

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0120-00

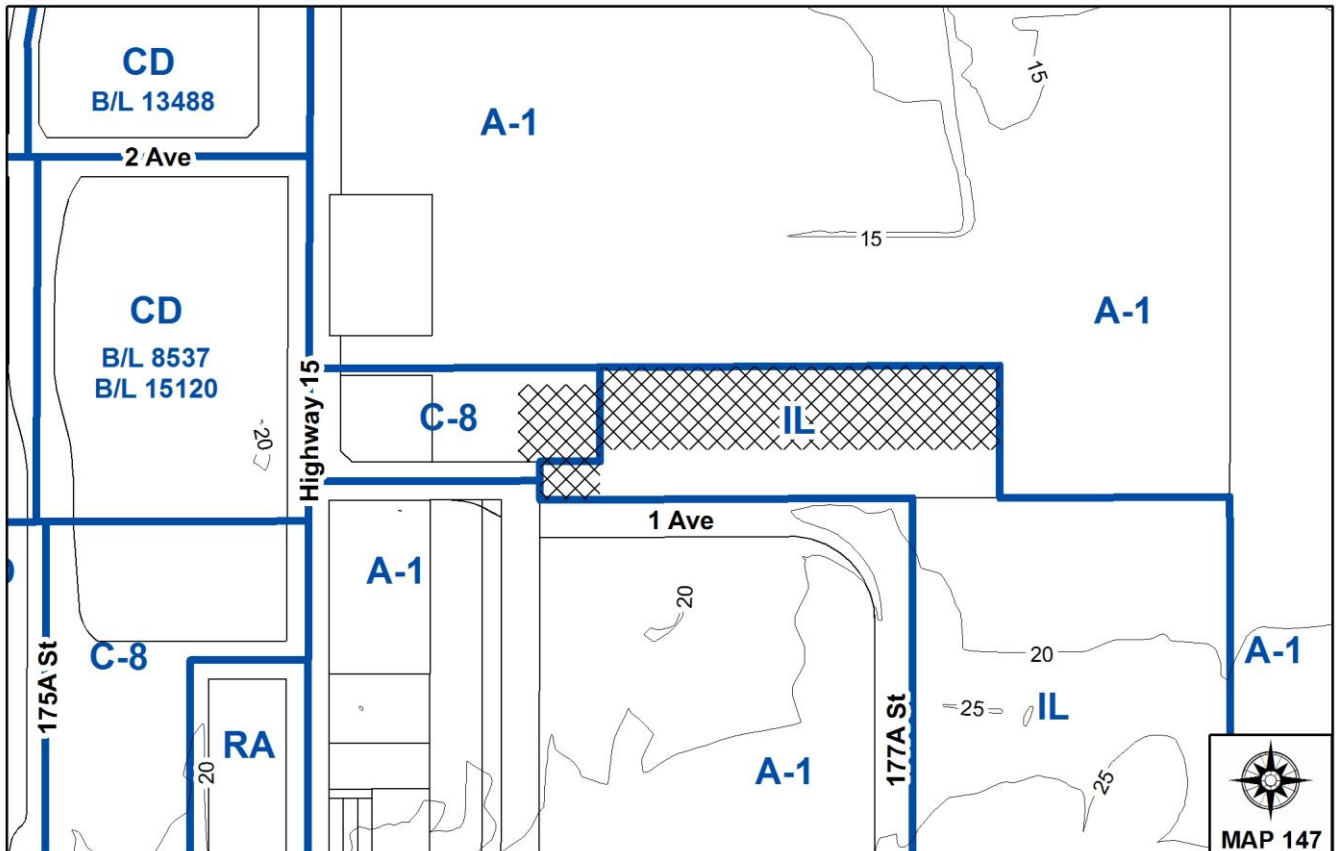
