

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7921-0304-00

Planning Report Date: April 25, 2022

PROPOSAL:

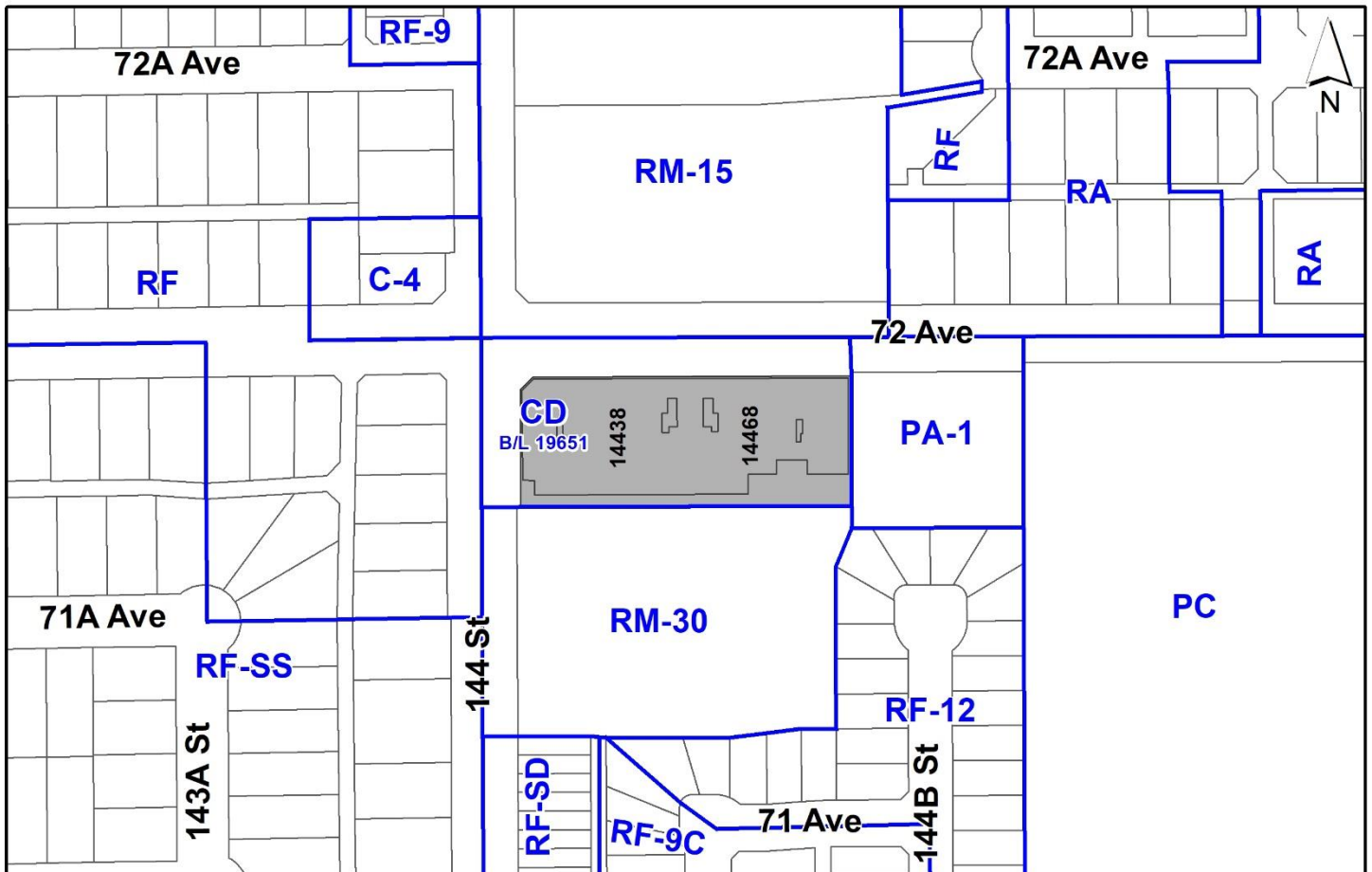
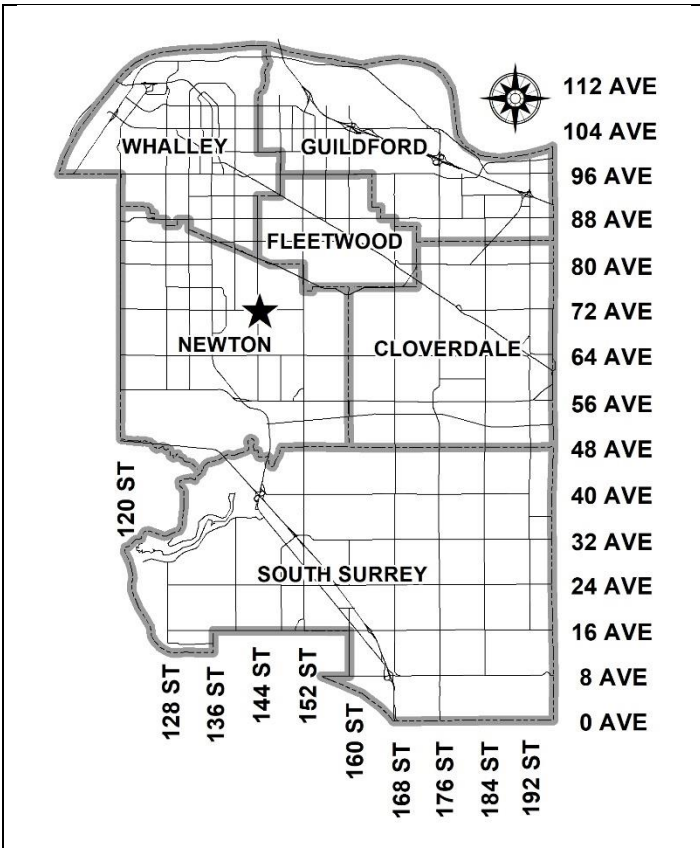
- Amend CD By-law No. 19651 to allow a private liquor store as a permitted use

