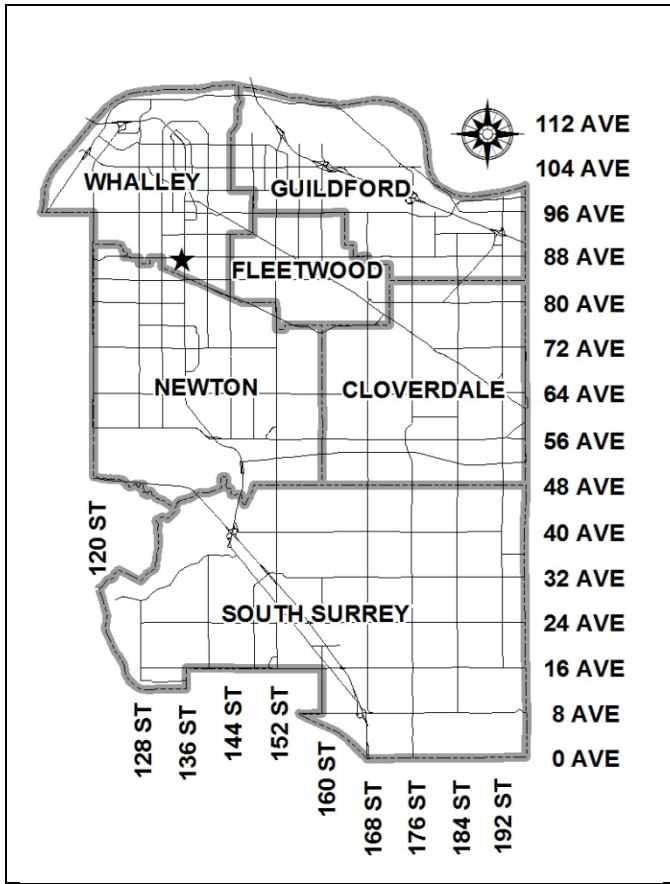


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7914-0304-00

Planning Report Date: March 23, 2015

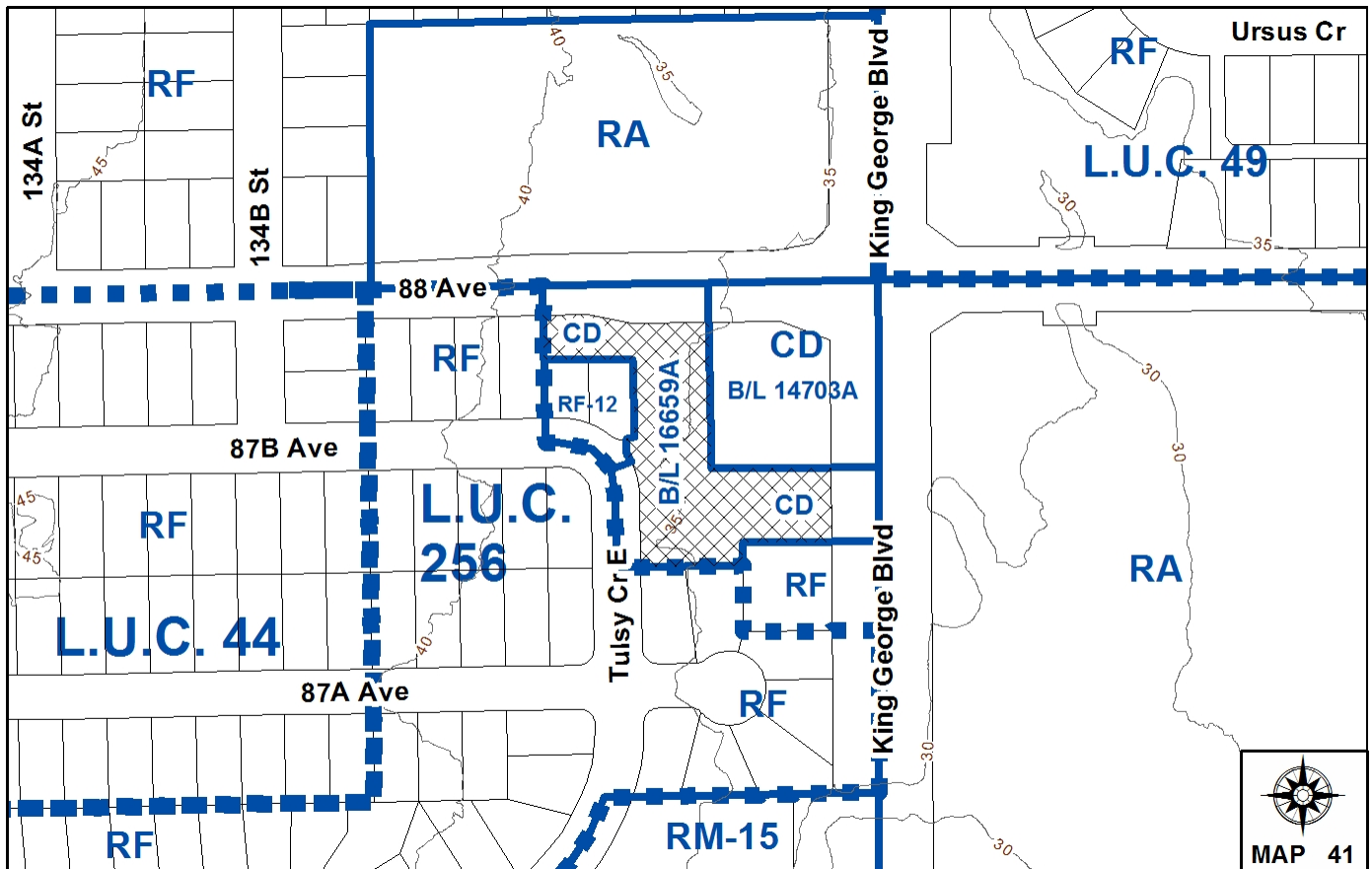


**PROPOSAL:**

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

in order to increase the indoor person capacity and eliminate the outdoor person capacity of an existing neighbourhood pub, by enclosing a patio.

**LOCATION:** 13578 - 88 Avenue  
**OWNER:** Nagina Property Ltd.  
**ZONING:** CD By-law No. 16659A  
**OCP DESIGNATION:** Urban



### RECOMMENDATION SUMMARY

- Approval of the proposed liquor license amendment to proceed to Public Notification.
- Approval for Development Variance Permit to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Requires a variance to the Zoning By-law, to relax the sum of one-half of the ultimate highway allowance and the front yard setback from 28.5 metres (93.5 ft.) to 23.3 metres (76.4 ft.) for a patio enclosure.

### RATIONALE OF RECOMMENDATION

- The liquor primary license for the existing neighbourhood pub (Bear Creek Pub and Grill) was previously supported by Council and subsequently approved by the Liquor Control and Licensing Branch (LCLB). The applicant is requesting an amendment to the occupant load of the business to convert previously licensed outdoor person capacity to indoor person capacity.
- The proposed amendment to increase the indoor occupant load to 72 persons and eliminate the outdoor occupant load, reflects the same total combined occupant load of the existing license consisting of 40 persons indoor and 32 persons outdoor.
- The patio enclosure has taken place without permits and the owner is now addressing this modification.
- With the enclosure of the outdoor patio area, the 7.5-metre (25 ft.) front yard setback requirement of CD By-law No 16659A requires relaxation.
- The patio enclosure complements the existing architectural design character of the commercial shopping centre. It provides year-round enjoyment of the space, and reduces road noise from King George Boulevard for patrons.