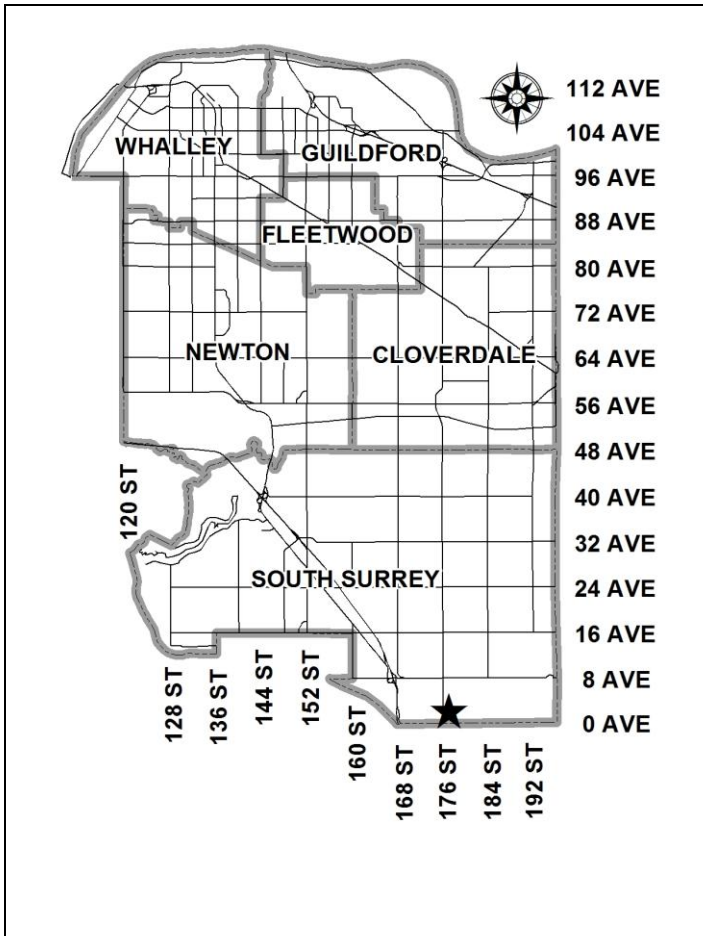
Planning Report Date: July 13, 2009