LOCATION: 14468 - 72 Ave (14438 - 72 Ave)

ZONING: CD (By-law No. 19651)

OCP DESIGNATION: Multiple Residential

NCP DESIGNATION: Mixed-Use Commercial/Residential



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to Amend CD By-law No. 19651.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposal does not comply with City Policy No. O-59, Locational Guidelines for Private Liquor Stores (Licensee Retail Stores), as the subject site is located within 400 metres of M.B. Sanford Elementary School, which contains a public children's park. Corporate Policy No. O-59 recommends that private liquor stores not be located within 400m of a school, a public children's park, a public children's playground, a public library, or a public recreation centre.

RATIONALE OF RECOMMENDATION

- The site is over one (1) kilometre from any other liquor store. The closest liquor store is Fin Liquor Store, located approximately 1.3 kilometres away at 14069-68 Avenue in Newton Town Centre.
- The School District has stated general concern with any liquor stores in close proximity to schools. The proposed private liquor store is located approximately 300 metres from the M.B Sanford Elementary School building, and 220 metres from the M.B Sanford Elementary School property line, measured in a direct line.
- As elementary aged children are not permitted off school grounds unsupervised, there is minimal concern of children interacting with the private liquor store and its patrons.
- The Parks Recreation and Culture Department, By-laws and Licensing Department and Newton District Community Policing Station have no concerns with the proposed private liquor store.
- The applicant has agreed to enter into a Good Neighbour Agreement to assist in mitigating any nuisance activities associated with the proposed liquor store.
- The private liquor store is proposed within the ground level of a mixed-use building currently under construction. The store will comply with Provincial Regulations for Licensee Retail Stores.
- The applicant has demonstrated community support for the proposed liquor store.
- As is now permitted by recent changes to liquor regulations, the applicant proposes to "relocate" a private liquor store license in Burns Lake to the subject site.
- The parking requirements are unaffected as the proposed use is considered a retail use for the purposes of parking calculations for the entire site.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to amend Comprehensive Development By-law No. 19651 and a date be set for Public Hearing.
2. Council instruct staff to resolve the following issue prior to Final Approval:
 - (a) The applicant enter into a Good Neighbour Agreement with the City, in order to assist in mitigating any potential impact the private liquor store license may have on the surrounding neighbourhood.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	NCP/OCP Designation	Existing Zone
Subject Site	Mixed-use Commercial/Residential	Mixed-use Commercial/Residential (OCP: Multiple Residential)	CD
North (Across 72 Ave.):	Townhouse Residential	Multiple Residential (Townhouses) (OCP: Urban)	RM-15
East:	Assembly Hall	Institutional/ (OCP: Urban)	PA-1
South:	Townhouse Residential	Medium-High Density Townhouses (OCP: Urban)	RM-30
West (Across 144 St.):	Single Family Residential	OCP: Urban	RF

