

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0039-00

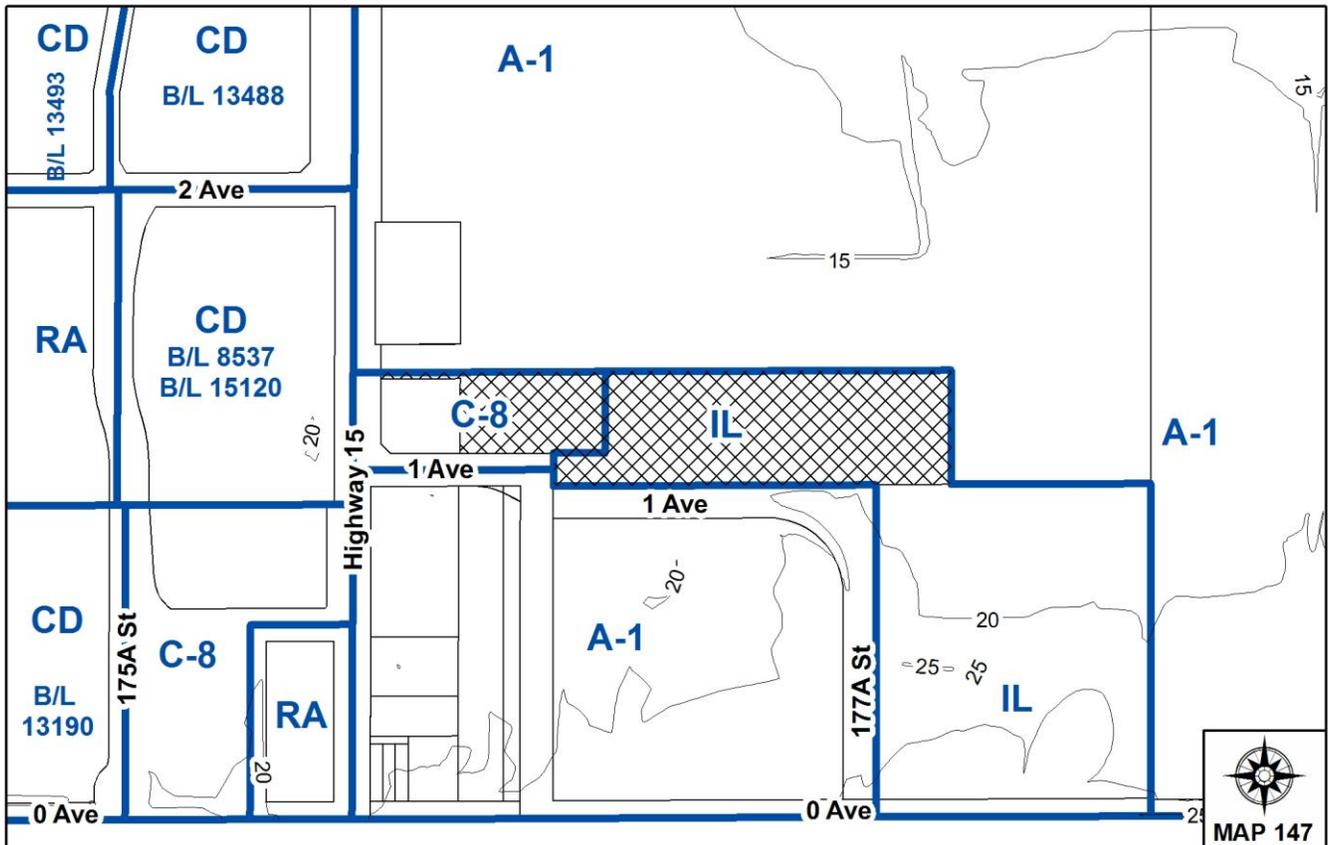
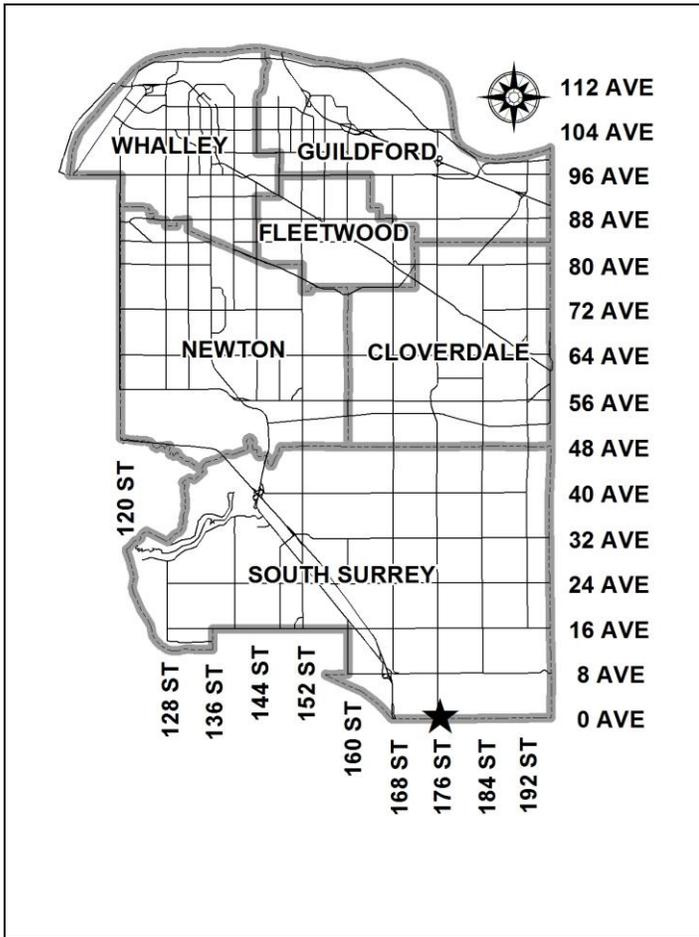
Planning Report Date: April 12, 2010

PROPOSAL:

- **Liquor License Amendment** (increase in capacity)

in order to increase the indoor person capacity of the neighbourhood pub on the site (The Derby Bar & Grill) from 75 to 113.

