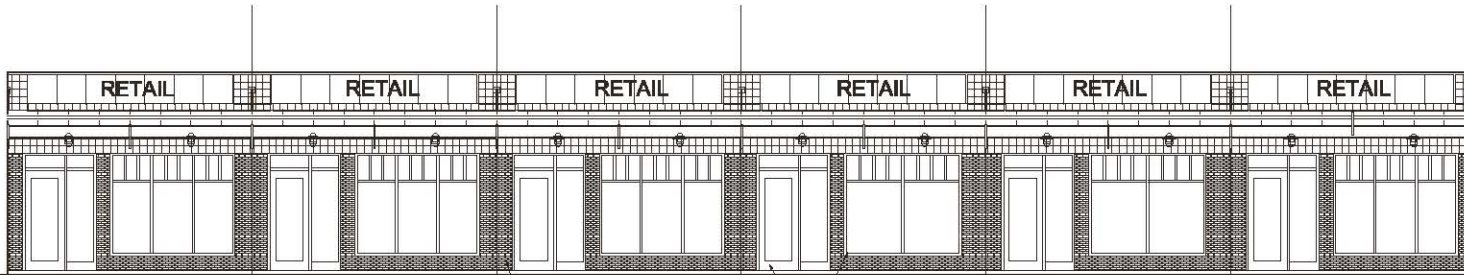
7913-0040-00 (A)

# ABA

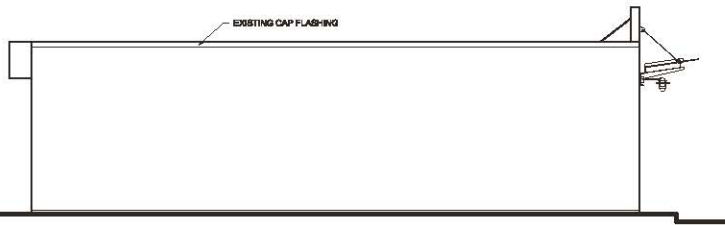
PROJECT 1218  
PROJECT NAME Ocean Park Plaza  
STREET ADDRESS 1552-1562 - 128 st

### REVISIONS

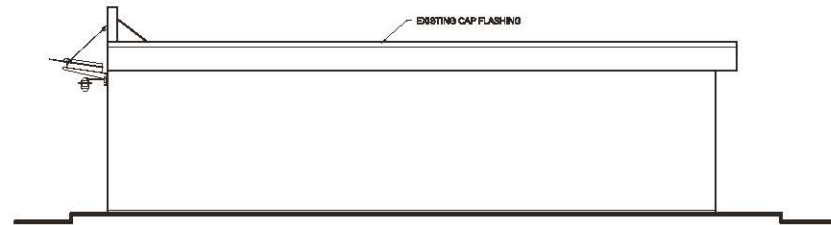
| NO. | ISSUE              | DATE     |
|-----|--------------------|----------|
| 1   | Issued for review  | 18.11.16 |
| 2   | Issued for Permits | 18.08.26 |
|     |                    |          |
|     |                    |          |
|     |                    |          |
|     |                    |          |
|     |                    |          |
|     |                    |          |



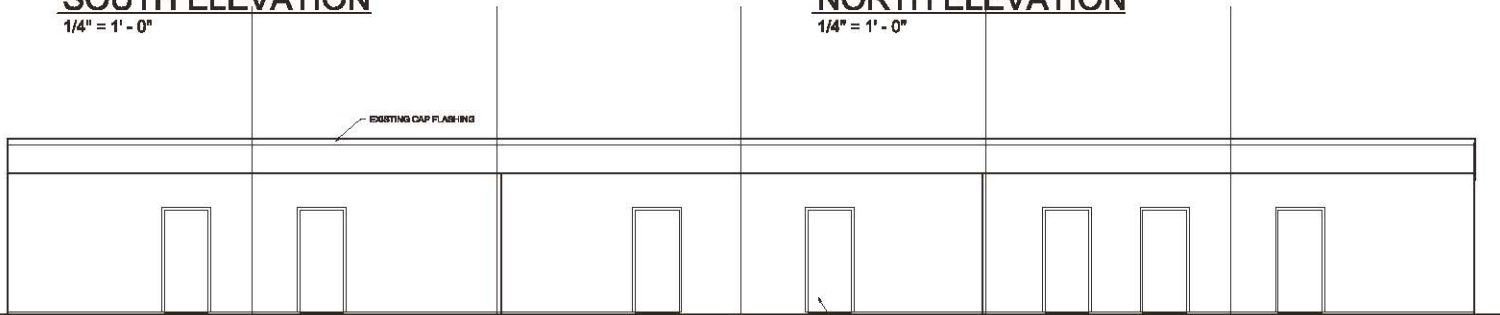
**WEST ELEVATION**  
1/4" = 1' - 0"



**SOUTH ELEVATION**  
1/4" = 1' - 0"



**NORTH ELEVATION**  
1/4" = 1' - 0"



**EAST ELEVATION**  
1/4" = 1' - 0"

### ALAN BROWN ARCHITECT

110 - 9 AVE. PH: (604) 696-0289  
NEW WESTMINSTER BC. C: (604) 696-0280  
V2L 1L8 email: albrown@albrown.ca

COPYRIGHT OF THIS DRAWING IS CONFIRMED ON THE ARCHITECT BY THE ARCHITECTS ACT. THE DRAWING AND THE INFORMATION CONTAINED HEREIN MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PRIOR WRITTEN PERMISSION OF THE ARCHITECT. THE DRAWING AND THE ASSOCIATED DOCUMENTS ARE INSTRUMENTS OF SERVICE AND ARE INTENDED FOR THE SOLE USE OF THE OWNER.