- The enclosure of the patio likely reduces noise generated by the neighbourhood pub for the residential neighbourhood to the south.
- The patio enclosure does not result in the building exceeding the maximum allowable lot coverage or floor area ratio of CD By-law No. 16659A and the proposed setback relaxation does not compromise future widening of King George Boulevard.
- The owner will provide a 1.384-metre (4.5 ft.) wide statutory right-of-way for future road widening and utility connections along King George Boulevard.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed liquor primary liquor license amendment to proceed to Public Notification:
  - (a) to increase the indoor person capacity from 40 to 72 and to eliminate the outdoor person capacity of 32.
2. Council approve Development Variance Permit No. 7914-0304-00 (Appendix IV) varying the following, to proceed to Public Notification:
  - (a) to vary the Zoning By-law to reduce the sum of one-half of the ultimate highway allowance and front yard setback from 28.5 metres (93.5 ft.) to 23.3 metres (76.4 ft.).
3. Council instruct staff to resolve the following issue prior to final approval:
  - (a) submission of a 1.384-metre (4.5 ft.) wide statutory right-of-way for along King George Boulevard.

## REFERRALS

Engineering:	The Engineering Department has no objection to the project as outlined in Appendix II.
Parks, Recreation & Culture:	No concerns with the request.
Surrey RCMP:	Surrey RCMP has no concerns with the request.
Surrey By-laws & Licensing Services:	By-laws and Licensing has no concerns with the request.
Building Division:	A building permit is required to permit the patio enclosure and to confirm the occupant load of the business.

## SITE CHARACTERISTICS

Existing Land Use: Neighbourhood commercial centre including a neighbourhood pub and licensee retail store (private liquor store).

