

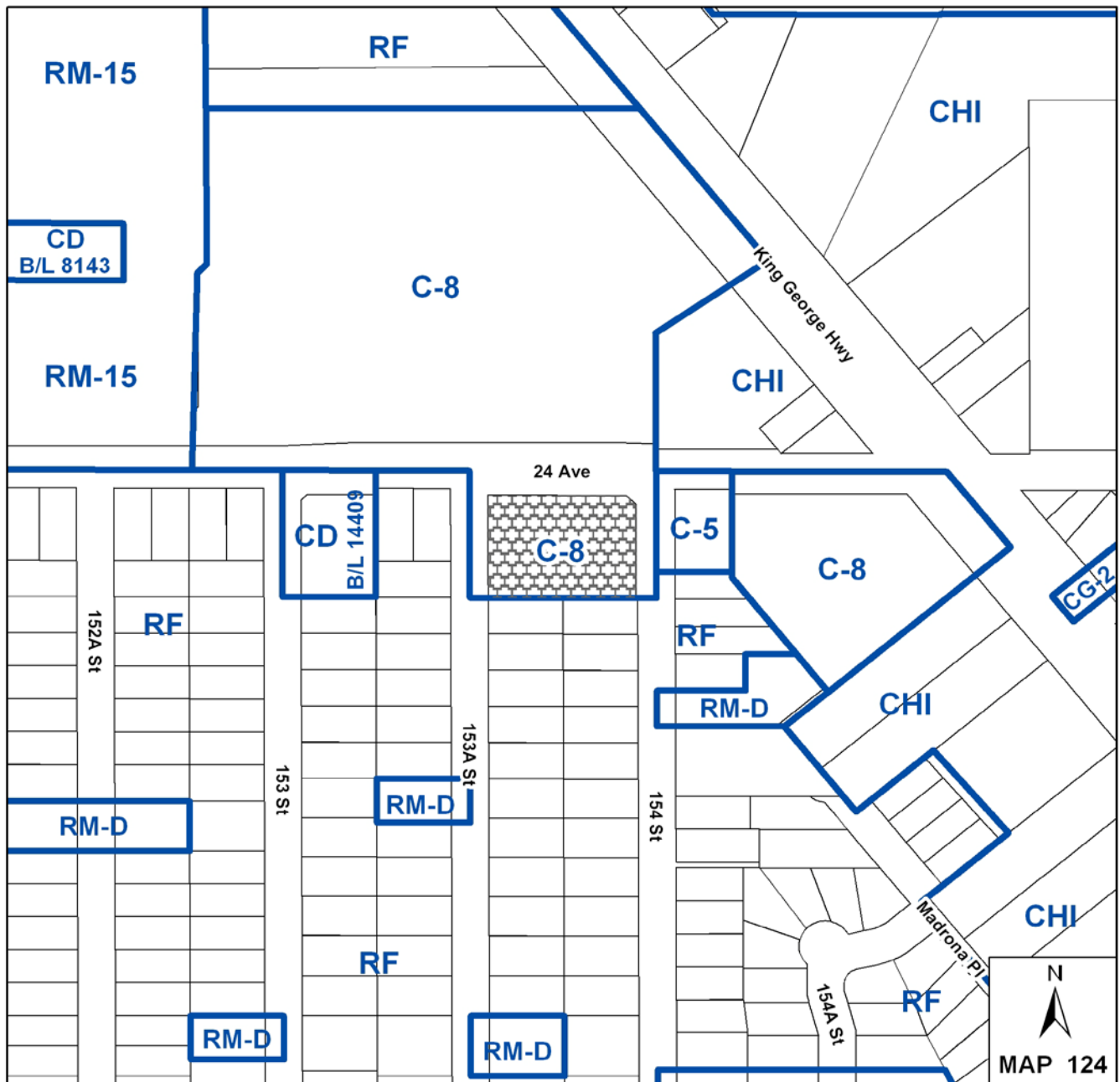
Proposal: Rezone from C-8 to CD to permit development of a stand-alone liquor licensee retail store.

Recommendation: Denial

Location: 15388 - 24 Avenue **Zoning:** C-8

OCP Designation: Commercial

LAP Designation: Commercial **Owner:** Peninsula Business Centre Ltd.