Context & Background

- The Site is located within the East Newton South Neighbourhood Concept Plan (NCP) Area.
- The site was originally developed under Application No. 7917-0596-00, under CD By-law No. 19651, which allowed construction of a five-storey mixed-use commercial/residential development. The two mixed use buildings are currently under construction and are nearing completion.
- At the Regular Council – Public Hearing meeting on January 17th, 2022 Development Variance Permit Application No. 7921-0255-00 was issued which allowed subdivision into one air space parcel and a remainder lot for two mixed use buildings. The subdivision application was completed on March 21st, 2022.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant is proposing to rezone the site from CD By-law No. 19651 to CD to allow for private liquor store use. The existing CD By-law does not allow for private liquor store use.
- The subject site consists of two five-storey mixed-use commercial/residential buildings containing commercial units on the first floor, and residential units above.
- On September 9, 2013, Council approved the recommendations in Corporate Report No. R172, regarding locational guidelines for private liquor stores, resulting in the approval of City Policy No. O-59 (see Appendix IV). Corporate Policy No. O-59 recommends that private liquor stores not be located within 400 metres of a school, a public children's park, a public children's playground, a public library or a public recreation centre. The 400 metre minimum distance is a recommendation only and may be reduced provided there is adequate rationale.
- The applicant is proposing to relocate an existing License Retail Store license from Burns Lake to 14438 72 Ave, Surrey. In 2016, The Liquor Control and Licensing Branch amended there leasing and licensing requirements to allow for relocation of Licensee Retail Stores to any location within British Columbia under policy directive 16-12. Previously, applicants were restricted to relocating Licensee Retail Stores to within 1 kilometre of their current location.
- No changes to the design of the building approved under Development Permit No. 7917-0596-00 are proposed as part of the subject application.

Referrals

Engineering:	The site has been serviced under application 7817-0596-00. There are no further requirements from Engineering,
School District:	The School District has expressed general concern with a business selling liquor during school hours being located in proximity to a school. 72 nd Avenue, which is an arterial road, provides a physical separation between the subject site and M.B. Sanford Elementary School and will help mitigate potential conflicts between these uses. Further, the proposed liquor school is located approximately 300 metres from the M.B Sanford Elementary School building, and 220 metres from the M.B Sanford Elementary School property line, measured in a direct line. See Appendix II for more information.
Surrey RCMP:	The Surrey RCMP has no concern with the proposed zoning amendment.
Surrey Bylaws & Licensing Services:	Bylaw & Licensing Services has no concern with the proposed zoning amendment.

Parks, Recreation and Culture

The Parks, Recreation and Culture Department has no concern with the proposed zoning amendment.

Transportation Considerations

As the proposed liquor store use will not exceed 372 square metres in area, the off-street parking rate that is applicable to this proposal is 2.75 stalls /100 square metres of floor area as prescribed in Part 5 of the Surrey Zoning Bylaw for *Liquor Stores*. Parking for commercial uses on this property has been provided at a rate of 3 stalls/100 square metres, which exceeds the Zoning By-law requirement.

POLICY & BY-LAW CONSIDERATIONS

CD By-law No. 19651 and Proposed Amendment

- CD By-law No. 19651, which regulates the site, was approved by Council in 2018 as part of Development Application No. 7917-0596-00. CD By-law No. 19651 was based on the C-5 Zone. The CD Zone requires that the gross floor area of each individual business be a maximum of 370 square metres (4,000 sq. ft.).
- CD By-law No. 19651 excludes neighbourhood pubs and child care centres as permitted uses. All other uses listed in the C-5 Zone are included in CD By-law No. 19651 (Appendix III).
 - Neighborhood pubs as a permitted use were not included due to the location of the site, separate from any commercial nodes that have existing businesses operating late into the evening on weekends as would be typical for a neighbourhood pub. The proposed private liquor store will have operating hours from 9:00 a.m. to 11:00 p.m., similar to other retail businesses.
 - As the necessary provisions for a child care centre such as an outdoor play area were not accommodated on site, the child care centre use was removed from the zone to avoid potential confusion in the future.
- The applicant is proposing to amend CD By-law No. 19651 in order to add a private liquor store as a permitted use on the site (Appendix III).
- No other changes are proposed to the existing CD By-law No. 17674.

