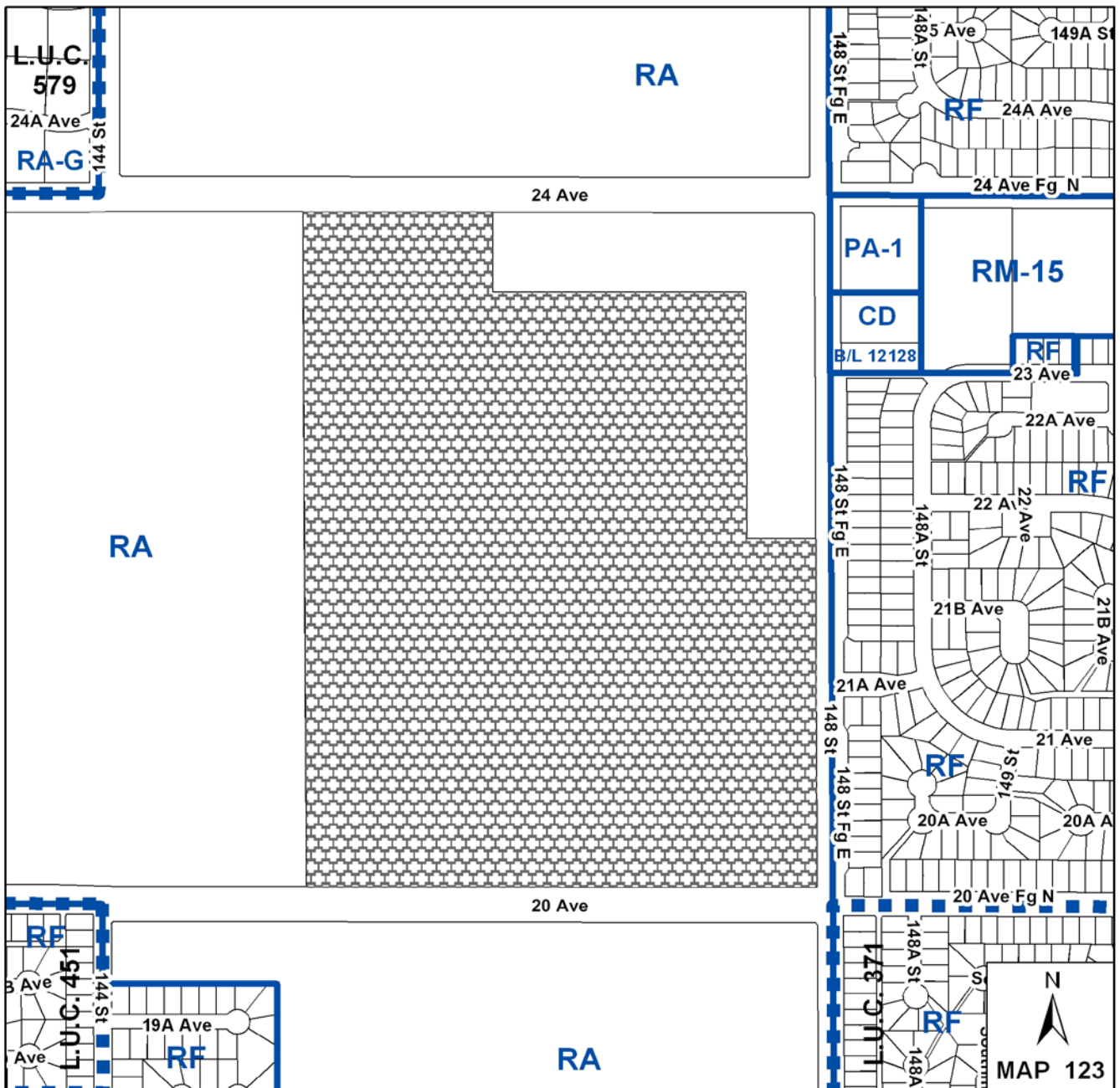


**Proposal:** Proposed expansion of the existing Liquor Primary licensed area (stadium) at Softball City to include the existing restaurant and outdoor patio areas. Proposed change of hours and changes to terms and conditions of the license.