PROPOSAL:

- **OCP Amendment**
- **Development Permit**
- **Temporary Use Permit**
- **Liquor License Amendment** addition of outdoor patios and change of hours

in order to permit the construction of 2 outdoor patios for the Derby Bar & Grill and to extend the hours of operation of the establishment.

LOCATION: 17637 and 17735 - 1 Avenue
OWNER: P.C.B. Properties Ltd., Inc. No. 78028
ZONING: C-8 and IL
OCP DESIGNATION: Industrial
LAP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for OCP Amendment to declare the property at 17735 - 1 Avenue a Temporary Use Area.
- Approval to draft Development Permit.
- Approval for Temporary Use Permit to proceed to Public Notification.
- Approval of the proposed liquor license amendment to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The two proposed patio additions for the Derby Bar & Grill will encroach onto the adjacent property at 17735 – 1 Avenue which is not zoned to permit a neighbourhood pub use. The owner is seeking a Temporary Commercial Use Permit (TUP) to allow the patios to operate on a temporary basis while he pursues permanent approval for the patios through a rezoning process.

RATIONALE OF RECOMMENDATION

- The proposed patio locations are appropriate from an operational perspective as they will be conveniently accessed from the inside of the pub. Alternative locations on the north or west side of the building would be detached from the pub and separated by the office tenant space, and therefore are not desirable. Since the 2 adjacent properties already essentially operate as a single entity, and share a parking lot, the proposed patios will not result in much of a change from how the two sites currently function.
- The proposed Temporary Use Permit (TUP) is only a temporary arrangement which will allow the patios to operate for a maximum of 12 months. If in 12 months time, the owner is unable to obtain the necessary rezoning approvals to permanently allow the patios to operate, the patios will need to be closed and removed.
- Both patios will be framed by a decorative pressure treated wood fence with trellis. The site is already landscaped but as part of the proposal the owner proposes to replace the existing horizontal metal siding on the south of the building with higher quality cultured stone cladding.
- The proposed amended operating hours are generally in keeping with Council's policy for operating hours of liquor primary establishments in the City.
- The Derby Bar & Grill is located between commercial and industrial buildings and is farther than 200 metres (650 ft.) from the closest residential neighbourhood. As such it is not anticipated that the proposed patio additions or extension of hours will generate a negative impact on the community. The owner is not seeking an increase to the overall liquor primary person capacity.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend the Official Community Plan by declaring the property at 17735 - 1 Avenue a Temporary Use Area and a date for Public Hearing be set.
2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the Local Government Act.
3. Council approve the following proposed liquor primary liquor license amendment to proceed to Public Notification:
 - (a) the addition of two (2) outdoor patios with a combined person capacity of 28; and
 - (b) the extension of hours
 - from: 10:00 a.m. to 12:00 midnight Monday to Thursday;
10:00 a.m. to 1:00 a.m. Friday and Saturday; and
11:00 a.m. to 12:00 midnight Sunday
 - to: 10:00 a.m. to 1:00 a.m. Monday to Saturday; and
11:00 a.m. to 1:00 a.m. Sunday.
4. Council authorize staff to draft Development Permit No. 7909-0120-00 in accordance with the attached drawings (Appendix II).
5. Council approve Temporary Use Permit No. 7909-0120-00 (Appendix III) to proceed to Public Notification.
6. Council instruct staff to resolve the following issues prior to final approval:
 - (a) registration of the appropriate access agreements to permit patrons and staff of the Derby Bar & Grill at 17637 - 1 Avenue to access the outdoor patios located on the adjacent property at 17735 - 1 Avenue; and
 - (b) the applicant enter into a "Good Neighbour Agreement" to ensure minimal impact to the surrounding neighbourhood.

REFERRALS

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

Surrey RCMP: No comment.

Surrey By-laws & Licensing Services: No concerns.

Surrey Fire Department: No concerns.

SITE CHARACTERISTICS

Existing Land Use: Neighbourhood pub (Derby Bar & Grill) and Industrial building.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North and East:	Agricultural land.	Agricultural	A-1
South (Across 1 Avenue):	Border facilities.	Commercial	A-1
West:	Office building.	Industrial	C-8

DEVELOPMENT CONSIDERATIONS

Background

- The subject application involves 2 adjacent properties located on the east side of 176 Street (Highway 15) just north of 1 Avenue. The westernmost property (17637 – 1 Avenue) is in a panhandle configuration with frontage on both 176 Street (Highway 15) and 1 Avenue. This property is designated "Industrial" in the Official Community Plan (OCP), is zoned Community Commercial Zone (C-8), and is occupied by an office building with attached neighbourhood pub and teletheatre (The Derby Bar & Grill). Council granted final approvals for The Derby Bar & Grill on May 29, 2006 (File No. 7905-0348-00) and the establishment is open for business. The easternmost property is also in a panhandle configuration with frontage on 1 Avenue. This property is designated "Industrial" in the Official Community Plan (OCP), is zoned Light Impact Industrial Zone (IL), and is occupied by an industrial building.
- The two properties (17637 and 17735 - 1 Avenue) essentially operate as a single entity with respect to building location, and shared access and parking. A reciprocal access and shared parking agreement allows the Derby Bar & Grill to share access to 1 Avenue with the industrial building site and also to use 28 of that site's surplus parking stalls. The parking stall configuration, and location of landscape islands, physically delineates the parking area on the industrial building site that is for use by the Derby Bar & Grill staff and patrons. Both properties are under the same ownership.
- To the north and east of the subject properties is agricultural land, zoned A-1, designated "Agricultural" in the OCP, and within the Agricultural Land Reserve (ALR). To the south are border facilities, zoned A-1 & IL, and designated "Commercial" and "Industrial" in the OCP.