PROJECT TIMELINE

Completed Application Submission Date: December 21, 2005
Planning Report Date: April 24, 2006

PROPOSAL

The applicant is proposing:

- a rezoning from C-8 to CD

in order to permit the development of a stand-alone liquor licensee retail store.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

REFERRALS

Engineering:	The Engineering Department has no comment on the application since it is a denial. Should this application be granted approval to proceed, Engineering requests an opportunity to formally review the proposal.
Parks:	No concerns (Appendix IV).
Surrey RCMP:	No concerns (Appendix V).
Surrey By-laws & Licensing Services:	Do not support. Surrey By-laws & Licensing Services have raised concern that this rezoning will be perceived by other licensed business establishments that the City is changing the rules and requirements, and generate other proposals to relocate stand-alone licensee retail stores throughout the City (Appendix VI).

SITE CHARACTERISTICS

- **Existing Land Use** Commercial building currently under construction.
- **East:** Across 154 Street, existing commercial building, zoned C-5, designated Commercial in the OCP.
- **South:** Existing single family homes, zoned RF, designated "Urban" in the OCP.
- **West:** Across 153A Street, existing single family homes, zoned RF, designated Urban in the OCP.
- **North:** Across 24 Avenue, Peninsula Village Shopping Centre, zoned C-8, designated "Commercial" in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

Provincial Liquor Licensee Retail Store (LRS) Regulations

- The Liquor Control and Licensing Branch (LCLB) is the branch of the Provincial government that is responsible for issuing licenses to:
 - pubs, bars, lounges, stadiums, nightclubs and restaurants to sell liquor by the glass, and private liquor stores to sell liquor by the bottle;
 - breweries, distilleries and wineries to manufacture liquor; and
 - UBrews/UVins to sell their customers the ingredients, equipment and advice they need to make their own beer, wine, cider or coolers.
- Under the Provincial regulations, Licensee Retail Stores (LRS) - commonly known as private liquor stores - may sell beer, wine, coolers, cider, and a full range of spirits. They may sell liquor any time between the hours of 9:00 am and 11:00 pm, and may also sell packaged snacks, non-alcoholic beverages, BC Lottery products, and liquor-related items, such as glasses, bottle openers and corkscrews. To qualify for a LRS license, the applicant must also hold a liquor-primary license, and operate a bar, pub or club. An application to develop an LRS is required to be made to LCLB.
- In March 2002, the Province announced that it was lifting the moratorium on new applications for LRS, and that qualified existing liquor primary operations could begin making applications for a licensee retail sales license to LCLB. Between August 2002 - November 2002, LCLB received over 500 applications. On November 29, 2002 the moratorium on LRS licenses was reinstated indicating that LCLB would not be accepting any more new LRS applications. The LCLB is still not accepting LRS applications at this time.
- There are currently approximately 26 LRS licenses issued by LCLB within the City of Surrey. In addition there are 2 applications with LCLB for new licensee retail stores in Surrey. These applications were made in 2002 prior to the reinstatement of the moratorium and are still considered to be active by LCLB.
- Under Provincial regulations, LRSs can be moved to another location within the same municipality or to a neighbouring municipality up to five kilometres away from their associated bar or pub. The LRS does not have to be on the same property as their associated bar or pub. The restrictions are that a LRS cannot be relocated to a site within 0.5 kilometres of another LRS (unless approved by the LCLB general manager), and the proposed location must comply with

local zoning by-laws. This offer extends to licensees whose store is licensed and operating, as well as licensees who applied in 2002, and whose application is still in progress.

City LRS Requirements

- In 2003 Council approved amendments to the Surrey Zoning By-law to address the changes made in 2002 to the Provincial regulations related to the distribution of liquor in the Province. Specifically, the purpose of these amendments was to adopt a regulatory framework to control the potential proliferation of private liquor stores in the City.
- One of the fundamental elements of the regulatory framework adopted by the City was that LRS's must be in conjunction with a liquor-primary establishment. The purpose of this restriction was to limit the potential locations for liquor stores in the City to those sites that have a liquor primary establishment and already have liquor sales.
- On November 24, 2003, Council confirmed its intention in using the words "only in conjunction with a liquor-primary licensed establishment" in the Surrey Zoning By-law to mean "only physically connected to or on the same lot as a liquor-primary licensed establishment". Council also authorized the Mayor to forward a letter to the Minister of Public Safety and Solicitor General, with a copy to the General Manager of the Liquor Control and Licensing Board and to each of the Surrey MLAs advising that, based on the provisions of the Surrey Zoning By-law, a licensee retail store in the City of Surrey must be physically attached to or located on the same lot as the liquor-primary establishment with which it is associated.
- Since 2003, all liquor primary operators have been made aware of this regulatory structure and have relied on Council to be consistent in its application. There have been no exceptions to the rule; there are presently no stand-alone LRS in Surrey.