**Recommendation:** Approval to Proceed

**Location:** 2201 - 148 Street      **Zoning:** RA  
**OCP Designation:** Conservation Area  
**LAP Designation:** Recreational      **Owner:** City of Surrey



MAP 123

PROJECT TIMELINE

Completed Application Submission Date: October 12, 2005  
 Planning Report Date: June 12, 2006

PROPOSAL

The applicant is proposing:

- To expand the existing Liquor Primary Liquor Licensed area (stadium) to include the existing restaurant and outdoor patio areas, which are currently under a Food Primary Liquor License.
- To cancel the existing Food Primary Liquor License.
- To amend the Liquor Primary Liquor Licensed person capacity to be as follows:
  - Restaurant .....150
  - Outdoor Patio .....328
  - Stadium .....989
  - Total .....1,467
- To amend the Liquor Primary Liquor License hours of operation from 11:00 a.m. to 10:00 p.m. Monday to Sunday to 11:00 a.m. to 12:00 midnight Monday to Sunday for the restaurant and outdoor patio areas only. The operating hours in the stadium are to remain unchanged (11:00 a.m. to 10:00 p.m. Monday to Sunday).
- To change the Terms and Conditions of the Liquor Primary Liquor License to allow year round liquor sales in the restaurant and outdoor patio areas only. Liquor sales in the stadium area are to remain seasonal only (April 1 to October 31).
- To change the Terms and Conditions of the Liquor Primary Liquor License to allow full liquor service in the restaurant and outdoor patio areas only. Liquor service in the stadium area is to remain restricted to beer, wine, ciders, and coolers only.
- To expand the minors endorsement on the Liquor Primary Liquor License to include the restaurant and outdoor patio areas.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a date for Public Information Meeting in the form of a Public Hearing be set to solicit opinions from area residents regarding the following proposed changes to the Liquor Primary and Food Primary Liquor Licenses:

- (a) Expansion of the existing Liquor Primary Liquor Licensed area (stadium) to include the existing restaurant and outdoor patio areas, which are currently under a Food Primary Liquor License;
  - (b) Cancellation of the existing Food Primary Liquor License; and
  - (c) Change to the Liquor Primary Liquor Licensed person capacity to be as follows:
    - o Restaurant .....150
    - o Outdoor Patio .....328
    - o Stadium .....989
    - o Total .....1,467
  - (d) Change to the Liquor Primary Liquor License hours of operation from 11:00 a.m. to 10:00 p.m. Monday to Sunday to 11:00 a.m. to 12:00 midnight Monday to Sunday for the restaurant and outdoor patio areas only. The operating hours in the stadium are to remain unchanged (11:00 a.m. to 10:00 p.m. Monday to Sunday);
  - (e) Change to the Terms and Conditions of the Liquor Primary Liquor License to allow year round liquor sales in the restaurant and outdoor patio areas only. Liquor sales in the stadium area are to remain seasonal only (April 1 to October 31);
  - (f) Change to the Terms and Conditions of the Liquor Primary Liquor License to allow full liquor service in the restaurant and outdoor patio areas only. Liquor service in the stadium area is to remain restricted to beer, wine, ciders, and coolers only; and
  - (g) Expansion of the minors endorsement on the Liquor Primary Liquor License to include the restaurant and outdoor patio areas.
2. Council authorize staff to prepare a resolution for Council's consideration after the Public Hearing. This resolution will indicate whether Council, after due consideration of the results of the Public Hearing, is in favour of the proposed changes to the Food Primary and Liquor Primary Licenses, and if so, recommend to the Liquor Control & Licensing Branch (LCLB) any specific licensing conditions suggested by Council.
  3. Council include, in its recommendation to LCLB that Council is in favour of the expansion of the minors endorsement on the liquor primary liquor license to include the restaurant and outdoor patio areas on the condition that minors may only be present in the liquor primary licensed establishment when accompanied by an adult and only until 10:00 p.m. daily.

### REFERRALS

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

## SITE CHARACTERISTICS

- **Existing Land Use** Softball City Sports & Entertainment Complex, South Surrey Athletic Park, Arena and Recreation Centre.
- **East:** Across 148 Street, single family dwellings, churches, zoned RF, CD and PA-1, designated Urban in the OCP.
- **South:** Across 20 Avenue, South Surrey Athletic Park, zoned RA, designated Conservation Area in the OCP.
- **West:** Sunnyside Acres Urban Forest, zoned RA, designated Conservation Area in the OCP.
- **North:** Across 24 Avenue, Sunnyside Acres Urban Forest, zoned RA, designated Conservation Area in the OCP.

## PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

## DEVELOPMENT CONSIDERATIONS

### Background

- Currently, the City leases a portion of land at the South Surrey Athletic Park to British Columbia Amateur Softball Association for the Softball City Sports & Entertainment Complex (Softball City). Softball City is a major recreational facility in the City hosting Spring, Summer, and Fall softball leagues, corporate, private, and charity events, and more than 50 tournaments each year involving teams from throughout British Columbia and the Northwest. Softball City is also the home of local minor fast pitch teams (White Rock Renegades, White Rock/South Surrey Thunder) and the annual Canada Cup International Women's Fast pitch Tournament (July 1-9), which is a major spectator event.
- The Softball City complex consists of 4 championship caliber softball diamonds with stadium seating surrounding a 2-storey clubhouse building. The first floor of the clubhouse consists of washrooms and change room facilities, concession stand, umpires room, pro-shop, and administrative offices. On the second floor of the clubhouse are more administrative offices and a fully licensed restaurant (Extra Innings Sports Grill) with an outdoor patio overlooking all of the diamonds.

- Currently, Softball City has 2 Liquor Licenses; a Liquor Primary License in the stadium seating area, and a Food Primary License in the restaurant and outdoor patio areas. The Liquor Primary License in the stadium has a licensed capacity of 1500 persons and hours of operation from 11:00 a.m. to 10:00 p.m. Monday to Sunday. The Liquor Primary License in the stadium is only in effect from April 1 to October 31 and liquor sales are restricted to beer, wine, ciders and coolers. The Liquor Primary License in the stadium area also has a minor's endorsement permitting minors to be in the licensed stadium seating area.
- Patrons seated in the stadium seating areas may purchase beer, wine, ciders and coolers from the concession stand. Under the terms of the 2 licenses patrons cannot purchase alcoholic beverages from the restaurant and transfer them to the stadium seating areas. Similarly, beer, wine, cider, and coolers purchased in the concession stand cannot be transferred into the restaurant.
- The General Manager of Softball City applies for a Special Occasion License each year for the Canada Cup International Women's Fast pitch Tournament permitting liquor sales to a greater number of patrons in the stadium.
- The Food Primary License in the restaurant and outdoor patio area has a licensed capacity of 361 (129 – restaurant, 232 – patio) and hours of operation from 10:00 a.m. – 12:00 a.m. Monday to Sunday. The Food Primary License is valid year round and is not restricted in terms of types of liquor sold. Minors are permitted in Food Primary establishments.

#### Proposed amendments to the Liquor and Food Primary Licenses

- The applicant is proposing to expand the existing Liquor Primary Liquor Licensed area (stadium) to include the existing restaurant and outdoor patio areas, which are currently under a Food Primary Liquor License, and to cancel the existing Food Primary Liquor License.
- In addition to increasing the Liquor Primary Liquor Licensed area to include the restaurant and outdoor patio, the applicant also proposes several changes to the Liquor Primary Liquor License including capacity, hours of operation, and other terms and conditions of the license.
- The applicant proposes to amend the Liquor Primary Liquor Licensed person capacity to be as follows:
  - Restaurant .....150
  - Outdoor Patio .....328
  - Stadium .....989
  - Total .....1,467
- The applicant proposes to amend the Liquor Primary Liquor License hours of operation from 11:00 a.m. to 10:00 p.m. Monday to Sunday to 11:00 a.m. to 12:00 midnight Monday to Sunday for the restaurant and outdoor patio areas only. The operating hours in the stadium are to remain unchanged (11:00 a.m. to 10:00 p.m. Monday to Sunday).
- The applicant proposes to change the Terms and Conditions of the Liquor Primary Liquor License to allow year round liquor sales in the restaurant and outdoor patio areas only. Liquor sales in the stadium area are to remain seasonal only (April 1 to October 31).

- The applicant proposes to change the Terms and Conditions of the Liquor Primary Liquor License to allow full liquor service in the restaurant and outdoor patio areas only. Liquor service in the stadium area is to remain restricted to beer, wine, ciders, and coolers only.
- The applicant proposes to expand the minor's endorsement on the Liquor Primary Liquor License (stadium) to include the restaurant and outdoor patio areas.