PUBLIC ENGAGEMENT

Pre-notification letters were sent on February 2nd, 2022, and the Development Proposal Signs were installed on January 31st, 2022. Staff received 24 responses from neighbours, 23 in support and 1 against (*staff comments in italics*):

- The subject site is in close proximity to M.B. Sanford Elementary School, Valley View Memorial and Cemetery, and Punjabi Masihi Church. It will negatively impact the community.

(The By-laws and Licencing Section and the Newton RCMP have identified no concerns with the proposed liquor store. The applicant has agreed to enter into a Good Neighbour Agreement to assist in mitigating any nuisance impacts.

Separation by 72nd Avenue (arterial road) will help mitigate any impacts on M.B. Sanford Elementary School. The proposed private liquor store will be located approximately 300 metres from the M.B Sanford Elementary School building, and 220 metres from the M.B Sanford Elementary School property line.)

- The addition of a liquor store at this location will encourage walking and provide local amenities.

(Retail uses in this location meet Official Community Plan (OCP) Policy to create "Complete Communities" by providing walkable, mixed-use development that provides local retail spaces to residents.)

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	CRU Location
Appendix II.	School District Comments
Appendix III	Proposed CD By-law Amendment (red-lined)
Appendix IV	Policy O-59

approved by Shawn Low

Jeff Arason
Acting General Manager
Planning and Development

SDC/cm

SEAL:

FOR:
AMTRAC CONSTRUCTION LTD.
DF ARCHITECTURE INC.
AMSON

NO.	DATE	REVISION DESCRIPTION	DR.
9	18 JUL 05	FOR PLANNING COMMENTS BENCH PLAZA REMOVAL	BJ
8	18 JUL 11	REVISIONS PER ACP COMMENTS	BJ
7	18 JUN 12	DP SUBMISSION (LIGHTING/GAS/PLANTERS)	BJ
6	18 APR 13	DP SUBMISSION	BJ
5	17 DEC 21	DP SUBMISSION	BJ
4	17 APR 22	NEW ARCH DWS	BJ
3	17 FEB 08	NEW ARCH DWS, CITY COMMENTS	BJ
2	17 JAN 05	NEW ARCH PLAN, CITY COMMENTS	BJ
1	16 AUG 02	NEW ARCH PLAN, CITY COMMENTS	BJ

NO. DATE REVISION DESCRIPTION DR.

CLIENT:

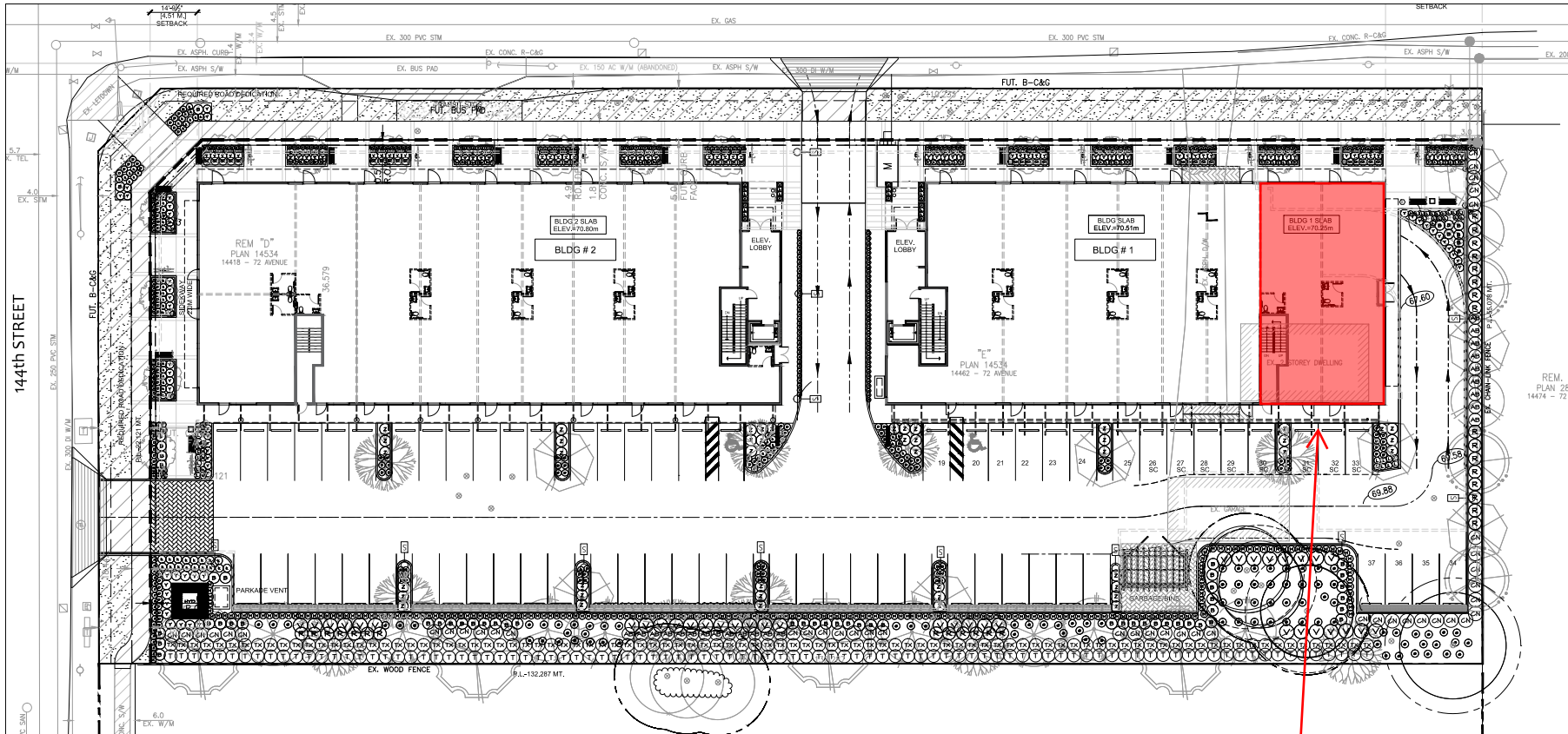
PROJECT:

MIXED USE DEVELOPMENT
14418 & 14462 72 AVENUE
SURREY, BC

DRAWING TITLE:
**SHRUB PLAN:
GROUND LEVEL**

DATE: 16/10/31 DRAWING NUMBER:
SCALE: 1"=10'-0"
DRAWN: BJ
DESIGN:
CHKD: OF 4

L2



Approximate Location
of Proposed Liquor
Store



March 17, 2022

Stephen Clark
Planner, South Surrey Division
City of Surrey
Planning and Development Department
13450 – 104 Avenue Surrey BC V3T 1V8

Dear Mr. Clark

RE: Application 21 0304 00

Thank you for the opportunity to provide written comment on file 21 0304 00 14468 72nd Avenue for a liquor primary license.

The subject property at 14468 72nd Avenue is located within the M.B. Sanford elementary catchment. The Surrey School District expresses general concern with any business selling or serving liquor (particularly around school hours) in close proximity to any of our schools. The subject property and M.B. Sanford Elementary are separated by 72nd Avenue, a major arterial road; and therefore, mitigates the friction between the use and the elementary school.

Thank you for the opportunity to comment on this application and we trust that our concerns will be considered as part of this application.

Kind regards,

A handwritten signature in blue ink, appearing to read "K. Isford-Saxon".

Kelly Isford-Saxon
Manager, Demographics and Facilities Planning

LEADERSHIP IN LEARNING

CITY OF SURREY

BYLAW NO. 19651

A bylaw to amend "Surrey Zoning By-law, 1993, No. 12000", as amended
.....

THE COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

1. "Surrey Zoning By-law, 1993, No. 12000", as amended, is hereby further amended, pursuant to the provisions of Section 479 of the Local Government Act, R.S.B.C. 2015 c. 1, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of "Surrey Zoning By-law, 1993, No. 12000", as amended as follows:

FROM: ONE-ACRE RESIDENTIAL ZONE (RA)
 TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 001-678-876
 Lot "E" Section 15 Township 2 New Westminster District Plan 14534
 (14462 - 72 Avenue)

Parcel Identifier: 004-636-171
 Lot "D" Except: Parcel "B" (Bylaw Plan 79820); Section 15 Township 2 Plan 14534
 (14418 - 72 Avenue)

(hereinafter referred to as the "*Lands*")

2. The following regulations shall apply to the *Lands*:

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate the development of *multiple unit residential buildings*, related *amenity spaces*, and neighbourhood commercial uses, which are to be developed in accordance with a *comprehensive design*, where *density bonus* is provided.

