

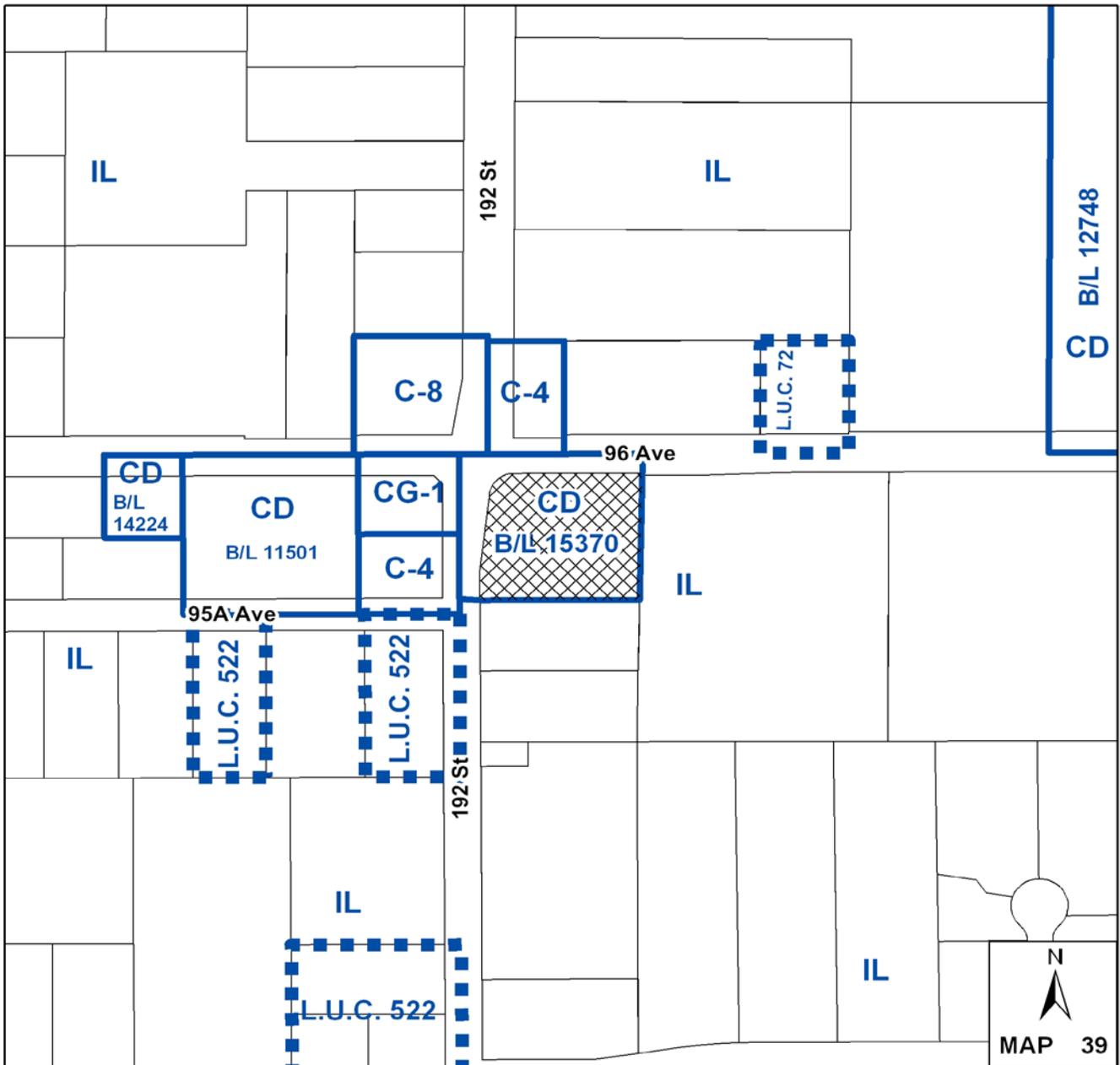
Proposal: A Liquor Primary License to allow a neighbourhood pub with an indoor occupant load of 160 and an outdoor occupant load of 40 (20 on each patio).

Recommendation: Approval to Proceed

Location: 19218 - 96 Avenue **Zoning:** CD (By-law No. 15370)

OCP Designation: Commercial

LAP Designation: Commercial **Owner:** Baron Manor Centre



PROJECT TIMELINE

Completed Application Submission Date: September 19, 2005
Application Revision & Re-submission Date: March 1, 2006
Planning Report Date: April 24, 2006

PROPOSAL

The applicant is proposing:

- a Liquor Primary License

in order to permit the development of a neighbourhood pub with an indoor occupant load of 160 persons and an outdoor occupant load of 40 persons (20 each on two patios) with the hours of operation of 11:00 a.m. to 12:00 a.m. Sunday through Thursday and 11:00 a.m. to 1:00 a.m. Friday and Saturday.

