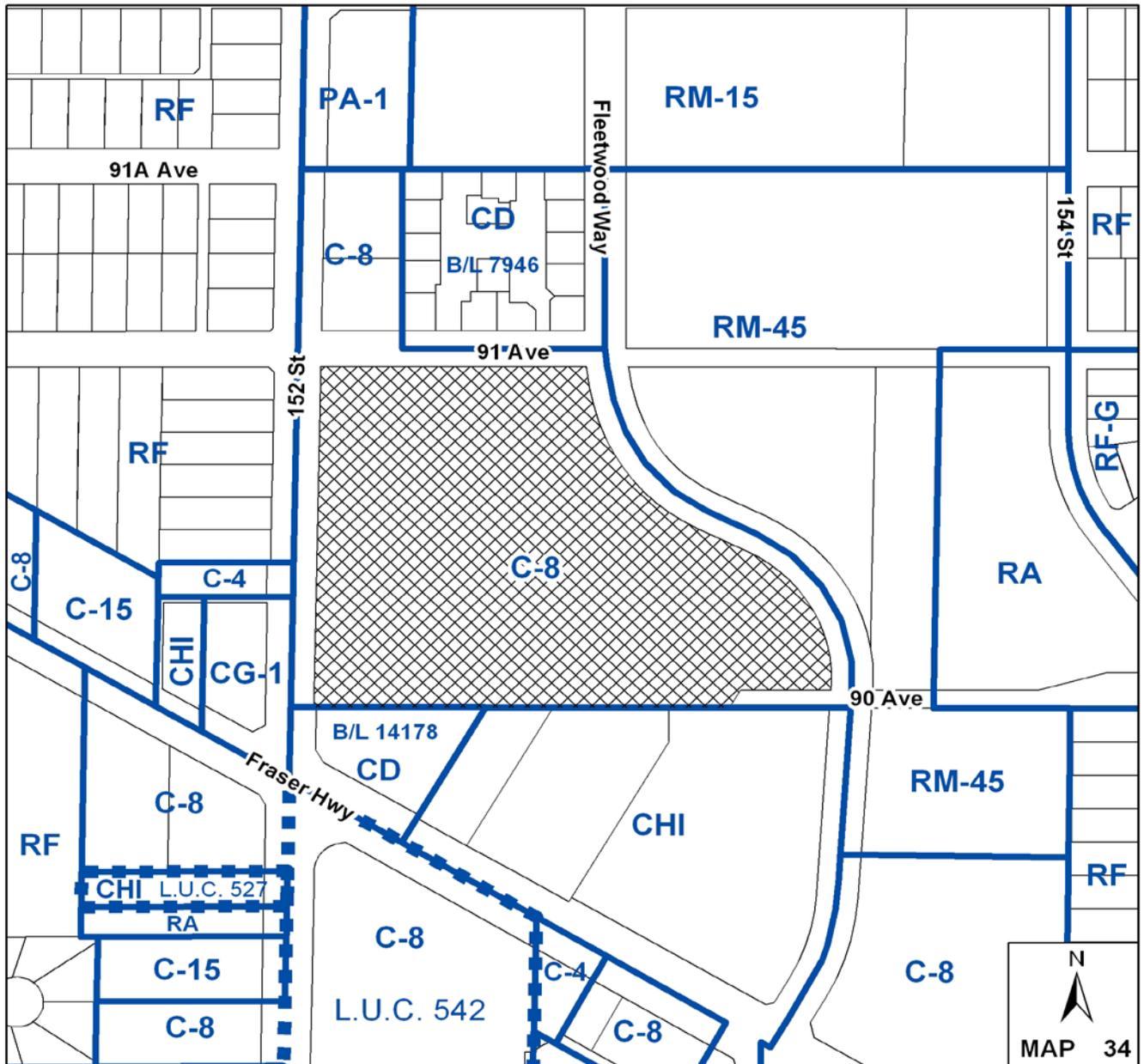


Proposal: A Liquor Primary license to allow a neighbourhood pub with an indoor occupant load of 150 and an outdoor occupant load of 30. Development Permit to permit a patio.

Recommendation: Approval to Proceed

Location: 9014 - 152 Street	Zoning: C-8
OCP Designation: Commercial	
LAP Designation: Commercial	Owner: Fleetwood Center Investments Inc.



PROJECT TIMELINE

Completed Application Submission Date: March 3, 2006
Planning Report Date: June 12, 2006

PROPOSAL

The applicant is proposing:

- a Liquor Primary License; and
- a Development Permit

in order to permit the development of a neighbourhood pub with an indoor occupant load of 150 and an outdoor occupant load of 30 with the hours of operation from 11:00 a.m. to 11:00 p.m. on Sunday, 11:00 a.m. to 12:00 a.m. Monday through Wednesday and 11:00 a.m. to 1:00 a.m. Thursday through Saturday, and a new patio with the hours of operation from 11:00 a.m. to 10:00 p.m. Sunday through 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.
2. Council authorize staff to draft Development Permit No. 7906-0102-00 in accordance with the attached drawings (Appendix III).
3. Council instruct staff to resolve the following issue prior to approval:
 - (a) Finalization of the Development Permit drawings.

REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix IV).
Parks:	No concerns (Appendix V).
Surrey RCMP:	No concerns (Appendix VI).
Surrey By-laws & Licensing Services:	No concerns (Appendix VII)

Building Division: A building permit will be required to increase the total occupant load and to construct the patio (Appendix VIII).

SITE CHARACTERISTICS

- **Existing Land Use** Shopping centre, including Save-on-Foods.
- **East:** Across Fleetwood Way, townhouses, zoned RM-45, designated Multiple Residential and Megan Ann McDougall Park.
- **South:** Petro Canada Service Station, zoned CD (By-law No. 14178); restaurant and auto repair, Surrey Nissan and Surrey Honda auto dealerships, all zoned CHI, all designated Commercial.
- **West:** Across 152 Street, Mr. Lube, zoned CG-1, designated Commercial; Fire Hall No. 6, zoned C-4 and RF designated Urban; single family, residential, zoned RF, designated Urban.
- **North:** Across 91 Avenue, Dairy Queen, zoned C-8; mixed-use office units, zoned CD (By-law No. 7946), designated Commercial.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

- The subject property is located on the east side of 152 Street, north of the Fraser Highway. The property contains a large retail commercial plaza, and is designated commercial in the OCP and zoned "Community Commercial Zone (C-8)". There is an existing Kelly O'Brian's restaurant in one of the existing buildings on the property, located in a commercial pad on the north side of the development, facing 152 Street.
- The existing Kelly O'Brian's restaurant has a food primary license which permits up to 150 people inside.
- The current application is requesting a Council resolution to support a liquor primary license on the subject property to allow the conversion of the existing food primary license to a liquor primary license, to allow the operation of a neighbourhood pub with an indoor occupant load of 150 persons and an outdoor occupant load of 30 in a proposed new patio addition on the west side of the building.
- The proposed liquor primary establishment will operate as a neighbourhood pub and will include food and beverage service, darts, games offered by the B.C. Lottery Corporation (e.g. Keno and pull tabs), live music, television and entertainment.

- It is the applicant's intention to cancel the food primary license should the liquor primary license be approved, although food service will continue to be offered.
- A neighbourhood pub is a permitted use in the C-8 Zone.
- The applicant has also requested a Development Permit to allow the construction of a new patio for the premises.

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. The site is located approximately 300 metres (984 ft.) from Megan Anne McDougall Park. However, the building for the proposed pub is on the west portion of a large property, and is separated from the park by the larger commercial building containing Save-on-Foods as well as Fleetwood Way (Appendix IX).
- 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 is one new liquor primary license approved by Council on February 27, 2006 for the Ship Galley Neighbourhood Pub located at 9547 – 152 Street which is approximately 1.2 kilometres (0.75 mile) north of the subject site, on the west side of 152 Street. The next closest liquor primary establishment is the Green Timbers Pub located 1 kilometre to the west on 148 Street at Fraser Highway.

- The current proposal and the recently approved liquor primary license are located on opposite sides of 152 Street, and will cater to separate residential neighbourhoods. A neighbourhood pub can therefore be supported at this location.
- (b) Proximity to Public Buildings
- The site is located approximately 300 metres (984 ft.) from Megan Anne McDougall Park, located on the east side of Fleetwood Way. The larger commercial building is sited between the proposed neighbourhood pub and the park. The site is also approximately 0.73 kilometres (0.45 miles) from Berkshire Park School which is located at 154 Street and 94 Avenue.
 - There is an existing church located at the northeast corner of 96 Avenue and 152 Street, which is approximately 1.2 kilometres (0.75 miles) from the subject property. Fire Hall No. 6 is located on the west side of 152 Street, across from the commercial shopping mall.
- (c) Proposed Person Capacity and Hours of Operation
- The applicant is proposing an indoor occupant load of 150 persons and an outdoor occupant load of 30 persons in a proposed new patio for a total occupant load of 180 persons including patrons and staff.
 - The applicant has requested hours of operation as follows:
 - 11:00 a.m. to 11:00 p.m. Sunday;
 - 11:00 a.m. to 12:00 a.m. Monday through Wednesday; and
 - 11:00 a.m. to 1:00 a.m. Thursday through Saturday.
 - These proposed hours are consistent with Council's policy on hours of operation for liquor primary establishments.
 - In addition, the Business License By-law requires that patios for liquor licensed establishments adjacent to residential neighbourhoods be closed at 10:00 p.m. to minimize impact on the nearby residents. This restriction will apply to this site.
- (d) Focus of Proposed and Existing Nearby Liquor Primary Establishments.
- The proposed establishment is intended to cater to local residents in the Fleetwood Guildford area, concentrating on young adults and middle-aged people as well as customers who shop at the other stores in the commercial complex. While the target market for the Ship Galley Neighbourhood Pub also focuses on young adults and middle-aged people, the focus is on different neighbourhoods.
 - The applicant has stated that they would like to have some live music and entertainment on the weekends, because it gives the community live art and culture, while supporting local musicians and entertainers.