#### Applicant's rationale

- The applicant has provided rationale for requesting the above changes, these include the following:
  - The applicant wishes to better serve the patrons and guests of Softball City and be more competitive with other liquor primary licensed establishments in the area. Under a Liquor Primary Liquor License the pub at Softball City could offer a variety of types of entertainment that are either not permitted or tightly restricted under a Food Primary Liquor License. These include stand up games such as billiards and darts, as well as, electronic games such as trivia games, KENO, etc. The applicant contends that food and beverage sales are extremely important to the financial viability of Softball City and currently it is difficult to hold softball players and spectators after the games are over. The applicant argues that Softball City is losing much of its clientele to competing, less restricted, liquor primary licensed establishments located in the nearby area.
  - Currently, liquor sales are difficult to manage at Softball City because of the 2 different liquor licenses. It is difficult to enforce the rule that patrons are not permitted to transport alcohol from the Food Primary Licensed area to the Liquor Primary Licensed area and vice versa especially considering that the building is designed to allow pedestrian movement between the stadium, clubhouse and outdoor patio areas. Conversion to one license would remedy this enforcement issue and result in better management and control of liquor sales.
  - The proposal will result in an overall decrease in person capacity under the Liquor Primary Liquor License. The current capacity of the Liquor Primary Liquor License in the stadium seating area is 1,500 persons. The overall proposed Liquor Primary Liquor License capacity is 1,467 persons (989 – stadium, 328 – patio, 150 – restaurant). The Surrey Building Division approved the proposed occupant load of 1,467 persons on May 25, 2005. The overall decrease in capacity is a result of a significant decrease in capacity in the stadium seating area.
  - The proposed hours of operation in the restaurant and outdoor patio areas under the Liquor Primary Liquor License (11:00 a.m. to 12:00 Midnight) are the exact same as the hours under the current Food Primary Liquor License with the exception that currently the restaurant and outdoor patio can open at 10:00 a.m. Monday to Saturday. The restaurant and outdoor patio will close at the same time as they do now; the only change is that they will open 1-hour later Monday to Saturday. The applicant is proposing no change to the hours in the stadium seating area (11:00 a.m. to 10:00 p.m. Monday to Sunday).

- The proposed change to the Terms and Conditions of the Liquor Primary Liquor License to allow year round liquor sales in the restaurant and outdoor patio areas is consistent with the existing Food Primary Liquor License which allows the restaurant and patio to operate on a year round basis. Liquor sales in the stadium area are to remain seasonal only (April 1 to October 31).
- The proposed change to the Terms and Conditions of the Liquor Primary Liquor License to allow full liquor service in the restaurant and outdoor patio areas is consistent with the existing Food Primary Liquor License, which allows full liquor sales. Liquor service in the stadium area is to remain restricted to beer, wine, ciders, and coolers only.
- The proposal to expand the minor's endorsement on the Liquor Primary Liquor License (stadium) to include the restaurant and outdoor patio areas is to permit minors to enter the clubhouse and outdoor patio areas when accompanied by an adult. The current Liquor Primary Liquor License in the stadium seating area has a minor's endorsement. Minors are already permitted in the restaurant and outdoor patio areas under the Food Primary Liquor License.

### Staff Review

- Although Softball City already has a Liquor Primary Liquor License in the stadium seating area and the proposal is only to extend that license to include the restaurant and outdoor patio areas, the application should be treated in the same manner as an application for a new liquor primary application. The reason for this are as follows:
  - The existing Liquor Primary License is restricted to the stadium seating area, is seasonal only, and is constrained in terms of hours of operation and type of liquor sold.
  - The proposal is to convert the existing Food Primary License in the restaurant and outdoor patio to a Liquor Primary License, which will not have the same restrictions as the existing Liquor Primary License. As a result, the proposal is more consistent with a new neighbourhood pub application than a liquor primary license amendment.
- In accordance with Council policy for a new liquor primary license, the proposal has been reviewed against the following Neighbourhood Pub location criteria:
  1. Close to, but not surrounded by, a residential area.
    - *Softball City is close to a developed urban residential area but because the facility is surrounded by the South Surrey Athletic Park and the Sunnyside Acres Urban Forest, the closest residential lot is over 100 metres (330 ft.) away.*
  2. Avoid sites which are entirely surrounded by residences.
    - *Softball City is surrounded by the South Surrey Athletic Park and the Sunnyside Acres Urban Forest. The closest residential lot is located to the east of the site across 148 Street and is over 100 metres (330 ft.) away. The closest residences to the north, east, and south are over 0.5 kilometres (1,640 ft.) away. Softball City is well buffered by forest on*

