

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0271-00

Planning Report Date: January 25, 2021

PROPOSAL:

- **Development Variance Permit**

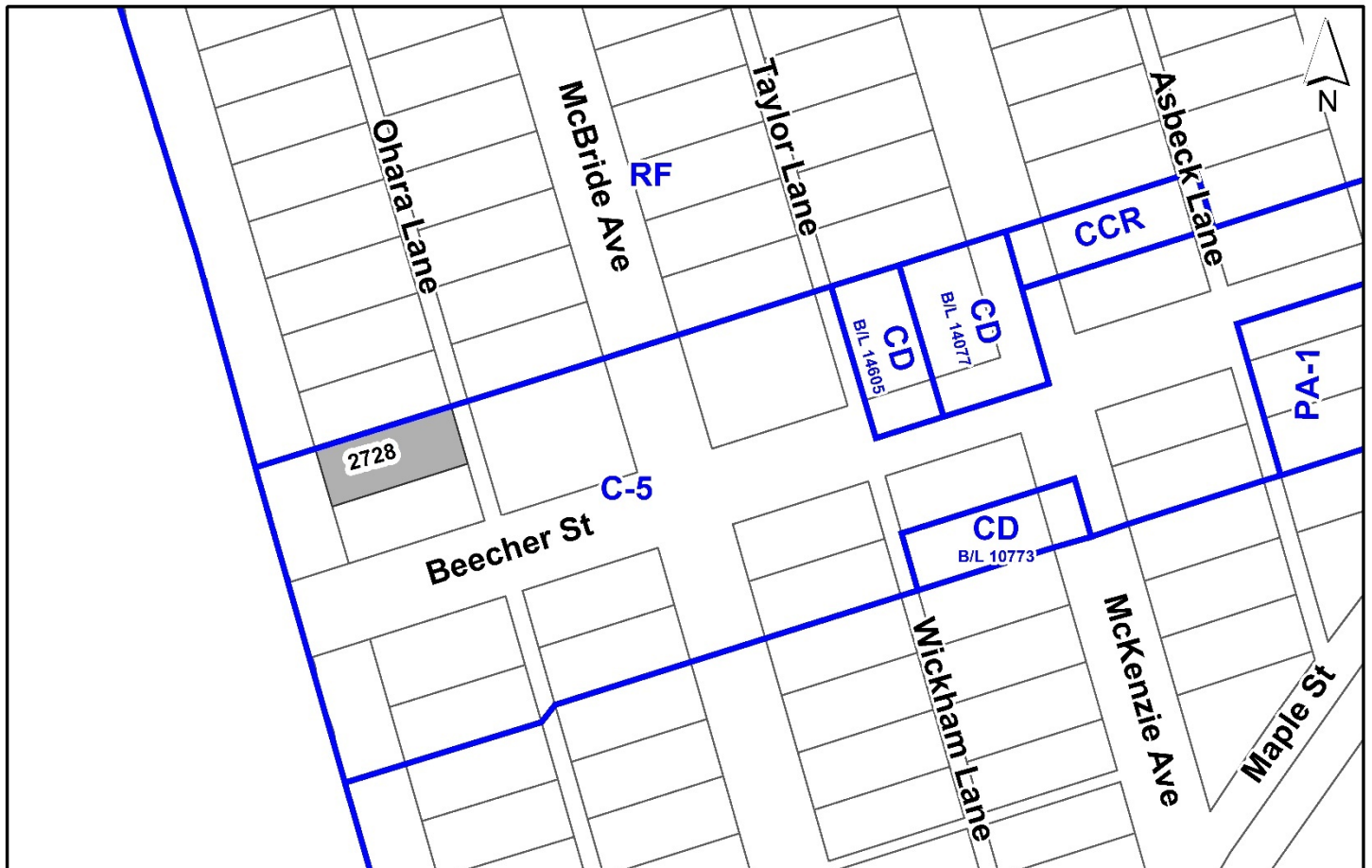
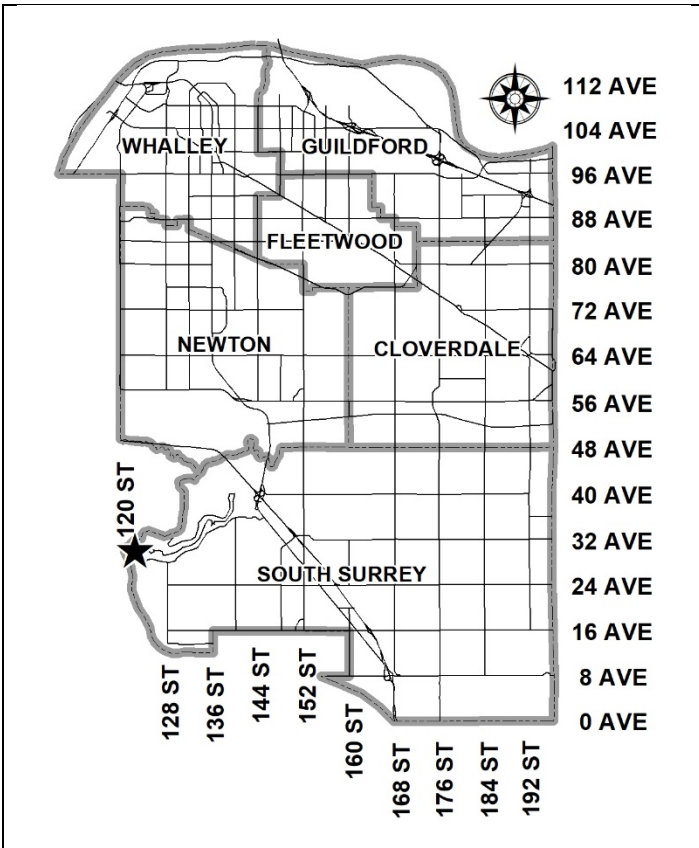
to reduce the side yard setback to allow the construction of a covered outdoor patio structure.

