



City of Port Moody

Report/Recommendation to Council

Date: December 13, 2022
Submitted by: Community Development Department – Development Planning Division
Subject: Development Variance Permit (Permanent Licensed Patio) – 215 Newport Drive
(Browns Social House)

Purpose

To present for Council's consideration, a Development Variance Permit (DVP) application to vary the Zoning Bylaw to permit a reduction in the required front yard setback to allow for the construction of a structural awning overtop an existing patio and to authorize staff to enter into an encroachment agreement for a portion of the awning that extends over the property line and onto the public road right-of-way.

Recommended Resolution(s)

THAT Development Variance Permit DVP00014 be approved as recommended in the report dated December 13, 2022 from the Community Planning Department – Development Planning Division regarding Development Variance Permit (Permanent Licensed Patio) - 215 Newport Drive (Browns Social House);

THAT staff be authorized to enter into an Encroachment Agreement with Browns Social House for the encroachment of a portion of the existing patio and proposed structural awning on to Newport Drive;

AND THAT the Mayor and Corporate Officer be authorized to execute the necessary legal documents required to issue Development Variance Permit DVP00014.

Background

The COVID-19 Temporary Assistance Program for Businesses (TAPB) was developed through the Emergency Operations Centre and implemented in May 2020 to provide businesses with a streamlined permitting process to access public property or use outdoor private property to support operations during the COVID-19 pandemic. Under the City program, businesses could establish or expand outdoor seating to compensate for loss of indoor capacity due to physical distancing guidelines, extend their retail footprint, or offer additional services. The program was extended from October 31, 2020 to October 31, 2021. On July 6, 2021 Council directed staff to establish a process to transition the TAPB to a permanent solution. This application proposes a permanent solution to one of the participants in the TAPB allowing for an awning cover to extend over an existing permanent patio area.

Discussion

The property, zoned Inlet Town Centre – Newport Village (TC1) Zone, is located at 215 Newport Drive as shown on **Attachment 1**. The applicant proposes to install a structural canopy over an existing outdoor patio and to extend the structure into the front yard setback area and further into the adjoining Newport Drive road right-of-way. For the covered patio component, the required front yard setback from the front property line is 3.0 metres. The proposal is to locate a covered patio structure in this front setback area 0.0 metres from the front property line, and therefore the applicant is requesting the following:

- to vary the front yard setback from 3.0 metres to 0.0 metres for a covered patio structure

The draft Development Variance Permit is provided as **Attachment 2** and the Project Plans are included as **Attachment 3**.

The proposal requires both a variance to the front yard setback and an encroachment agreement for the portion of the structural awning and patio that is located along Newport Drive. This encroachment is for 1.12 metre, as shown in **Attachment 4**. Typically, each encroachment agreement is charged a one-time administration fee as well as an annual fee. Approval of the encroachment agreement by Council is required, and is listed as a recommended resolution to this report.

An additional encroachment is required into a registered Public Access Easement, located along the west property line, at the northern point of the structural awning. The existing patio is permitted within this easement area but the proposed structural awning will need to be included in an amended easement document to allow for the extension into this easement area. Updating of this public access easement will be a requirement of the Building Permit prior to issuance.

Design

According to the applicant, as set out in their letter of intent included in **Attachment 5**, the expansion is designed to allow for year-round, covered, exterior dining. The patio is currently covered by a smaller canopy that was included as a part of the base building construction, providing adequate protection at exits to the space. This proposal is to expand this weather protection to a larger area of the outdoor dining area. The square footage of the seating area is not intended to increase in size. Rather this existing seating area will be improved and made more comfortable for restaurant patrons. The proposed canopy is designed to be free standing, incorporating design elements and colors that are currently found within the neighborhood. Because the top plane of the new structure will be built above the existing canopy, the existing canopy structure is anticipated to remain in place, where possible. The perimeter of the canopy will house exterior facing strip lighting as well as horizontal louvers for solar shading as well as visual interest. The indicated LED signage banner does not form part of this application and will require a separate signage application.

The landscape plan intention is to remove the existing perimeter patio walls, to allow for new planter construction designed to integrate the concrete pedestals required for the new structural

steel supporting the proposed awning. The planters will then be refilled with planting to match the existing conditions. A new irrigation system will also be included in this location.

Other Option(s)

THAT Council deny issuance of Development Variance Permit DVP00014.

Financial Implications

As the proposal includes an encroachment agreement be entered into with the City of Port Moody, a one-time fee of \$662.35, plus an annual fee of \$3/m² of the encroachment is payable. This amounts to \$716.05 for the first year and \$53.70 each subsequent year for up to a ten-year term by way of their encroachment agreement, under the current rates.

Communications and Civic Engagement Initiatives

In accordance with the notification requirements in the City's Development Approval Procedures Bylaw and in the *Local Government Act*, notices for the proposed Development Variance Permit application were mailed to property owners and tenants within 140 metres of the subject site two weeks in advance of the Council meeting date.

Council Strategic Plan Objectives

This application aligns with the Council Strategic Plan Objective of Economic Prosperity by supporting the growth of businesses.

Attachment(s)

1. Location Map – 215 Newport Drive
2. Draft Development Variance Permit - 215 Newport Drive
3. Project Plans - 215 Newport Drive
4. Newport Drive Encroachment Area - 215 Newport Drive
5. Letter of Intent

Report Author

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Report Approval Details

Document Title:	Development Variance Permit (Permanent Licensed Patio) - 215 Newport Drive (Browns Social House).docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Location Map 215 Newport Drive.pdf- Attachment 2 - Draft Development Variance Permit (DVP) - 215 Newport Drive.docx- Attachment 3 - Project Plans - 215 Newport Drive.pdf- Attachment 4 - Newport Drive Encroachment Area - 215 Newport Drive.pdf- Attachment 5 - Letter of Intent.pdf
Final Approval Date:	Jan 16, 2023

This report and all of its attachments were approved and signed as outlined below:

Kate Zanon, General Manager of Community Development

Stephanie Lam, City Clerk and Manager of Legislative Services

Lindsay Todd, Acting Manager of Communications and Engagement

Paul Rockwood, General Manager of Finance and Technology

Tim Savoie, City Manager