- The owner of the Derby Bar & Grill proposes to construct two outdoor patios, one on the east side of the establishment and one on the south side. The owner also proposes to extend the hours of operation of the establishment to close 1 hour later on Sunday to Thursday (1:00 am versus 12:00 midnight).

Proposed Temporary Use Permit

- The Derby Bar & Grill building at 17637 – 1 Avenue is sited 0 metres (0 ft.) from the eastern property line and 2.0 metres (6.5 ft.) from the southern property line, and as such the two proposed outdoor patios will encroach onto the property at 17735 – 1 Avenue. The property at 17735 – 1 Avenue is zoned Light Impact Industrial (IL) which does not permit a neighbourhood pub and as such the proposed patios are not permitted under the Zoning By-law. A rezoning to allow the neighbourhood pub use is being pursued, but the application review process will not allow for the patios to be up and running for this summer season. As such, the owner is seeking a Temporary Use Permit (TUP) to allow the patios to operate on a temporary basis while he pursues the rezoning process.
- The proposed patio locations are appropriate from an operational perspective as they will be conveniently accessed from the inside of the pub. Alternative locations on the north or west side of the building would be detached from the pub and separated by the office tenant space, and therefore are not desirable. Since the 2 adjacent properties already essentially operate as a single entity, and share a parking lot, the proposed patios will not result in much of a change from how the two sites currently function.
- The two properties are currently under the same ownership, however, prior to final approval the owner will be required to register the appropriate shared access agreements to ensure patrons and staff of the Derby Bar & Grill can access the outdoor patios on the adjacent property even if ownership should change.
- There has been no complaints received since the opening of the Derby Bar & Grill in 2006.
- The proposed Temporary Use Permit (TUP) is only a temporary arrangement which will allow the patios to operate for a maximum of 12 months. If in 12 months time, the owner is unable to obtain the necessary rezoning approvals to permanently allow the patios to operate, the patios will need to be closed and removed.

Proposed Patio Design

- The two patios are small (12 and 16 seats respectively). Both patios will be framed by a pressure treated wood fence with trellis. The fence for the south patio will be 1.2 metres (4 ft.) in height and the fence for the east patio will be 1.8 metres (6 ft.) in height. The site is already landscaped but as part of the proposal the owner proposes to replace the existing horizontal metal siding on the south of the building with higher quality cultured stone cladding.
- It is noted that the patio will be occupied by tables with umbrellas but will not have any overhead enclosure for the area.
- The proposed patio additions were reviewed by staff and found to be acceptable.

Proposed Liquor License Amendment

- The proposed patio additions and extension of hours require an amendment to the existing Liquor Primary License for the Derby Bar & Grill.
- The Liquor Control and Licensing Branch (LCLB) requires that Council, in providing a response to the LCLB with respect to an application for structural changes to add a patio and/or to extend operating hours, comment on how the subject site satisfies a specific list of criteria. The analysis of the criteria for this site is provided as follows:

Potential for Noise

- The Derby Bar & Grill is located in a commercial/industrial/agricultural designated area. Surrounding uses include industrial and commercial buildings, and agricultural land. The closest residential neighbourhood is in the Douglas area, which is located farther than 200 metres (656 ft.) from the subject site. As such it is not anticipated that additional noise generated through the addition of outdoor patios or extension of hours will adversely impact adjoining properties.
- The two patios are small (12 and 16 seats respectively) and will be framed with decorative fencing.