LOCATION: 2728 - Ohara Lane

ZONING: C-5

OCP DESIGNATION: Commercial

LAP DESIGNATION: Village Commercial



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking a Development Variance Permit to reduce the minimum side yard setback requirements of the "Neighbourhood Commercial Zone (C-5)".

RATIONALE OF RECOMMENDATION

- The proposed variance will allow the subject restaurant (the Cotto al Mare) to increase their occupancy during the fall and winter months by installing a permanent cover for weather protection over a portion of an existing patio.
- The maximum occupancy inside the restaurant has been reduced as a result of the Provincial Public Health Orders concerning the COVID-19 Pandemic. During the summer months, the restaurant was able to use an existing outdoor patio area to provide a safe space for patrons, however, during the fall and winter months this space is not useable in its current condition.
- The proposed structure meets all other building requirements of the C-5 Zone.
- The proposed structure is an attractive architectural form, which utilizes high quality materials, and contemporary lines.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7920-0271-00 (Appendix I) to reduce the minimum north setback of the C-5 Zone for buildings and structures from 7.5 metres to 1.0 metres and minimum west setback of the C-5 Zone for buildings and structures from 7.5 metres to 4.4 metres.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	LAP Designation	Existing Zone
Subject Site	Commercial	Village Commercial	C-5
North:	Single Family Residential	Urban Residential	RF
East (Across Ohara Lane):	Commercial	Village Commercial	C-5
South:	Commercial	Village Commercial	C-5
West:	Park	Park/Open Space	C-5

Context & Background

- The subject property, approximately 557 square metres in area, is located on the west side of Ohara Lane, north of Beecher Street. The property is designated "Commercial" in the Official Community Plan (OCP), "Village Commercial" in the Crescent Beach Local Area Plan (LAP) and is zoned "Neighbourhood Commercial Zone (C-5)".
- The property is occupied by a single commercial business, the subject restaurant (the Cotto al Mare), which has been in operation since June 2019. Previously, the site was also occupied by a separate restaurant.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is seeking a variance to construct a permanent cover over a portion of an existing patio. This covered patio would allow the restaurant to increase their occupancy during the fall and winter months.

- As an alternative to a permanent structure the applicant has also considered erecting a temporary tent structure on the subject property for use while COVID-19 restrictions are in place. While temporary the structure would be taller and create more of a visual disturbance on neighbouring properties. A temporary structure (such as a tent) is also limited to be in place for a maximum duration of one month within a 12 month period, and cannot be taller than 4 metres.
- The proposed cover will also help buffer the noise created by the patio patrons on neighbouring properties and the public realm.
- The proposed structure meets all other building requirements of the C-5 Zone.
- Staff support the requested variances to proceed for consideration.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I	Development Variance Permit No. 7920-0271-00
Appendix II	Building Elevations and Perspective

approved by Shawn Low

Jean Lamontagne
General Manager
Planning and Development

SR/cm

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7920-0271-00

Issued To:

("the Owner")

Address of Owner:

1. This development variance 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 variance permit.
2. This development variance 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: 005-570-981
Lot 22 Block 5 District Lot 52 Group 2 New Westminster District Plan 2200