DRAWING TITLE

**ELEVATIONS**

SCALE 1/4" = 1'-0" DRAWING NO. A 200  
CHECKED A.B.  
DATE 12.07.24  
FILE

7913-0040-00 (B)

**ABA**

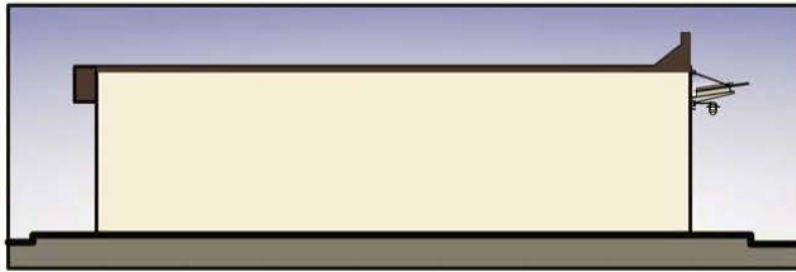
PROJECT# 1216  
PROJECT NAME Ocean Park Plaza  
STREET ADDRESS 1552-1562 - 128 st

**REVISIONS**

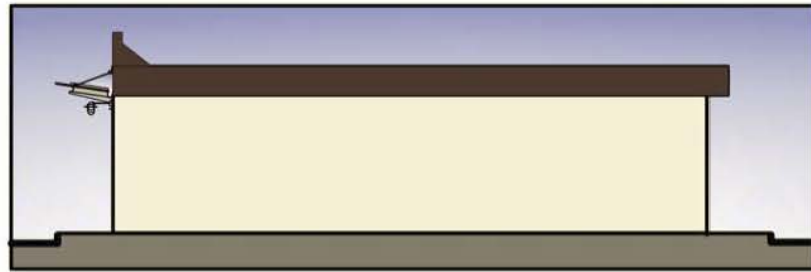
| NO. | ISSUE             | DATE     |
|-----|-------------------|----------|
| 1   | Issued for review | 12.11.14 |
| 2   | Issued for DP     | 13.02.15 |
|     |                   |          |
|     |                   |          |
|     |                   |          |



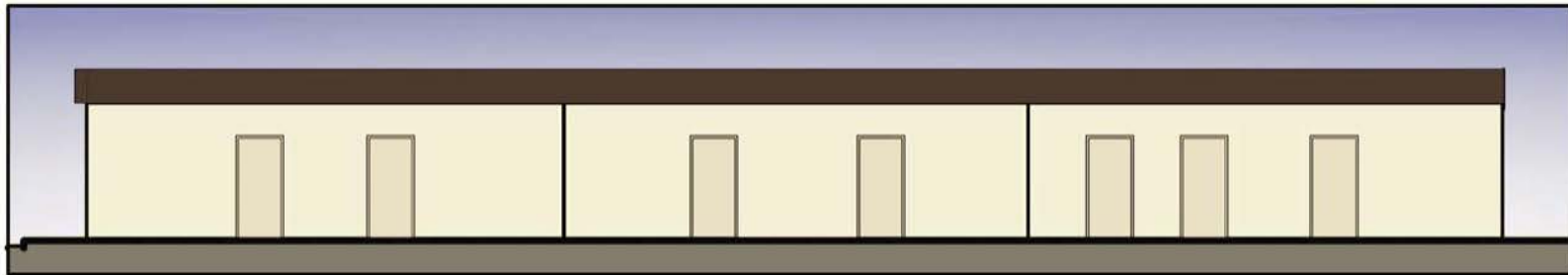
**WEST ELEVATION**  
1/4" = 1' - 0"



**SOUTH ELEVATION**  
1/4" = 1' - 0"



**NORTH ELEVATION**  
1/4" = 1' - 0"



**EAST ELEVATION**  
1/4" = 1' - 0"

**ALAN BROWN ARCHITECT**

110 - 3 AVE      ph(804)525-5259  
NEW WESTMINSTER, BC    16004(25) 5200  
V2A, 1L1      email: aabrown@shaw.ca

COPYRIGHT OF THE DESIGN IS CONFIRMED ON THE ARCHITECT BY THE ARCHITECT (P.L.C.), THE DRAWING AND THE ARCHITECT ONLY. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

DRAWING TITLE

**ELEVATIONS**

|         |              |             |
|---------|--------------|-------------|
| SCALE   | 1/4" = 1'-0" | DRAWING NO. |
| CHECKED | A.B.         | A 200       |
| DATE    | 12.07.14     |             |
| FILE    |              |             |

7913-0040-00 (C)