

7 February, 2022

FROM: Jonathan Graham and Andrea Graham

TO: Kirsten Rawkins  
Planning and Development Services  
Town of Gibsons, Gibsons B.C.

RE: 438/444 Gower Point Road – Development Permit Amendment and Liquor Licence Application for New Patio.

## **SUBJECT**

Property owner is applying for:

1. Liquor Licence Amendment (LL-2022-01) for a new patio, converting the currently licenced temporary patio space to become permanent patio space, and providing alternative occupancy space during warmer weather conditions.
2. Development Permit Amendment (DP-2019-24): An amended landscape design for plantings to complete the intent of the original Development Permit, and to buffer and define the parking area per the Town's design guidelines and to support the application for a permanent liquor licence application for a new patio.

## **BACKGROUND**

The property is located at 438/444 Gower Point Road, and has a restaurant on it, known as The Barefoot Gecko Cantina Mexicana, a Temporary Extended Service Area (TESA) Patio, and a parking area. During its first three years of operation, the Barefoot Gecko has become a recognized and popular culinary landmark for both locals and tourists. The Barefoot Gecko is operational year round and supports year-round community employment, with 6 full-time employees, 5 part-time employees, and 5 additional seasonal employees.

DP-2019- 24, approved by the Council on 25 March 2020, contained a proposal for a Greenhouse, accessory kitchen, additional bathroom, and parking area (the "Greenhouse Project"). In the Autumn of 2020, initial work on this project was commenced, including the pouring of a concrete foundation and support wall for the Greenhouse, accessory kitchen and bathroom. However, following the death of then-property owner Sally Graham in November 2020, the proposed greenhouse and related work had to unfortunately be cancelled due to financial constraints.

In June 2021, following discussions and approval by the Town of Gibsons staff, the concrete foundation for the cancelled greenhouse building was converted into a temporary patio area, with significant investments in new wood siding and an entry staircase. The concrete wall was clad on the sides and top with cedar wood stained to match the dark wood colouring of the existing restaurant building. The result is a rustic patio area to match the existing building's rustic Mexican aesthetic, and supports the street-front village character along a bike and walking route in this Legacy Residential neighbourhood.

As part of the discussions with and approval of Town of Gibsons staff, extensive landscaping was also undertaken at the front of the property and surrounding the patio area.

#### **APPLICATION #1: AMENDMENT TO DEVELOPMENT PERMIT**

In the submitted landscape designs, and following the existing landscaping work, we propose aligning the rest of property with the original landscaping plan approved in the original Development Permit, while ensuring the plan reflects the change in the site usage following the cancellation of the Greenhouse Project, and the conversion of the greenhouse foundation into a patio area ("Patio 2").

Existing planting located in front of and around the Patio 2 area provides visually interesting views from the street and the plantings are of similar style with the existing restaurant landscaping, providing a visual linkage across the site.

Under the proposed amended landscape design, planting will help to screen and soften the parking area through a combination of walls, fencing, hedging and planting along the outside perimeter of the parking area, and in between some of the parking stalls. The planting will also help to screen from view the fenced waste containers area.

The parking area will have 17 parking spaces, which is sufficient for the 75 maximum occupancy of the restaurant. There is one designated handicap parking space located adjacent to the restaurant for easy entry and exit for handicapped patrons. The parking area is crush gravel, and is treated annually with a dust control product to manage dust. The entry driveway and designated handicapped stall is poured concrete. Indirect, low-level lighting of building facades, pedestrian routes and signage will be installed, matching where applicable the existing lighting found on the restaurant building.

Please find a proposed landscaping design attached with this letter.

#### **APPLICATION #2: CONVERT TEMPORARY PATIO LIQUOR LICENCE TO PERMANENT**

##### Current site description

The main restaurant building is 871 s.f. (81 m<sup>2</sup>), and has approximately 278 s.f. (26 m<sup>2</sup>) of covered exterior patio ("Patio 1"), as well as 529 s.f. (49m<sup>2</sup>) of covered patio seating with a mechanical retractable roof. Its hospitality features include a welcoming front porch and entryway, fireside entry and gated side patio. Its quaint-sized interior decor reflects its Mexican heritage.

The existing building has two washrooms (including disabled accessible) and its operations are compliant with all applicable Building Codes and Municipal Bylaws. A shed on the property, located adjacent to the covered south patio, has 324 s.f. (30 m<sup>2</sup>) and serves as an amenity building, and includes storage and preparation facilities for the functioning of the restaurant, as well as an extra washroom. As there are 3 universal washrooms on site, the maximum occupancy load is between 51 -75 persons as per Table 3.7.2.2. – A of the BC Building Code.

##### Current Patio 2 operation

The Barefoot Gecko is currently licenced to sell liquor by the LCRB under Food Primary Licence #308376.

In 2020, the Liquor and Cannabis Regulation Branch (LCRB) authorized the existing restaurant patio to be temporarily expanded as a new Temporary Expanded Service Area (TESA), located to the north of the main restaurant.

Construction of the new patio area ("Patio 2"), already licenced under TESA, was complete by June 2021. Patio 2 was operational from June to September 2021 and operated during the restaurant's dinner service between 5pm and 10pm, Wednesday through Sunday. The patio was very popular with patrons and enabled an increase in outdoor seating for the warmer summer months.

Patio 2 is 1000 s.f. (93 m<sup>2</sup>), bounded by a wood-clad concrete wall on three sides and a wood post and beam fence on the fourth side. Patio 2's flooring is fine gravel crush, mechanically compacted to create a hard surface suitable for dining. Wooden tables and benches are located inside Patio 2 to provide seating for restaurant patrons.

Restaurant patrons can access the Patio 2 area via a stone pathway leading from the back of the restaurant, or a wooden staircase located at the front leading to the street. Patio 2 has a controlled entrance at the front and a controlled entrance at the back, both of which can be gated.

Because the patio has already been in operation under the TESA during the 2021 summer, there will no new impacts on the local community. In the two summers the patio has been operational, it has provided a net positive contribution to the local community, by providing a new outdoor dining area for residents and tourists, and improving the aesthetic of the local neighbourhood. To date, the restaurant has not directly received any complaints for noise, light or similar issue related to the operation of Patio 2.

There is currently liquor served at Emelle's Catering Market Bistro, located further down Gower Point Road at Gibsons Public Market. The establishment is close to the Gibsons Marina, but not any other social or recreational activity areas.

### **Proposed change**

We are submitting a liquor licence application for a new patio, with the proposed new patio area ("Patio 2") effectively replacing the Temporary Extended Service Area (TESA). We are not proposing any changes to the layout, structure or design of Patio 2 from how it is currently operated.

We are proposing Patio 2 have an occupant load of 26 persons, and that Patio 2's hours of liquor service will align with the restaurant's current liquor licence (9am-Midnight, Monday through Sunday). Patio 2 has closed operations by 10pm every night over the previous two years.

Patio 2, with a 26-person occupancy, will be used as an alternative to the existing indoor restaurant seating. The indoor dining area occupancy limit is currently set by Gibsons at 30 people, of which 24 are customers. The total occupancy for the restaurant will never exceed 75 people as is required under the existing overall occupant capacity limit.

Please find attached with this letter the original restaurant floor plan and seating arrangements, and a new plan showing the floor plan for the new patio area.

An application for a new patio has been submitted to the LCRB ( [REDACTED]  
[REDACTED]