*the north, east, and west sides.*

3. Ensure the site is adjacent to, or located within, a local commercial area.
  - *The subject site is not located in a commercial area but is an established sports activity centre and close to major commercial nodes such as Semiahmoo Town Centre, Peninsula Village Shopping Centre, and South Point Shopping Centre.*
4. Do not select a site on a Provincial highway.
  - *The site is not on a Provincial highway.*
5. Locate further than 400 m (1,312 ft) from a school, children's park or playground.
  - *Softball City is located within the South Surrey Athletic Park, however, it is somewhat isolated from the rest of the park by an internal road that runs through the site and connects 24 Avenue with 148 Street. Softball City has its own distinct entrance areas and the clubhouse is located in the centre of the facility. The closest school (Semiahmoo Secondary School) is over 700 metres (2,297 ft.) away.*
6. Do not locate within 1.6 km (one mile) of another licensed neighbourhood pub or licensed hotel.
  - *The closest neighbourhood pub (Hampton's Pub) is located approximately 1.3 km (0.8 miles) from the site. The applicant contends that the restaurant and outdoor patio serve primarily the softball players and spectators and that it is not a casual destination. He does not anticipate this changing with the conversion from a Food Primary to a Liquor Primary License.*
- Softball City is one of the few privately operated licensed stadium facilities in Surrey. The only comparable facility is the Cloverdale Rodeo and Exhibition Grounds. The Cloverdale Rodeo and Exhibition Grounds has 2 Liquor Primary Liquor Licenses. Both licenses have hours of operation from 11:00 a.m. to 1:00 a.m. Monday to Saturday and 11:00 a.m. to 12:00 midnight on Sunday. The license that covers the exhibition grounds is restricted to beer, wine, ciders, and coolers and has a minor's endorsement. The second license covers the pub/saloon buildings. This license allows full liquor sales but minors are not permitted when liquor is being sold.
- The applicant has made application with the Liquor Control and Licensing Board (LCLB) for the referenced permanent change to the Liquor License. The LCLB requires that Council provide a resolution addressing how the site satisfies a specific list of criteria. The analysis of the criteria for this site is provided as follows:
  - The potential for noise if the application is approved
    - It is not anticipated that the proposal will create more noise than currently generated by the existing operation. The applicant proposes the same closing time under the Liquor Primary License as currently permitted under the Food Primary License (12:00 midnight everyday).



- The proposed closing time of 12:00 midnight everyday is earlier than the maximum operating hours permitted for neighbourhood pubs under the Council policy (11:00 a.m. to 1:00 a.m. Sunday to Thursday and 11:00 a.m. to 2:00 a.m. Friday and Saturday).
- The proposed closing time of the outdoor patio of 12:00 midnight everyday is also not contrary to Council policy. Under Council policy an outdoor patio is required to close by 10:00 p.m. only if within 100 metres of a residential area. The subject outdoor patio is not within 100 metres of a residential area and is buffered by a forested area.
- The impact on the community if the application is approved
  - It is not anticipated that the proposal will create additional impact on the surrounding community. The proposal will result in an overall decrease in the licensed capacity of Softball City. The facility is isolated and the manner in which the establishment operates is not anticipated to change in any significant way.
  - The Surrey By-law Enforcement and Parks & Recreation Departments as well as the Surrey RCMP have no opposition to the proposal.
- Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose
  - The main purpose of this establishment is to provide liquor service, with or without the consumption of food primarily to participants and spectators of the softball events. It is not anticipated that the proposed amendment will result in the establishment being operating in a manner contrary to this purpose.
- The views of residents if the license amendment may affect nearby residents
  - It is recommended to Council that a date for Public Hearing be set to solicit opinions from area residents regarding the following proposed changes to the Liquor Primary and Food Primary Liquor Licenses in compliance with Council policy regarding new liquor primary licenses.

#### Proposed "Minors Endorsement" Expansion

- Although the LCLB does not require Council recommendation regarding the proposed expansion of the minors endorsement to include the restaurant and patio area, staff recommends that Council specifically comment on this component of the proposal in their recommendation to LCLB.