(e) Traffic, Noise, Parking and Zoning

- The proposed establishment is located within a larger commercial complex. The proposed establishment is not expected to negatively affect traffic patterns in the area.
- Driveway access to the site is from 152 Street, which is a four-lane arterial road and from 91 Avenue which is a local road. The subject building is separated from the larger commercial building with parking on four sides.
- The site is within an established commercial area and regulated under the "Community Commercial Zone (C-8)", which permits a neighbourhood pub as a permitted use.
- The current shopping complex has in excess of 250 parking spaces, which includes parking for a neighbourhood pub or a restaurant. As the existing business is a licensed restaurant, additional parking is not required to facilitate the neighbourhood pub.
- 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.
- There is a potential for some of the residents on the west side of 152 Street to be impacted by the noise from this development.
- To reduce the impact of noise for the residents on the west side of 152 Street, the business license will limit the hours of operation of the patio to 10:00 p.m. in accordance with the Business License By-law.

(f) Population

- The 2001 BC Statistics report for the Fleetwood Guildford census tract area indicates that approximately 13,695 people live within 3.2 kilometres (2 miles) of the proposed pub and roughly 71.3% are over the age of 19.

(g) Socio-Economic Information

- The 2001 BC Statistic report the average household income in Surrey as \$63,197 per annum with the census area containing the pub having a similar household income of \$65,000.

(h) Impact on the Community

- The proposed establishment is intended to cater to local residents and customers patronizing the commercial complex. 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 April 12, 2006 and a development proposal sign was erected on the property. As a result of the notification process, staff received the following calls and correspondence with respect to the proposal, as follows:

- There are too many pubs in the area.

(The closest neighbourhood pub is located approximately 1.2 kilometres (0.75 miles) from the subject property. Within the census tract, there will be a total of 3 neighbourhood pubs including the subject site, catering to approximately 9,764 people over the age of 19.)

- Fleetwood Way is an unsafe street and people drive at a high rate of speed, creating a hazardous situation.

(The caller was referred to Traffic Operations to discuss traffic calming measures for Fleetwood Way, as well as to contact the RCMP to request additional enforcement of speeding vehicles.. The proposed neighbourhood pub is replacing an existing restaurant, which has similar traffic volumes. It is not anticipated that there will be a large increase of traffic in this area.

The two closest accesses to the proposed pub are from 91 Avenue and from 152 Street)

- "We don't want a pub."

(The proposed neighbourhood pub is a permitted use within the C-8 Zone, subject to the public notification and local government resolution process.)

- "I support the pub."

(One caller supported the proposal because he would be able to walk to the establishment from his home rather than drive to other establishments.)

DESIGN PROPOSAL AND REVIEW

- The applicant is proposing to construct a new patio on the west side of the building facing 152 Street.
- The patio is proposed to be constructed of a low cedar fence with natural stain to define the patio area, topped with lattice work. Plant hangers will be used on the fence structure to hang baskets during the summer months. There are no other exterior improvements proposed in association with the conversion of the existing premise to a neighbourhood pub.
- Staff have reviewed the requested design and found the proposal satisfactory.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Contour Map
Appendix III.	Site Plan
Appendix IV.	Engineering Summary
Appendix V.	Parks Comments
Appendix VI.	Surrey RCMP Comments
Appendix VII.	Surrey By-laws and Licensing Services Comments
Appendix VIII.	Building Division
Appendix IX.	Map of Nearby Parks, Schools and Approved Liquor Primary Licenses
Appendix X.	Summary from BC Liquor Control and Licensing Branch

How Yin Leung
Acting General Manager
Planning and Development

LAP/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: Roger Investments Inc. dba Kelly O'Briens
 Address: 9082b - 152 Street
 Surrey, B.C.
 V3R 4E7
 Tel: 604-582-6446

2. Properties involved in the Application

- (a) Civic Address: 9014 - 152 Street
- (b) Civic Address: 9014 - 152 Street
 Owner: Fleetwood Center Investments Inc.
 PID: 009-693-327
 Lot A Section 35 Township 2 New Westminster District Plan 76734

3. Summary

Liquor Applications

- (a) That a date be set for a Public Hearing to solicit public opinion with respect to a liquor-primary license application.