B. Permitted Uses

The *Lands* and *structures* shall be used for the following uses provided such uses are part of a *comprehensive design*:

1. *Multiple unit residential buildings*, provided this use does not constitute a singular use on the *lot*.
2. The following *accessory uses* are permitted, provided that any one of these uses, or a combination thereof, are ancillary to a use permitted under Section B.1 of this Zone, and provided that the *gross floor area* of each individual business does not exceed 370 square metres [4,000 sq. ft.]:
 - (a) *Retail stores* excluding *adult entertainment stores* and auction houses and *secondhand stores* and *pawnshops*;
 - (b) *Personal service uses* limited to barbershops, beauty parlours, cleaning and repair of clothing, and shoe repair shops;
 - (c) *Eating establishments* excluding *drive-through restaurants*, provided that the *gross floor area* of each individual business does not exceed 150 square metres [1,615 sq. ft.];
 - (d) Office uses excluding *social escort services* and *methadone clinics*;
 - (e) *General service uses* excluding funeral parlours, *drive-through banks* and *vehicle rentals*;
 - (f) Indoor *recreational facilities*; ~~and~~
 - (g) *Community services*; ~~and~~
 - (h) *Liquor Store*.

C. Lot Area

Not applicable to this Zone.

D. Density

1. The maximum *density* shall not exceed a *floor area ratio* of 0.1. The maximum *density* may be increased to a *floor area ratio* of 1.5 if amenities are provided in accordance with Schedule G of "Surrey Zoning By-law, 1993, No. 12000", as amended.

2. Notwithstanding the definition of *floor area ratio*, for an air space subdivision, the air space parcels and the remainder *lot* of the air space subdivision shall be considered as one *lot* for the purpose of application of Section D of this Zone, and further provided that the *floor area ratio* calculated from the cumulative floor areas of the *buildings* within all of the air space parcels and the remainder *lot* of the air space subdivision shall not exceed the maximum specified in Section D.1 of this Zone.
3. The indoor *amenity space* required in Sub-section J.1(b) is excluded from the calculation of *floor area ratio*.

E. Lot Coverage

1. The *lot coverage* shall not exceed 45%.
2. Notwithstanding the definition of *lot coverage*, for an air space subdivision, the air space parcels and the remainder *lot* of the air space subdivision shall be considered as one *lot* for the purpose of application of Section E of this Zone, and further provided that the *lot coverage* within all of the air space parcels and the remainder *lot* of the air space subdivision shall not exceed the maximum specified in Section E.1 of this Zone.

F. Yards and Setbacks

Buildings and *structures* shall be sited in accordance with the following minimum *setbacks*:

Use	Setback	<i>Front Yard (West)</i>	<i>Rear Yard (East)</i>	<i>Side Yard (South)</i>	<i>Side Yard on Flanking Street (North)</i>
<i>Principal Buildings</i>		4.5 m [15 ft.]	9.0 m [30 ft.]	24.0 m [79 ft.]	4.0 m [13 ft.]
<i>Accessory Buildings and Structures</i>		3.0 m [10 ft.]	3.0 m [10 ft.]	5.0 m [16 ft.]	4.0 m [13 ft.]

Measurements to be determined as per Part 1 Definitions of "Surrey Zoning By-law, 1993, No. 12000", as amended.

G. Height of Buildings

Measurements to be determined as per Part 1 Definitions of "Surrey Zoning By-law, 1993, No. 12000", as amended.

1. *Principal buildings*: The *building height* shall not exceed 18.3 metres [60 ft.].
2. *Accessory buildings and structures*: The *building height* shall not exceed 4.0 metres [13 ft.].

H. Off-Street Parking

1. *Parking spaces* shall be provided in accordance with Part 5 Off-Street Parking and Loading/Unloading of "Surrey Zoning By-law, 1993, No. 12000", as amended.
2. All required resident *parking spaces* shall be provided as *underground parking* or as *parking within building envelope*.
3. No parking shall be permitted within the *front yard* or within any *side yard* which abuts a *flanking street*.
4. Notwithstanding Sub-section A.3 (d) of Part 5 Off-Street Parking and Loading/Unloading of "Surrey Zoning By-law, 1993, No. 12000", as amended, the underground *parking facility* shall not be located within 0.5 metre [2 ft.] of the *front lot line* or the *lot line* along a *flanking street*.