RECOMMENDATION

The Planning & Development Department recommends that:

1. That a date for Public Hearing be set to solicit opinions from area residents regarding the proposed neighbourhood pub.

REFERRALS

Engineering:	No concerns (Appendix IV).
Parks:	No concerns (Appendix V).
School District:	No concerns (Appendix VI).
RCMP:	No concerns (Appendix VII).
Surrey By-laws & Licensing Services:	No concerns (Appendix VIII).
Building Division:	No concerns (Appendix IX).

SITE CHARACTERISTICS

- **Existing Land Use** Baron Von Mackensen House.
- **Significant Site Attributes** The Baron von Mackensen house is included in the Heritage Register for its architectural and historical significance. The site slopes from south to north and the house is situated on a high point of the property.
- **East:** Mixed-use industrial building, zoned IL, designated Industrial.
- **South:** Mixed-use industrial building, zoned IL, designated Industrial.
- **West:** Across 192 Street, convenience store, gasoline service station, zoned C-4 and CG-1, designated Industrial.
- **North:** Across 96 Avenue, convenience store, zoned C-4, designated Industrial.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

Background

- Council on January 24, 2005, gave Final Adoption to OCP amendment and rezoning by-laws which redesignated the property from Industrial to Commercial and rezoned from "Light Impact Industrial Zone (IL)" to "Comprehensive Development Zone (CD)", respectively. The purpose of the redesignation and rezoning was to permit development of 3 commercial buildings and the restoration and retention of the Baron von Mackensen House.
- Together with the OCP amendment and rezoning by-laws, Council gave Final Adoption to a Heritage Revitalization By-law to guide the restoration and long-term maintenance of the heritage house on the property
- As well, Council approved a development permit (Development Permit No. 7904-0077-00). This initial development permit regulates the first phase of development which addresses the form and character of Building A at the north-west corner of the site and the restoration and retention of the Baron von Mackensen House and provides general design guidelines for the overall site plan. The overall development concept proposes three new commercial buildings (including Building A) and the renovation and restoration of the existing heritage house (Appendix III).
- Council on July 25, 2005, approved a subsequent development permit (Development Permit No. 7905-0122-00) to regulate the form and character of the remaining buildings on site, address the signage details for Building A and finalized the landscaping and site plan. Development Variance Permit No. 7905-0122-00 to increase the number of fascia signs and to relax the minimum number of required parking spaces was also approved the same evening.

Current Proposal

- The current application is requesting a Council resolution to support a liquor primary license on the subject property to allow the operation of a neighbourhood pub with an indoor occupant load of 160 persons and two 20-seat outdoor patios, one at ground level on the west side of the building and the second on the second storey above the proposed kitchen addition on the east side of the historic Baron von Mackensen House.
- A neighbourhood pub is a permitted use in the Comprehensive Development Zone By-law No. 15370.
- The applicant has requested that the liquor primary application proceed through the public notification process in order to provide some certainty in the use prior to proceeding with the final revised design drawings and Funding and Maintenance Strategy as required under the Heritage Revitalization Agreement for the restoration and maintenance of the Baron von Mackensen House.
- The applicant has requested minor modifications to the previously approved Development Permit No. 7904-0077-00 to allow for the renovation to permit this use. These will be discussed in a later section of this report.

Liquor Licensing Procedure

- On December 2, 2002, the Provincial Government enacted new regulations with respect to liquor licensing. Under the new procedures, the applicant initially approaches the Provincial Liquor Control and Licensing Branch (LCLB). Once the LCLB determines the application is complete, and the establishment and the applicant are eligible for licensing, a summary report is prepared by the LCLB and forwarded to the local government (Appendix X). The LCLB now requires that the applicant secure Council's endorsement before the application can be considered for approval by the LCLB.
- The LCLB requires that Council comment on how the site satisfies a specified list of criteria to ensure that adequate consideration has been given to the application by the local government. The analysis of the criteria for this site is provided as follows:
 - (a) Location
 - The City's long-standing locational guidelines for neighbourhood pubs (now known as liquor primary establishments) are as follows:
 - Select a site close to a residential area.
 - Avoid sites which are surrounded entirely by residences;
 - Ensure the site is adjacent to or located within a commercial area;
 - Do not select a site on a provincial highway; and
 - Locate further than 400 metres (1.4 mile) from a school, children's park or playground.