2728 - Ohara Lane

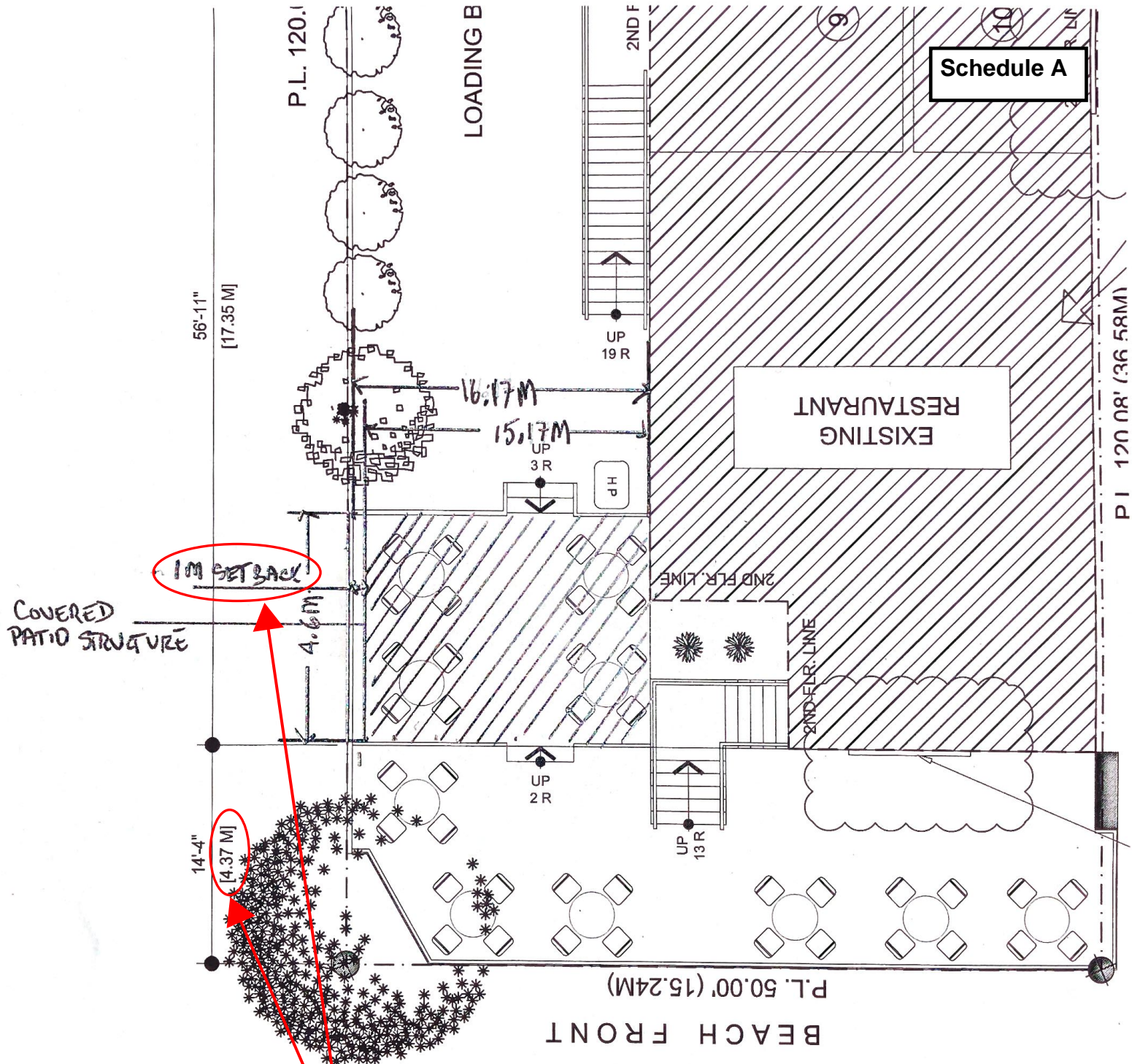
(the "Land")
4. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section F of Part 35 Neighbourhood Commercial Zone (C-5), the minimum north setback is reduced from 7.5 metres to 1.0 metres, and
 - (b) In Section F of Part 35 Neighbourhood Commercial Zone (C-5), the minimum west setback is reduced from 7.5 metres to 4.4 metres.
5. This development variance permit applies to only the that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development variance permit.
6. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