I. Landscaping

1. All developed portions of the *lot* not covered by *buildings, structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.
2. The boulevard areas of *highways* abutting a *lot* shall be hard-surfaced within the *lot* on the side of the *highway* abutting the north side of the *Lands*, and provided with a continuous *landscaping* strip of not less than 1.5 metres [5 ft.] in width within the *lot* abutting the west side of the *Lands*.
3. The boulevard areas of *highways* abutting a *lot* shall be seeded or sodded with grass on the side of the *highway* abutting the *lot*, except at *driveways*.
4. Garbage containers and *passive recycling containers* shall be screened to a height of at least 2.5 metres [8 ft.] by *buildings*, a *landscaping* screen, a solid decorative fence, or a combination thereof.

J. Special Regulations

1. *Amenity space* shall be provided on the *lot* as follows:
 - (a) Outdoor *amenity space*, in the amount of 3.0 square metres [32 sq. ft.] per *dwelling unit* and shall not be located within the required *setbacks*; and
 - (b) Indoor *amenity space*, in the amount of 3.0 square metres [32 sq. ft.] per *dwelling unit*.
2. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.

3. *Balconies* are required for all *dwelling units* and shall be a minimum of 5% of the *dwelling unit* size or 4.6 square metres [50 sq. ft.] per *dwelling unit*, whichever is greater.
4. The outdoor storage or display of any goods, materials or supplies is specifically prohibited, notwithstanding any other provision in this Zone.

K. Subdivision

Lots created through subdivision in this Zone shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
6,000 sq. m. [1.5 acre]	50 metres [164 ft.]	125 metres [410 ft.]

Dimensions shall be measured in accordance with Section E.21 of Part 4 General Provisions of "Surrey Zoning By-law, 1993, No. 12000", as amended.

L. Other Regulations

In addition to all statutes, bylaws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in "Surrey Zoning By-law, 1993, No. 12000", as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions of "Surrey Zoning By-law, 1993, No. 12000", as amended.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of "Surrey Zoning By-law, 1993, No. 12000", as amended and in accordance with the servicing requirements for the RM-70 Zone as set forth in the "Surrey Subdivision and Development By-law, 1986, No. 8830", as amended.
3. General provisions are as set out in Part 4 General Provisions of "Surrey Zoning By-law, 1993, No. 12000", as amended.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of "Surrey Zoning By-law, 1993, No. 12000", as amended.
5. Sign regulations are as set out in "Surrey Sign By-law, 1999, No. 13656", as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of "Surrey Zoning By-law, 1993, No. 12000", as amended.
7. *Building Permits* shall be subject to the "Surrey Building Bylaw, 2012, No. 17850", as amended.

8. *Building* Permits shall be subject to "Surrey Development Cost Charge Bylaw, 2018, No. 19478", as may be amended or replaced from time to time, and the development cost charges shall be based on the RM-70 Zone for the residential portion and the C-5 Zone for the commercial portion.
 9. Tree regulations are set out in "Surrey Tree Protection Bylaw, 2006, No. 16100", as amended.
 10. Development Permits may be required in accordance with the "Surrey *Official Community Plan* Bylaw, 2013, No. 18020", as amended.
-
3. This Bylaw shall be cited for all purposes as "Surrey Zoning Bylaw, 1993, No. 12000, Amendment Bylaw, 2018, No. 19651"

PASSED FIRST READING on the 23rd day of July, 2018.

PASSED SECOND READING on the 23rd day of July, 2018.

PUBLIC HEARING HELD thereon on the 17th day of September, 2018.

PASSED THIRD READING on the 17th day of September, 2018.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 4th day of November, 2019.

_____ MAYOR

_____ CLERK



City of Surrey Policy

No. O-59

Policy Title:	Locational Guidelines for Private Liquor Stores (Licensee Retail Stores)
Approval Date:	2013 SEP 09 (RES. 13-1895)
History:	NEW
Department:	PLANNING & DEVELOPMENT

Policy Guidelines

The following locational guidelines for private liquor stores (licensee retail stores) will be used as part of the analysis of determining the suitability of a site for a private liquor store when such a use is pursued through a rezoning application process.

1. Private liquor stores should not be located:
 - 1.1 Within 1 kilometre (0.6 mile) of another private liquor store; or
 - 1.2 Within 400 metres (1/4 mile) of a school, a public children's park, a public children's playground, a public library or a public recreation centre;
2. Where a private liquor store is proposed to be relocated within 400 metres of its current location, the new location for the private liquor store should be no closer to a school, a public children's park, a public children's playground, a public library or a public recreation centre than it was at its former location.

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.