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Shell gasoline station	Urban	CD By-law No. 14703A
Further North (Across 88 Avenue):	Single family dwelling on 4.5-acre lot	Urban	RA
East (Across King George Boulevard):	Bear Creek Park	Conservation and Recreation	RA
South:	Teresan Gas pump station and single family dwellings	Urban	RF and LUC 256 (with underlying RF zoning)
West:	Single family dwellings	Urban	RF-12 and LUC 256 (with underlying RF zoning)

DEVELOPMENT CONSIDERATIONSBackground

- The subject property, and the neighbouring gasoline station property to the north at 13598 – 88 Avenue, were originally rezoned to "Neighbourhood Commercial Zone (C-5)" and "Comprehensive Development Zone (CD) (By-law No. 14703A)", respectively, on May 26, 2003, to accommodate the existing neighbourhood shopping centre and Shell gasoline station. The corresponding Development Permit No. 7900-0355-00 to regulate the form and character of the development was also issued by Council on May 26, 2003.
- In 2004, the shopping centre owner requested a liquor primary license for a new neighbourhood pub, consisting of 37 indoor seats and 32 patio seats, to be located within the most easterly unit of the development, flanking King George Boulevard. A Development Variance Permit was also requested to relax the required parking from 80 spaces to 68 spaces. At the September 2, 2004 Regular Council – Land Use meeting, Council endorsed the new liquor primary license and approved Development Variance Permit No. 7904-0059-00.
- In 2006, the owner proposed to expand the existing neighbourhood pub to include the adjoining 102-square metre (1,102 sq. ft.) retail unit to the west. The owner also requested that a licensee retail store be allowed on the site in conjunction with the liquor primary license. A licensee retail store (private liquor store) is not a permitted use in the C-5 Zone. To accommodate this proposal, the owner submitted a rezoning application to rezone the subject property, and portions of two adjoining residential lots fronting 88 Avenue to be used for additional parking, from C-5 and RF to CD, as well as a liquor license amendment to increase the occupant load of the neighbourhood pub to 90 indoor seats and 32 outdoor seats (File No. 7906-0015-00).
- Council supported the liquor license amendment on June 16, 2008 and subsequently granted final adoption to the Comprehensive Development Zone By-law No. 16659A on June 25, 2012.

- The owner decided to increase the occupant load of the neighbourhood pub to 40 indoor seats within the existing unit, and subsequently secured and opened the licensee retail store in the adjoining space previously proposed for the pub expansion.
- The neighbourhood pub (Bear Creek Pub and Grill) currently holds a Provincial liquor primary liquor license with an occupant load of 40 persons indoor and 32 persons outdoor. The current hours of operation are from 10:00 a.m. to 1:00 a.m. seven days a week.

### Current Proposal

- The owner has enclosed the outdoor patio on the east side of the pub without a building permit. As a result of this enclosure, the previous patio seating area is now considered indoor seating area under the Provincial liquor regulations.
- In addition, the enclosure of the patio is an extension of the building that now needs to comply with the setback requirements of the Comprehensive Development Zone (CD) (By-law No. 16659A). The minimum front yard setback specified in CD By-law No. 16659A is 7.5 metres (25 ft.) and the patio enclosure is currently sited at 3.2 metres (10 ft.) from the front property line along King George Boulevard.
- In order to rectify these issues, the owner has submitted the subject application which includes a liquor license amendment, to adjust the occupant load of the liquor primary license from 40 indoor and 32 outdoor to an occupant load of 72 indoor and none outdoor, and a Development Variance Permit (DVP) to reduce the required front yard setback from the ultimate road allowance.
- CD By-law No. 16659A was approved prior to recent amendments to Part 7 Special Building Setbacks of Surrey Zoning By-law No. 12000. The regulations in Part 7 are intended to protect for future widening of major roads by requiring the building setback to be the sum of half of the ultimate road right-of-way and the setback as specified in the zone.
- For this property, the total of the half highway width (21 metres [69 ft.]) and the setback in the CD Zone (7.5 metres [25 ft.]) is 28.5 metres (93.5 ft.). The setback relaxation requested will vary this requirement to 23.3 metres (76.4 ft.). The result of this relaxation will permit the patio enclosure to be located 3.24 metres (10.6 ft.) from the existing property line and 2.3 metres (7.5 ft.) from the future property line of King George Boulevard.
- The addition of the 61-square metre (657 sq. ft.) patio enclosure results in a total combined floor area of 2,329.4 square metres (25,074 sq. ft.) on the site. This represents a floor area ratio (FAR) of 0.5 and lot coverage of 38%, which is consistent with the maximum FAR of 0.5 and lot coverage of 50% permitted under CD By-law No. 16659A.