- Minors endorsements are common in stadiums and other recreational facilities with liquor primary liquor licenses across the Province (e.g. Nat Bailey Stadium, General Motors Place, Cloverdale Rodeo & Exhibition Grounds). The rationale for permitting minors to be present in these facilities is that unlike a neighborhood pub and/or cabaret the primary focus is not the sale and consumption of liquor. The principal reason for visiting these recreational/spectator facilities is to observe or participate in the sporting events. The sale and consumption of liquor is accessory to this primary focus. These recreational/ spectator facilities are not solely for adults and are designed to be ‘family friendly’. The minors endorsement acknowledges that these are not ‘adult only’ facilities and helps accommodate parents or guardians whose children are either directly participating, or observing, the sporting events.
- In 2006, the LCLB updated its policy towards minors in liquor-primary establishments located at downhill ski resort areas and bowling alleys. Under the updated policy, minors accompanied by an adult parent or guardian may be present until 8:00 p.m. in liquor primary establishments located at a downhill ski resort. Similarly, the updated policy permits minors to be present in specific portions of a bowling centre’s licensed area. This policy change is in keeping with the need to be more accommodating to families taking part in the recreational activities.
- Currently the existing Liquor Primary Liquor License in the stadium seating area at Softball City has a minors endorsement permitting minors to be present in the liquor primary licensed seating area. The liquor license in the stadium seating area is valid only from 11:00 am to 10:00 pm, which are the hours when softball games are most likely being played.
- To accommodate families who have children either participating in, or observing the softball events, staff recommends that Council recommend to the LCLB that the proposed expansion of the minors endorsement on the liquor primary liquor license, to include the restaurant and outdoor patio areas, be approved, but only on the condition that minors may only be present inside the liquor primary licensed establishment when they are accompanied by an adult and only until 10:00 pm. daily.
- The minors endorsement in the stadium seating areas does not require minors to be accompanied by an adult based on the need for minors to be able sit in the seats and watch the softball games when an adult may not always be present. Considering that the clubhouse and patio areas constitute more of an enclosed environment, and there is no need for minors to be present in these areas when an adult (i.e. parent, guardian, coach) is not there, it is logical to require adult accompaniment when inside these areas. The recommendation to limit the hours of the minors endorsement is consistent with the restrictions on the existing liquor primary liquor license in the stadium seating area and is also consistent with the intent, which is to accommodate families who have children either participating in, or observing the softball events while softball games are being played.

## PRE-NOTIFICATION

Pre-notification letters were sent of April 24, 2006 and staff received the following comments:

- Staff received 1 letter and 3 phone calls from neighbouring residents who had concerns regarding noise, traffic, parking, proliferation of intoxicated people in the neighbourhood and the concept of expanding the scope of liquor sales in a recreational facility.

*(It is not anticipated that the proposal will create more noise than currently generated by the existing operation. The applicant proposes the same closing time under the Liquor Primary License as currently permitted under the Food Primary License (12:00 midnight everyday). The closest residential lot is over 100 metres (330 ft.) away and the site is buffered with forested areas.*

*(The proposal will result in an overall decrease in the licensed capacity of Softball City. It is not anticipated that the proposal will generate an increase in traffic or need for additional parking stalls.*

*(The Surrey RCMP has reviewed the proposal and has noted that they have had a few minor incidences involving liquor but nothing of consequence to warrant any negative comments.)*

## CONCLUSION

- From a land-use perspective, the proposed clubhouse/pub meets a majority of the locational criteria for neighbourhood pubs as approved by Council. The site is located close to a residential area but not surrounded by one. The site is somewhat isolated and is also buffered from the residential areas. The applicant does not propose longer hours than currently permitted under the Food Primary Liquor License and it is anticipated that the establishment will operate in much of the same manner as it currently does. As a result, the additional impact on the community is anticipated to be negligible. Although the City of Surrey does not have many privately operated stadium facilities that can be considered for comparison purposes, the subject proposal is similar to the licensing arrangement at the Cloverdale Rodeo and Exhibition Grounds.
- It is recommended that Council permit this application to proceed to a Public Hearing to solicit opinion from neighbouring residents. It is also recommended that Council authorize staff to prepare a resolution for Council's consideration after the Public Hearing. This resolution will indicate whether Council, after due consideration of the results of the Public Hearing, is in favour of the proposed changes to the Food Primary and Liquor Primary Licenses, and if so, recommend to the Liquor Control & Licensing Branch (LCLB) any specific licensing conditions suggested by Council. Finally, it is recommended that Council include in its recommendation to LCLB that the proposed expansion of the minors endorsement to include the restaurant and outdoor patio areas be approved but only on the condition that minors may only be present inside the liquor primary licensed establishment when they are accompanied by an adult and only until 10:00 p.m. daily.

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. Softball City Clubhouse Floor Plan
- Appendix IV. Parks Comments
- Appendix V. Surrey RCMP Comments
- Appendix VI. Surrey By-laws and Licensing Services Comments
- Appendix VII. Surrey Building Division Comments

How Yin Leung  
Acting General Manager  
Planning and Development

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