- The site satisfies all but one of the locational guidelines for neighbourhood pubs. It is located within the Port Kells Industrial area. However, there are existing residential neighbourhoods to the east in Walnut Grove, to the west in Anniedale and Fraser Heights, and in the future, there will be additional residential population in South Port Kells.
- Under the locational criteria established by the City, a new liquor primary license should not locate within 1.6 kilometres (1-mile) of an existing liquor primary license. There are two liquor primary licenses located in proximity to the subject site. The first is the Sawmill Neighbourhood pub located across the intersection of 192 Street and 96 Avenue at 9613 – 192 Street. The second is Jimy Mac’s Pub located in Langley at 19935 – 96 Avenue located approximately 1.5 - 2.0 kilometres (1 - 1.25 miles) of the subject property.
- The Sawmill Pub and Jimy Mac's are the only such establishments for all of the Port Kells industrial lands. Both the existing and proposed liquor primary licenses are located within the small commercial node at 96 Avenue and 192 Street where there should be adequate market to service both pubs.
- The Sawmill Pub has an established clientele as well as a licensee retail store. The applicant has advised that the intended market of the proposed neighbourhood pub is a destination meeting place for tourists and surrounding neighbourhoods due to the historic significance of the building.
- With the future upgrades at 192 Street and 96 Avenue, access to both sites will be limited to right-in/right-out turning movements. This man-made barrier will result in a separation of patrons as there will be limited means to access the sites. A neighbourhood pub can therefore be supported on both corners at this intersection.

(b) Proximity to Public Buildings

- The site is located 0.4 kilometre (0.25 miles) from St. Oswald's Anglican Church located at 19016 - 96 Avenue. This historic church provides for religious assembly. There are no schools or parks within the vicinity of this proposed establishment.

(c) Proposed Person Capacity and Hours of Operation

- The applicant is proposing an indoor occupant load of 160 persons inside and two 20-person patios (one on the ground level, one on the second floor) for a total occupant load of 200 persons including patrons and staff.
- The applicant has requested hours of operation as follows:
 - 11:00 a.m. to 12:00 a.m. Sunday through Thursday
 - 11:00 a.m. to 1:00 a.m. Friday and Saturday.
- These proposed hours are consistent with Council’s policy on hours of operation for liquor primary establishments.

(d) Focus of Proposed and Existing Nearby Liquor Primary Establishments

- The proposed establishment is intended to cater to local residents, employees of the surrounding industrial businesses and tourists who will make this a destination based on the heritage restoration of the building.
- The applicant has advised that he is targeting patrons to a destination-meeting place. It will be designed to attract middle-aged and older patrons. The business will attract patrons from the surrounding businesses as well as from surrounding neighbourhoods in Cloverdale and Langley. The age bracket he expects to attract is between 30 and 80 years of age.
- The Sawmill Pub, located at 9613 – 192 Street, has an occupant load of 118 persons and has been in operation for several years. It has a strong clientele from the surrounding industrial businesses, and offers good service to its patrons. Its current hours of operation are 9:00 a.m. to 11:00 a.m. Monday through Saturday and 11:00 a.m. to 11:00 a.m. on Sunday. It has a licensee retail store attached to the premises.
- Jimmy Mac's Pub is located approximately 2 kilometres (1.2 miles) east of the subject site at 19935 – 96 Avenue in Langley. It has a clientele from the Walnut Grove neighbourhood. This pub has an occupant load of 200 for the liquor primary license and has been in operation for many years. The current hours of operation are 10:00 a.m. to 12:00 a.m. Monday through Wednesday, 11:00 a.m. to 1:00 a.m. Thursday through Saturday, and 9:00 a.m. to 11:00 p.m. on Sunday. It also has a licensee retail store and food primary license at this location.