- The increase in the floor area of the neighbourhood pub requires an additional six (6) parking spaces. Overall, based on the combination of uses existing on the site, a total of 84 parking spaces are required. However, since some of the businesses on the property have different temporal distributions of parking demand, the shared parking provisions of the Zoning By-law are applicable. The By-law allows each establishment to share up to 25% of its required parking spaces. This results in a total requirement of 63 parking spaces on the site.
- There are 81 parking spaces on the site for employees and customers of the commercial centre. Based on the allowable shared parking provision, adequate parking is provided on site.
- Development Permit No. 7900-0355-00 was issued on May 26, 2003 to regulate the form and character of the commercial buildings constructed on the site. The patio enclosure reflects the form and character of the commercial buildings, and therefore, the patio enclosure addition is considered a minor amendment to the existing Development Permit.
- The applicant has provided a letter from a structural engineer to certify that the structural integrity of the patio addition is adequate for the purpose intended. If Council supports the Development Variance Permit request, a building permit is required to ensure that the patio enclosure satisfies the requirements of the BC Building Code.

#### LCLB Criteria

- The Liquor Control and Licensing Branch (LCLB) requires that Council, in providing a response to the LCLB with respect to the application for an amendment in person capacity, comment on how the subject site satisfies a specific list of criteria. The analysis of the criteria for this site and this proposal is provided as follows:

##### *Potential for Noise*

- The neighbourhood pub (Bear Creek Pub and Grill) is located within a commercial building, which faces into the parking lot, and the back wall of the convenience store building for the adjacent gasoline station. The commercial unit is the farthest away from the single family residential subdivision to the south and west, and separated by a lot containing a Terasen Gas pump station. To the east, across King George Boulevard, is Bear Creek Park. The proposal is to enclose outdoor patio space and it is not anticipated that the surrounding neighbourhood will be adversely impacted by noise as a result of the increased indoor occupant load.
- According to By-law Enforcement and Licensing and RCMP records, there have been no complaints received concerning noise generated by the existing establishment.

##### *Impact on the Community*

- The subject neighbourhood pub is located in a neighbourhood commercial shopping centre at the intersection of two arterial roads. The enclosure of the patio does not result in any net increase in the total person capacity of 72 persons currently allowed under the existing liquor primary license. The conversion of outdoor to indoor seating is not anticipated to generate a negative impact on the community.

*Will the amendment result in the establishment being operated in a manner that is contrary to its primary purpose?*

- This is an existing liquor primary licensed establishment. The amendment to the occupancy load for the new indoor floor area is required for the business to be licensed in accordance with the actual usage of that floor area. Therefore, the proposed amendment does not alter the primary purpose of the license.

#### PRE-NOTIFICATION

Pre-notification letters were sent on November 17, 2014, to a total of 107 surrounding properties, and a development proposal sign has been erected on the property. To date, staff have not received any comments or concerns with respect to the proposal.

#### DESIGN PROPOSAL AND REVIEW

- The constructed patio enclosure consists of an aluminum roof extension under the existing curved roof, with walls constructed of 4" by 4" aluminum posts with glazing. The landscaping planted as part of the initial construction on the site has been well maintained. Overall, the enclosure is considered a minor amendment to Development Permit No. 7900-0355-00 and is supported by Planning staff.

#### BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary the Zoning By-law to relax the sum of one half of the ultimate highway allowance and front yard setback from 28.5 metres (93.5 ft.) to 23.3 metres (76.4 ft.).

Applicant's Reasons:

- The open patio attracted undesirable people who would climb over the patio enclosure while the establishment was closed. The existing patio was enclosed to deter this activity.
- The existing building (excluding the patio enclosure) is constructed at the minimum 7.5-metre (25 ft.) setback from the current property line. This patio enclosure will not be permitted without the requested relaxation.

Staff Comments:

- The patio enclosure is required to comply with the sum of one half of the ultimate *highway* allowance (21.5 metres [70.5 ft.]) and the 7.5-metre (25 ft.) front yard setback of the CD By-law No. 16659A. The patio enclosure is sited 3.2 metres (10 ft.) from the existing property line along King George Boulevard or 2.3 metres (7.5 ft.) from the future property line.

- Future 0.884 metres (2.9 ft.) of road widening along King George Boulevard, as identified in the R-91 Major Road Allowance map, will be protected with a statutory right-of-way as a condition of final approval of this Development Variance Permit. An additional 0.5-metre (1.6 ft.) wide statutory right-of-way is required along the west side of King George Boulevard to allow access to utility and service connection works and permit maintenance and construction of transportation infrastructure.
- The patio enclosure is designed to complement the existing architectural design character of the commercial shopping centre. It provides year-round enjoyment of the space, and buffers road noise from King George Boulevard. The enclosure of the patio will likely reduce noise generated by the neighbourhood pub for the residential neighbourhood to the south.
- The patio enclosure does not result in the building exceeding the maximum allowable lot coverage or floor area ratio of the CD By-law No. 16659A.
- Staff support the requested relaxation.