Proposed Stand-Alone LRS

- The applicant, who holds a liquor primary license to operate "Hamptons Pub", located at 15355 – 24 Avenue (Peninsula Village Shopping Centre) in Surrey, currently has an active application for a LRS with LCLB. The applicant originally proposed to locate the LRS in the unit that is attached to 'Hamptons Pub', but was unable to secure that location with the owners of the Peninsula Village Shopping Centre due to the location of a Provincial Liquor Store at this centre. Surrey By-laws & Licensing Services has also advised that parking at Peninsula Village Shopping Centre has now reached capacity, an issue that could have prevented the establishment of a liquor store at that location. As a result, the applicant is proposing to locate the LRS in the commercial building directly across the street (24- Avenue), which is currently under construction (15388 – 24 Avenue).
- The proposed site is currently zoned "Community Commercial Zone (C-8)". The commercial use at this location was approved by Council on July 28, 2004, under development application No. 7903-0293-00. This application involved a rezoning from RF and CHI to C-8, an Official Community Plan (OCP) amendment from Urban to Commercial, an amendment to the King George Highway Corridor Plan and the Semiahmoo Town Centre Plan to redesignate the land from Townhouse and Institutional to Commercial, a Development Variance Permit (DVP) for setback and parking, and a Development Permit (DP).

- The C-8 Zone permits a "Liquor Store", but only in conjunction with a "liquor primary" licensed establishment, with a valid license under the regulations of the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, s. 84, as amended. Because the site does not contain a liquor primary licensed establishment, the applicant proposes a rezoning from C-8 to a Comprehensive Development Zone (CD) to permit a "stand alone" liquor store.
- The subject application is the first of its kind in Surrey. Under the Zoning By-law, "Liquor Store" is permitted only in conjunction with a "liquor primary" licensed establishment. Any deviation from this provision will require a rezoning.

PRE-NOTIFICATION

Pre-notification letters were sent on March 3, 2006 and staff received the following comments:

- Staff received 3 phone calls from 2 pub owners who shared the following concerns/complaints:
 - Concerns that this application is precedent setting and opens the door to a multitude of future rezoning applications by bar, pub and club owners wishing to relocate their establishments to new stand-alone locations.
 - Complaint that the rules are changing and that they do not understand why Surrey would suddenly change its position in regards to the possibility of stand-alone liquor stores. They state that they have always been told that licensee retail stores had to be attached to a licensed liquor primary establishment.
 - Complaint that they have spent considerable money on improvements necessary to meet all City regulations associated with developing their own licensee retail stores in conjunction with an existing liquor primary establishment. Had they been told that stand-alone liquor stores were possible they could have chosen a better location, which did not require the same degree of upgrades to meet Building Code/ Zoning requirements (e.g. parking).
- Staff received 1 phone call from a neighbouring resident who was concerned about the impact the liquor store would have on the residential neighbourhood to the south of the subject site. The resident argued that 24th Avenue provides a natural boundary between Hamptons Pub and the residential neighbourhood. The resident was concerned that locating the liquor store on the south side of 24th Avenue would increase traffic on residential streets and create safety issues related to intoxicated people entering the neighbourhood. The resident also argued that another liquor store was redundant considering there is already a government liquor store in Peninsula Village Shopping Centre.
- Staff received 1 letter from a neighbouring resident who was disappointed with the landscaping around the commercial building and that it did not seem to correspond with landscaping plans they had viewed during the application process.

(The approved Development Permit for the subject commercial building dictates the landscaping requirements for the site. Securities have also been collected to ensure that the landscaping is installed and maintained. Construction is still not complete on the site and it is possible that not all the landscaping has been installed at this time).

PROJECT EVALUATION

The advantages and community benefits or any justification for approving the project are:

- The Hamptons Pub location (at Peninsula Village) is zoned C-8, which permits a liquor store, provided that is in conjunction with a liquor-primary licensed establishment. As a result, had the applicant been able to secure the unit abutting Hamptons Pub, a liquor store would have been a permissible use. The proposed location of the stand-alone liquor store to the south of Peninsula Village is also currently zoned C-8 and is designated Commercial in the OCP.
- The applicant argues that the proposed location of the liquor store is directly across the street from the licensed establishment and therefore is not a major deviation to the provisions under the Zoning By-law.
- The Surrey Parks, Recreation and Culture Department, and the Surrey RCMP have no concerns with the proposed liquor store location.