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

- Approval of the proposed liquor license amendment to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The site already has been in operation as a liquor licensed establishment for some time and there have been no concerns.
- 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 the proposed increased capacity of 38 persons will adversely impact the community.
- The applicant has already entered into a Good Neighbour Agreement to ensure minimal impact on the surrounding neighbourhood.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed liquor primary liquor license amendment to proceed to Public Notification:
 - (a) The increase in indoor person capacity from 75 to 113 in addition to the already approved combined outdoor capacity of 28 on two outdoor patios.

REFERRALS

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

Surrey RCMP: No concerns.

Surrey By-laws & Licensing Services: No concerns.

Building Division: No concerns.

SITE CHARACTERISTICS

Existing Land Use: Neighbourhood Pub (Derby Bar & Grill), office building 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 CONSIDERATIONSBackground

- The subject application involves the Derby Bar & Grill neighbourhood pub and teletheatre, which is located on the east side of 176 Street (Highway 15) just north of 1 Avenue. The neighbourhood pub building itself, along with an office building, are located on the property at 17637 – 1 Avenue, which is zoned Community Commercial Zone (C-8). The two outdoor patios for the pub are located on the adjacent property to the south at 17735 – 1 Avenue, which is occupied by an

industrial building. This property fronts on 1 Avenue and is zoned Light Impact Industrial Zone (IL).

- The two outdoor patios are not permitted under the Light Impact Industrial (IL) Zone of the southerly site and as such, on July 27, 2009, Council issued a Temporary Use Permit (TUP) under application No. 7909-0120-00 to allow the 2 outdoor patios to operate for 12 months, providing the owner time to pursue the necessary rezoning process to formally legalize the patios. The owner is aware that upon expiration of the 12 month time period (July 27, 2010), if he is unable to obtain the necessary rezoning approvals, the patios will need to be closed and removed. The owner has advised staff that he will be initiating the rezoning process shortly.
- The two subject properties essentially operate as a single entity with respect to building location, the outdoor patios, and shared access and parking. A reciprocal access easement and shared parking agreement allows the Derby Bar & Grill to share access to 1 Avenue with the southerly 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 southerly site that is for use by the Derby Bar & Grill staff and patrons. Another reciprocal access easement permits patrons and staff of the Derby Bar & Grill to access the two outdoor patios on the southerly site. Both properties are under the same ownership.
- In 2009, when Council was asked to consider the Temporary Use Permit (TUP), and a corresponding Development Permit (DP), to permit the temporary operation of the outdoor patios, Council was also requested to consider an amendment to the Liquor Primary liquor license for the Derby Bar & Grill to permit the addition of the 2 outdoor patios with a combined person capacity of 28, as well as to extend the hours of operation of the pub.
- In support of these amendments, the owner proposed to convert 38 of the 113 existing indoor Liquor Primary licensed seats of the pub to Food Primary. As such, the proposal to add 28 Liquor Primary licensed outdoor seats would not result in an overall capacity increase as it would be offset by a reduction of 38 Liquor Primary licensed indoor seats.
- After considering the proposal, and after undertaking the necessary public notification, Council passed the following resolution:

"Surrey City Council recommends the issuance of the license, subject to the following conditions:

1. A maximum capacity of 75 persons indoors for liquor primary; and
 2. Addition of 2 outdoor patios with a maximum capacity of 28; and
 3. Hours of operation to be 10:00 a.m. to 1:00 a.m. Monday to Saturday, and 11:00 a.m. to 1:00 a.m. Sunday."
- This Council resolution was sent to the General Manager of the Liquor Control and Licensing Branch (LCLB) on August 5, 2009.

Current Proposal

- The owner of the Derby Bar & Grill no longer seeks to convert 38 of the 113 existing indoor Liquor Primary licensed seats to Food Primary, as he initially proposed, but now proposes to retain an indoor Liquor Primary licensed capacity of 113 in addition to the outdoor Liquor Primary licensed capacity of 28 on the two outdoor patios. This will result in a combined capacity of 141.
- The Liquor Control and Licensing Branch (LCLB) requires that Council provide a resolution with respect to a capacity increase, taking into consideration 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 additional capacity of 38 persons will adversely impact adjoining properties.

Impact on the Community

- The operating hours of the Derby Bar & Grill are from 10:00 am to 1:00 am Monday to Saturday and 11:00 a.m. to 1:00 a.m. Sunday. These operating hours 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, the closing hours on Friday and Saturday are one hour earlier than specified under the Council policy.
- 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 additional capacity of 38 persons will generate a negative impact on the community.
- The applicant has already entered into a Good Neighbour Agreement to address any operational concerns in relation to the surrounding neighbourhood. No issues have arisen in the past.

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 increasing the capacity 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, the subject application to amend an existing liquor primary license to increase capacity 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 capacity increase for the existing pub and 142 pre-notification letters were sent on March 16, 2010. Planning & Development staff have not received any telephone calls or correspondence in response to this sign or the pre-notification letter.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets and Survey Plan
Appendix II. Derby Bar & Grill Site Plan

Jean Lamontagne
General Manager
Planning and Development

RG/kms

v:\wp-docs\planning\plncom10\04071359rg.doc
. 4/7/10 2:16 PM

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
---------------	----	---------------------------------	----