#### 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.	Proposed Site Plan and Building Elevations,
Appendix III.	Engineering Summary
Appendix IV.	Development Variance Permit No. 7914-0304-00

#### INFORMATION AVAILABLE ON FILE

- Site Plan and floor plan dated September 24, 2014 and May 1, 2006, respectively.

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

LAP/da

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## DEVELOPMENT DATA SHEET

Existing Zoning: CD By-law No. 16659A

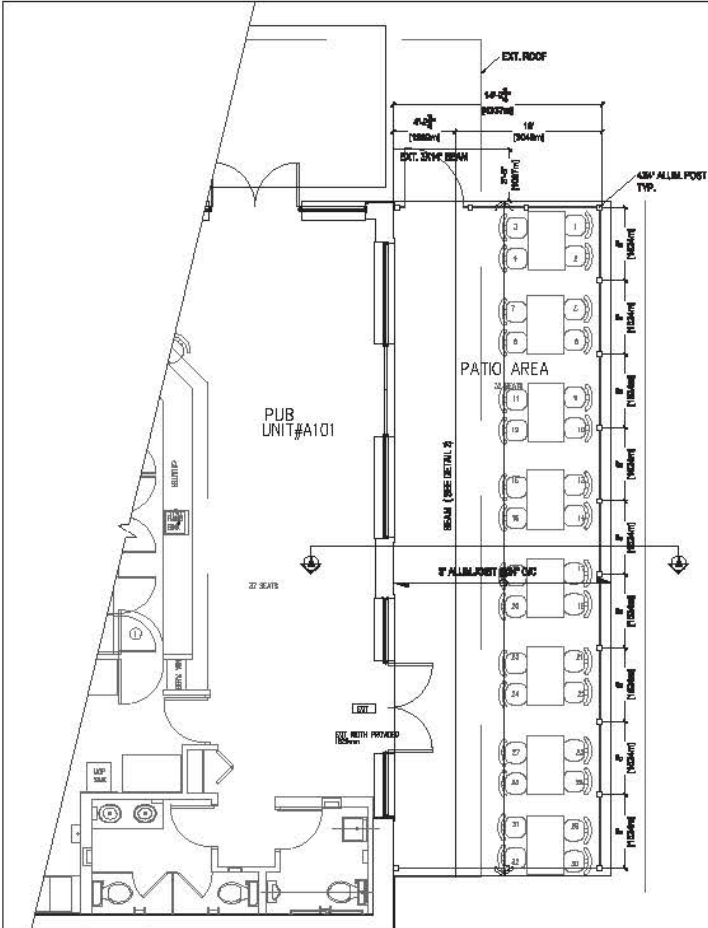
Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA (in square metres)		
Gross Total		4,750 m <sup>2</sup>
Road Widening area		
Undevelopable area		385 m <sup>2</sup>
Net Total		4,365 m <sup>2</sup>
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	50%	38%
Paved & Hard Surfaced Areas		42%
Total Site Coverage		80%
SETBACKS ( in metres)		
Front (King George Boulevard)	7.5m	2.36m*
Rear	2.5m	2.5m
Side #1 (N.)	0	0
Flanking Side Yard (88 Avenue)	13.0m	13.0m
BUILDING HEIGHT (in metres/storeys)		
Principal	9.0m	8.8m
Accessory		
NUMBER OF RESIDENTIAL UNITS	n/a	n/a
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		1,774.6 m <sup>2</sup>
Office		554.5 m <sup>2</sup>
Total	2,381 m <sup>2</sup>	2,329.4 m <sup>2</sup>
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	2,381 m <sup>2</sup>	2,329.4m <sup>2</sup>

\* Variance requested to the ultimate road allowance.