Impact on the Community

- The proposed amended operating hours which are from 10:00 am to 1:00 am Monday to Saturday and 11:00 a.m. to 1:00 a.m. Sunday are generally in keeping with Council's policy for operating hours of liquor primary establishments in the City, which are from 11:00 am to 1:00 am Sunday to Thursday and from 11:00 am to 2:00 am Friday and Saturday. While opening at 10:00 am Monday to Saturday is 1 hour earlier than specified under the Council policy it is the same time as currently permitted on Monday to Saturday under the Derby Bar & Grill's existing Liquor Primary license. The proposed closing hours on Friday and Saturday are one hour earlier than specified under the Council policy.
- Council policy requires that where an outdoor patio of a licensed establishment is within 100 metres (330 ft.) of a residential area, the permitted operating hours of the outdoor patio are to be between 11:00 am to 10:00 pm every day of the week. Since the Derby Bar & Grill is not within 100 metres (330 ft.) of a residential area this requirement is not applicable.
- The Derby Bar & Grill is located between commercial and industrial buildings and is farther than 200 metres (650 ft.) from the closest residential neighbourhood. As such it is not anticipated that the proposed patio additions or extension of hours will generate a negative impact on the community. The owner is not seeking an increase to the overall liquor primary person capacity.
- The applicant will enter into a Good Neighbour Agreement to ensure minimal impact on the surrounding neighbourhood.

Will the amendment result in the establishment being operated in a manner that is contrary to its primary license.

- The main purpose of the business is a liquor primary license (Neighbourhood Pub). It is not anticipated that allowing a patio or extending operating hours will result in the establishment being operated in a manner that is contrary to its primary purpose.

PRE-NOTIFICATION

- In response to the Provincial liquor licensing regulations that came into effect in 2002 under the *Liquor Control and Licensing Act*, Council approved Corporate Report No. R209 on September 29, 2003. The Corporate Report sets out the public consultation procedures for various types of liquor permit applications. In accordance with procedures adopted by Council, an application to amend an existing liquor primary license to add a patio and/or extend hours of operation is processed in a manner similar to the process for a Development Variance Permit.
- In accordance with Corporate Report No. R209, the applicant has installed a Development Proposal Sign on the property to identify the proposed patio additions and extension of operating hours for the existing pub and 143 pre-notification letters were sent on July 9, 2009. Planning & Development staff have not received any telephone calls or correspondence in response to this sign or the pre-notification letter.

PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

- Pursuant to Section 879 of the Local Government Act, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to the proposed OCP amendment, other than those contacted as part of the pre-notification process.

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.	Temporary Commercial Use Permit No. 7909-0120-00
Appendix IV.	OCP Amendment By-law

INFORMATION AVAILABLE ON FILE

- Complete Set of Architectural Plans prepared by G3 Architecture Inc., respectively, dated July 6, 2009.

Jean Lamontagne
General Manager
Planning and Development

RG/kms

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Gus Da Roza, G3 Architecture Inc.
 Address: 17948 - 8 Avenue
 Surrey, BC
 V3S 9R9
 Tel: 604-916-8582

2. Properties involved in the Application

- (a) Civic Addresses: 17637 and 17735 - 1 Avenue
- (b) Civic Address: 17637 - 1 Avenue
 Owner: P.C.B. Properties Ltd., Incorporation No. 78028
 PID: 005-415-233
 Lot 1 Section 33 Block 1 North Range 1 East New Westminster District Plan
 73076
- (c) Civic Address: 17735 - 1 Avenue
 Owner: P.C.B. Properties Ltd., Incorporation No. 78028
 PID: 005-415-241
 Lot 2 Section 33 Block 1 North Range 1 East New Westminster District Plan
 73076

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to amend the Official Community Plan by declaring the property at
 17735 - 1 Avenue a Temporary Use Area.
- (b) Proceed with Public Notification for Temporary Use Permit No. 7909-0120-00.
- (c) Proceed with Public Notification to solicit public opinion with respect to a liquor license
 amendment.

DEVELOPMENT DATA SHEET

Existing Zoning: C-8 and IL

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		20,006 m ²
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front		
Rear		
Side #1 (N,S,E, or W)		
Side #2 (N,S,E, or W)		
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)		
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		

**** If the development site consists of more than one lot, lot dimensions pertain to the entire site.***

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		162
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	NO
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