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

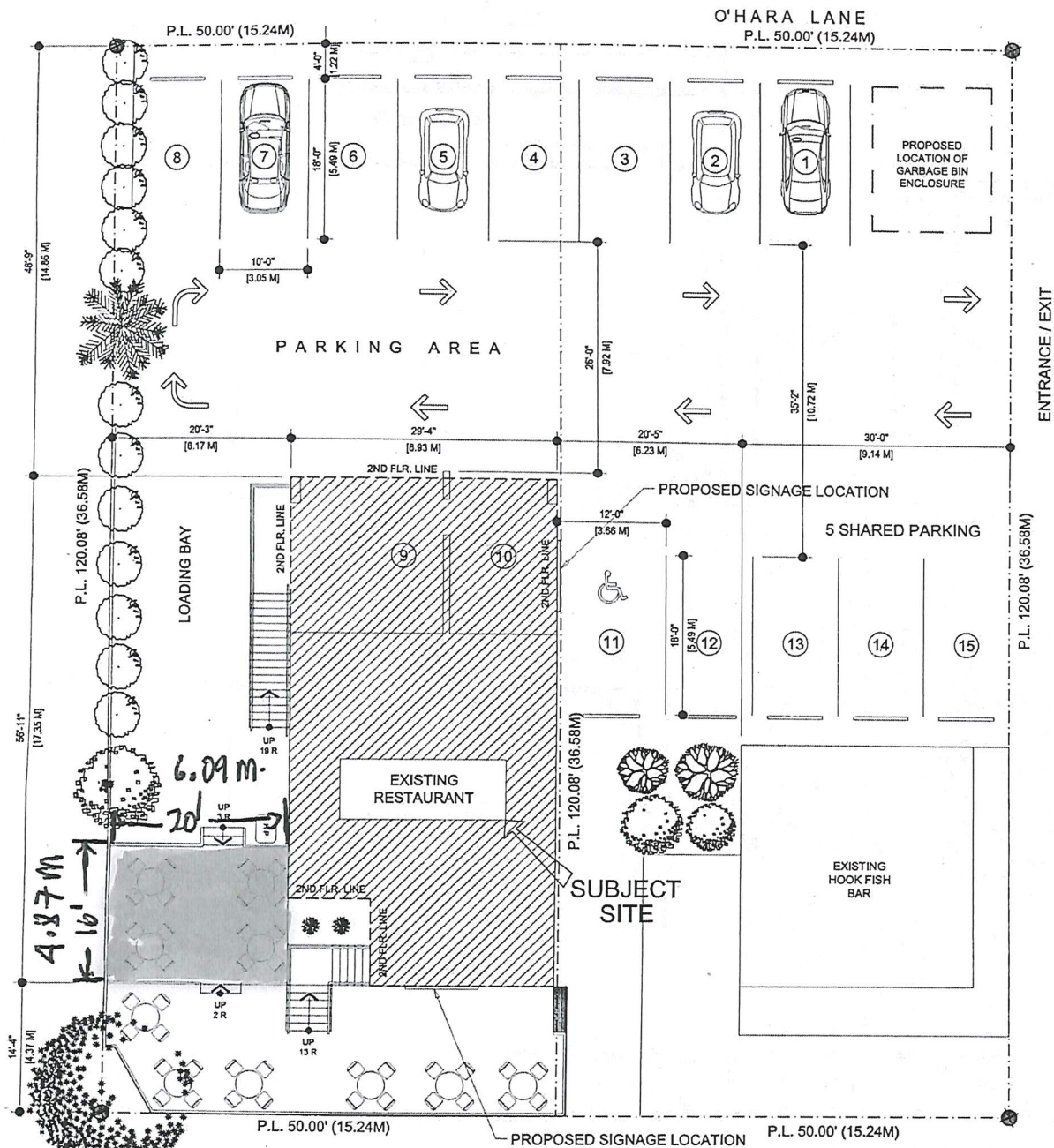
AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli



Development Variance Permit No. 7920-0271-00: to vary the minimum north setback of the C-5 Zone from 7.5 metres to 1.0 metres and minimum west setback of the C-5 Zone from 7.5 metres to 4.4 metres.



SITE ADDRESSES: 2728 & 2720 O'HARA LANE
 LEGAL DESCRIPTION OF 2728 O'HARA LANE:
 LOT 22, DISTRICT LOT 52, BLOCK 5, PLAN NWP2200 NWD
 ZONE: NEIGHBOURHOOD COMMERCIAL ZONE (C-5)
 LOT SIZE: 557 sq.meters (6,005 sq. feet)
 LEGAL DESCRIPTION OF 2720 O'HARA LANE:
 LOT 21, DISTRICT LOT 52, BLOCK 5, PLAN NWP2200 NWD
 ZONE: NEIGHBOURHOOD COMMERCIAL ZONE (C-5)
 LOT SIZE: 557 sq.meters (6,005 sq. feet)

SITE PLAN (EXISTING)
 SCALE: 1/8" = 1'-0"

BEACH FRONT