**Development Data Sheet cont'd**

<b>Required Development Data</b>	<b>Minimum Required / Maximum Allowed</b>	<b>Proposed</b>
<b>DENSITY</b>		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)	0.5	0.5
<b>AMENITY SPACE (area in square metres)</b>		
Indoor		
Outdoor		
<b>PARKING (number of stalls)</b>		
Commercial	84	81 (complies when shared parking rule is applied)
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	84	81
Number of disabled stalls		
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	n/a
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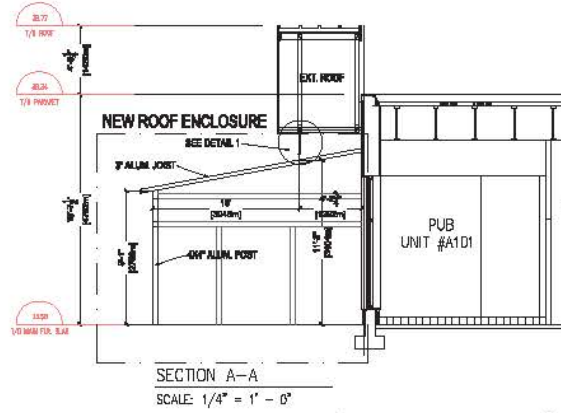


FLOOR PLAN  
SCALE: 1/4" = 1' - 0"

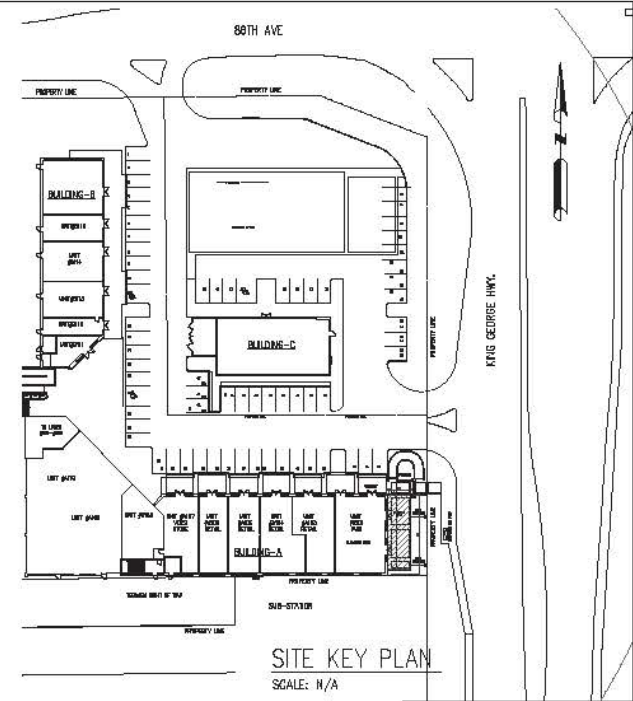
Notes:-

1. Design shall conform to B.C.B.C.
2. Structural Steel shall be designed and constructed in conformance with: CAN/CSA S16-01.
3. Aluminum shall be designed and constructed in conformance with: CSA/CAN3-S157-05 "Strength design in Aluminum".
4. Design loads- roof- snow 50.13 psf, rain: 6.27psf

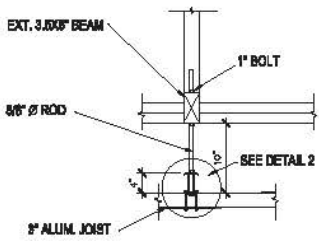
ALUMINUM ENCLOSURE INSTALLED AS PER ALUMINUM SPAN TABLE PREPARED BY Neale Engineering Ltd. & ON EXISTING FOUNDATION



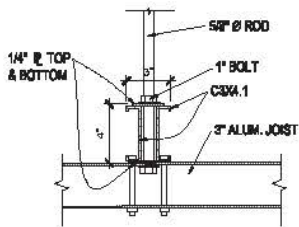
SECTION A-A  
SCALE: 1/4" = 1' - 0"