The disadvantages and problems likely to result from approval of the project are:

- The proposal is contrary to one of the fundamental elements of Surrey's regulations respecting LRS approvals, and would result in the potential proliferation of LRS proposals on random sites.
- Under Provincial regulations, LRSs can be moved to another location within the same municipality or to a neighbouring municipality up to five kilometres away from their associated bar or pub. An LRS does not have to be on the same property as their associated bar or pub. The only restrictions are that you cannot re-locate within 0.5 kilometres of another licensee retail store (unless approved by the LCLB general manager), and that the proposed location must comply with local zoning by-laws. As a result, the proposed rezoning opens the door for other bar, pub, and club owners in Surrey to pursue moving their liquor stores to other stand-alone locations. The proposed rezoning also opens the door for bar, pub, and club owners in neighbouring municipalities (Langley, Delta, White Rock) to pursue stand-alone locations in Surrey for their liquor stores, provided they fall within a 5 kilometre radius of their associated bar or pub. It is also unknown when LCLB will begin to take applications for new licensee retail stores, thus resulting in uncertainty of possible more licenses in the future.
- The area is well served by liquor stores, including the existing Provincial Liquor Store in the Peninsula Village Shopping Centre located near Hampton's Pub.
- Surrey By-laws & Licensing Services has reviewed the proposal and has significant concerns from a licensing perspective. They state many applications/enquiries have been made in past years with respect to "stand alone" liquor stores and all applicants have been advised that liquor stores must be in conjunction with (on the same site as) a liquor primary establishment. In the past, some establishments or applicants were unable to meet this requirement due to parking requirements for an LRS on a site with a neighbourhood pub. As a result, there are a number of liquor stores that required modifications to existing sites at considerable expense to the owners. The current parking at Peninsula Village Shopping Centre has now reached capacity.

- Surrey By-laws & Licensing Services contends that this proposal will be perceived by other licensed establishments that the City is changing the rules and requirements, and this may create additional problems with other similar situations throughout the City. In fact, several pub owners have expressed a similar concern. Therefore, they do not support the proposal from a licensing standpoint.

On balance, the Planning & Development Department believes that the negative impacts of this project far out-weigh its advantages, and therefore recommends that this project be denied.

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.	Approved Site Plan for Subject Commercial Building (currently under construction)
Appendix IV.	Parks Comments
Appendix V.	Surrey RCMP Comments
Appendix VI.	Surrey By-laws and Licensing Services Comments

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated April 20, 2006.

How Yin Leung
Acting 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: Ralph Berezan
 Address: #203 - 20171 - 92A Avenue
 Langley, B.C.
 V1M 3A5
 Tel: 604-882-5995

2. Properties involved in the Application
 - (a) Civic Address: 15388 - 24 Avenue

 - (b) Civic Address: 15388 - 24 Avenue
 Owner: Peninsula Business Centre Ltd., Inc. No. 677386
 PID: 026-271-494
 Lot 1 Section 14 Township 1 New Westminster District Plan BCP17230

3. Summary of Actions for City Clerk's Office

DEVELOPMENT DATA SHEET

Proposed Zoning: CD

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		4,824.43 m ²
Road Widening area		249.96 m ²
Undevelopable area		
Net Total		4,574.47 m ²
LOT COVERAGE (in % of net lot area)		34.8%
Buildings & Structures		58.3%
Paved & Hard Surfaced Areas		93.1%
Total Site Coverage		
SETBACKS (in metres)		2 m
Front		
Rear		2 m (1 st floor)
Side #1 (North)		0.3 m (2 nd floor)
Side #2 (South)		32.5 m
BUILDING HEIGHT (in metres/storeys)		
Principal		10.1 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		n/a
FLOOR AREA: Residential		n/a
FLOOR AREA: Commercial		
Retail		1,149 m ²
Office		1,458 m ²
Total		2,908 m ²
FLOOR AREA: Industrial		n/a
FLOOR AREA: Institutional		n/a
TOTAL BUILDING FLOOR AREA		2,908 m ²

** 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)		0.64
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		76
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		
Number of disabled stalls		1
Number of small cars		15
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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CONTOUR MAP FOR SUBJECT SITE