(e) Traffic, Noise, Parking and Zoning

- The proposed establishment is not expected to negatively affect traffic patterns.
- Driveway access to the site is from 192 Street, which will be a 4-lane arterial road in the future, and from 96 Avenue which is currently a 4-lane arterial road. Access to the development will be limited to right-in/right-out turning movements in the future with the upgrades on both 96 Avenue and 192 Street.
- The site is within an established industrial area, and there are few residents other than industrial caretakers which will be impacted by noise from this development.
- The subject property is regulated under Comprehensive Development Zone (By-law No. 15370). A neighbourhood pub is a permitted use in this zone.
- The CD By-law governing this site requires 90 parking stalls, which includes parking for a neighbourhood pub or restaurant. In the review for the Development Permit 7905-0122-00 which regulates the form and character of the commercial development, additional landscaping adjacent to the Baron von Mackensen house reduced the number of parking spaces to 86 stalls. Development Variance Permit No. 7905-0122-00 to reduce the parking was issued on July 25, 2005.
- The neighbourhood pub will be busiest in the evening hours when the majority of the businesses on the site are closed. As such parking should not be an issue on the subject site.

(f) Population

- The 2001 BC Statistics for the Port Kells census tract area reports that approximately 2,150 people live within 3.2 kilometres (2 miles) of the proposed pub and roughly 70.7% are over the age of 19.

(g) Socio-Economic Information

- The 2001 BC Statistics report the average household income in Surrey as \$63,197.00 per annum with the census area containing the pub having a higher household income of \$87,024.00.
- The Liquor Control and Licensing Branch reports that there are no proven contraventions for either liquor primary or liquor primary – club establishments within a reasonable distance (1 mile) of the subject site.

(h) Impact on the Community

- The proposed establishment is intended to cater to local residents, employees of the surrounding industrial businesses and tourists who will make this a destination based on the heritage restoration of the building. There is little expected community impact if the application is approved. Comments from By-laws & Licensing, the RCMP and Surrey School Board have indicated no concerns with the proposed neighbourhood pub.

PRE-NOTIFICATION

In accordance with Council Policy, pre-notification letters were sent on March 7, 2006, and a development proposal sign was erected on the property. As a result of the notification process, staff have not received any calls with respect to the proposal.

DESIGN PROPOSAL AND REVIEW

Minor Amendments to Development Permit

- The applicant is proposing some modifications to the design drawings approved under the Heritage Revitalization By-law to guide the restoration and long-term maintenance of the Baron von Mackensen House.
 - Extension of the east side of the building under the east patio to allow for a commercial kitchen in the structure;
 - Modification to the entry on the south side of the building to incorporate wider doors and provide a wheelchair ramp to satisfy BC Building Code requirements;
 - Relocation of the garbage enclosure to the south side of the driveway from underneath the east deck;
 - Amendment to the materials and the overall shape of the proposed patio on the west side of the building from a low glass and pillar fence to picket and pilaster fence;
 - Expansion of the ground floor of the building, and amendment to the lower roofline on the north and south sides of the building; and

- Introduction of two fascia signs on the north and south elevations of the building, and a protruding sign on the second storey west elevation.
- These changes were reviewed by the Heritage Advisory Commission (HAC) at a special meeting on Wednesday April 12, 2006. The HAC generally approved the requested minor modifications with a number of issues to be resolved to the satisfaction of the City Architect (Appendix XI).
- If Council approves the application to proceed through the public notification process and passes the required resolution for the LCLB to consider granting a license on this site, the applicant will be required to submit a building permit for a change in use and upgrades to the existing structure before the LCLB will consider the issuance of a liquor primary license. The building permit process will trigger the final review and revisions required to the drawings.
- The applicant has proposed two fascia signs and one protruding sign, which exceed the maximum one protruding sign and one fascia sign permitted in Surrey Sign By-law. Furthermore, the applicant has not provided details such as materials or sign area of the proposed fascia signs for review by Planning and Development staff. It is anticipated that a further report for a variance to the Sign By-law will be required once the details of the signage are provided.
- A requirement of the Heritage Revitalization By-law was the submission of a Funding and Maintenance strategy outlining the initial restoration and on-going maintenance of the structure. This item was to have been completed for review by January 2006. The applicant is aware of this requirement and will proceed with the drafting of this document for review by City staff.

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.	Contour Map
Appendix III.	Proposed Site Plan, Typical Floor Plans and Elevations, Landscape Plans and Perspective
Appendix IV.	Engineering Summary
Appendix V.	Parks Comments
Appendix VI.	School District Comments
Appendix VII.	Surrey RCMP Comments
Appendix VIII.	Surrey By-laws and Licensing Services Comments
Appendix IX.	Building Division Comments
Appendix X.	Summary from BC Liquor Control and Licensing Branch
Appendix XI.	Draft Minutes of the Heritage Advisory Commission

How Yin Leung
Acting General Manager
Planning and Development

CONTOUR MAP FOR SUBJECT SITE