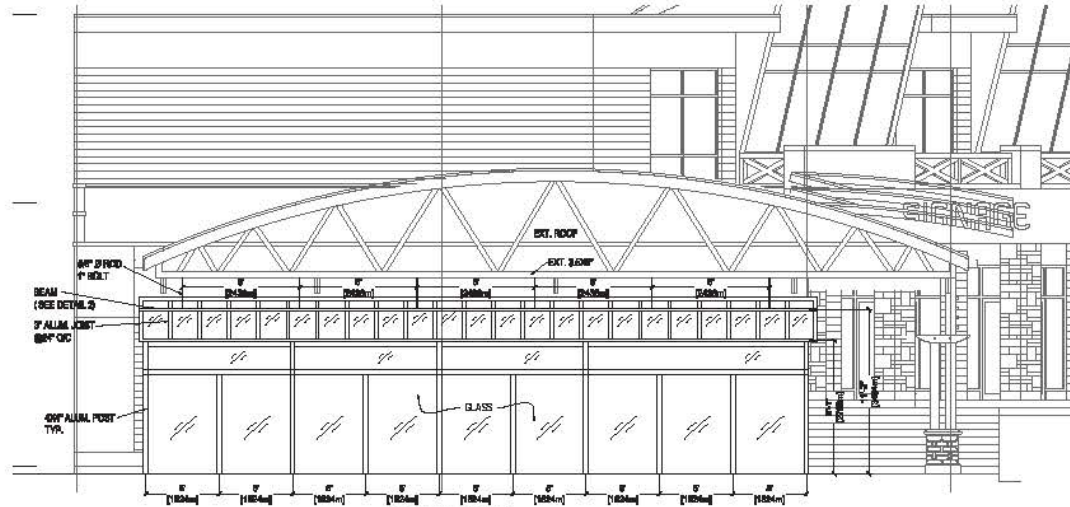
SITE KEY PLAN  
SCALE: N/A



DETAIL 1  
SCALE: N/A



DETAIL 2  
SCALE: N/A



EAST ELEVATION  
SCALE: 1/4" = 1' - 0"

**P.Y. & Associates**

Engineering Ltd.  
6325-460 Sandstone Street  
Vancouver, B.C. V6L 4W3  
Tel: 604-252-0888  
Fax: 604-252-2888

Project:  
**Prop. enclosure for ext. patio  
A101-13688 88TH AVE.  
SURREY, B.C.**

Drawing Title:  
**FLOOR PLAN, SECTION  
& SITE KEY PLAN**

Rev.	Date	Per.	Drawn
1			
2			
3			
4			
5			
6			

DATE: DEC-2011  
DRAWN BY: MC  
CHECKED BY: P.Y.  
SCALE:  
JOB No.  
SHEET:

A1-1



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TO: **Manager, Area Planning & Development  
- North Surrey Division  
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **January 8, 2015** PROJECT FILE: **7814-0304-00**

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RE: **Engineering Requirements (Commercial/Industrial)  
Location: 13578 88 Avenue**

#### DEVELOPMENT VARIANCE PERMIT

The following issues are to be addressed as a condition of issuance of the Development Variance Permit for a front yard setback reduction on King George Boulevard from 7.50 metres to 3.20 metres:

##### ***Property and Right-of-Way Requirements***

- A dedication of 0.884 metre width on King George Boulevard is requested.
- A 0.50 metre wide Statutory Right-of-Way (SROW) along the west side of King George Boulevard to allow access to utility and service connection works and permit maintenance and construction of transportation infrastructure is required.

Should the applicant decline the City's request for the 0.884 metre dedication, a 0.884 metre wide Statutory Right of Way along the west side of King George Boulevard for Public Rights of Passage with or without Vehicles and All Utilities must be registered. The 0.5 m SROW described above must be registered beyond the 0.884 SROW.

A Servicing Agreement for this application is not required; however, a processing fee of \$1,349.25 (GST included) is required to administer the legal document requirements.

Rémi Dubé, P.Eng.  
Development Services Manager

IK1

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7914-0304-00

Issued To: NAGINA PROPERTY LTD.  
(Incorporation No. 922806)  
  
("the Owner")

Address of Owner: 8776 140 Street  
Surrey BC V3W 5L3

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: 029-129-435  
Lot C Section 29 Township 2 Plan BCP52062  
13578 88 Ave

(the "Land")

3. Part 7 of Surrey Zoning By-law, 1993, No. 12000, Section A.1 requires that the *setback* of *buildings* and *structures* on a *lot* abutting existing or future *highways* shown on the "Surrey Major Road Allowance Map" attached as Schedule K to the "Surrey Subdivision and Development By-law, 1986, No. 8830," as amended shall be the sum of the following:

(a) One-half of the width of the ultimate *highway* allowance shown on the "Surrey Major Road Allowance Map" attached as Schedule K to the "Surrey Subdivision and Development By-law, 1986, No. 8830," as amended, measured from the centerline of the ultimate *highway* allowance, which may not necessarily coincide with the centre line of the existing *highway*; and

(b) The required *setback* set forth in Section F Yards and Setbacks of the Zone in which the *lot* is located.

4. Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2008, No. 16659A, as amended is varied as follows:

The sum of one half of the ultimate *highway* allowance and the *front yard setback* in Section F Yards and Setbacks, is varied from 28.5 metres (94 ft.) to 23.3 metres (76.4 ft.) for the portion of the Land within Block C.

5. This development variance permit applies to only 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. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A.
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 complete the building permit requirements with respect to the building for 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 .

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Mayor – Linda Hepner

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City Clerk – Jane Sullivan





**Pacific Land Resource Group Inc.**

Suite 101 - 7485 130 Street  
Surrey, British Columbia  
Canada V3W 1H8

Tel: 604-501-1624  
Fax: 604-501-1625

www.pacificlandgroup.ca  
info@pacificlandgroup.ca

PROJECT:

**88th & King George Highway**

DRAWING TITLE:

**Proposed Pub Expansion**

PRELIMINARY PLAN - SUBJECT TO APPROVAL(S) FROM  
FEDERAL, PROVINCIAL AND LOCAL AUTHORITIES

CLIENT:

**Nagina Properties**

SCALE:

**1:200**

DATE:

**March 16, 2015**

PROJECT No:

**14-1211**

DRAWING No:

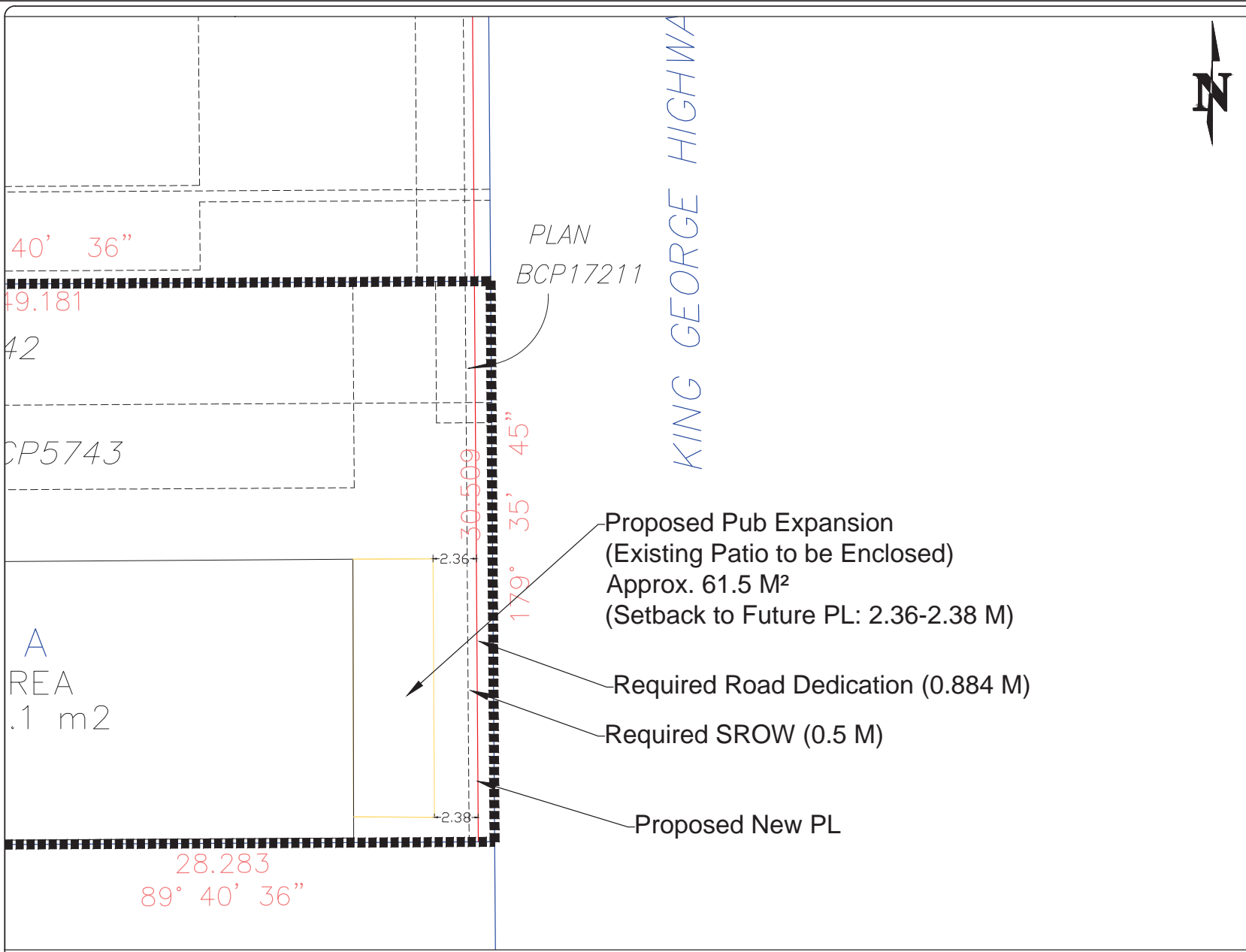
**01**

DESIGNED BY:

**EW**

CHECKED BY:

**OV**



Proposed Pub Expansion  
(Existing Patio to be Enclosed)  
Approx. 61.5 M<sup>2</sup>  
(Setback to Future PL: 2.36-2.38 M)

Required Road Dedication (0.884 M)

Required SROW (0.5 M)

Proposed New PL