

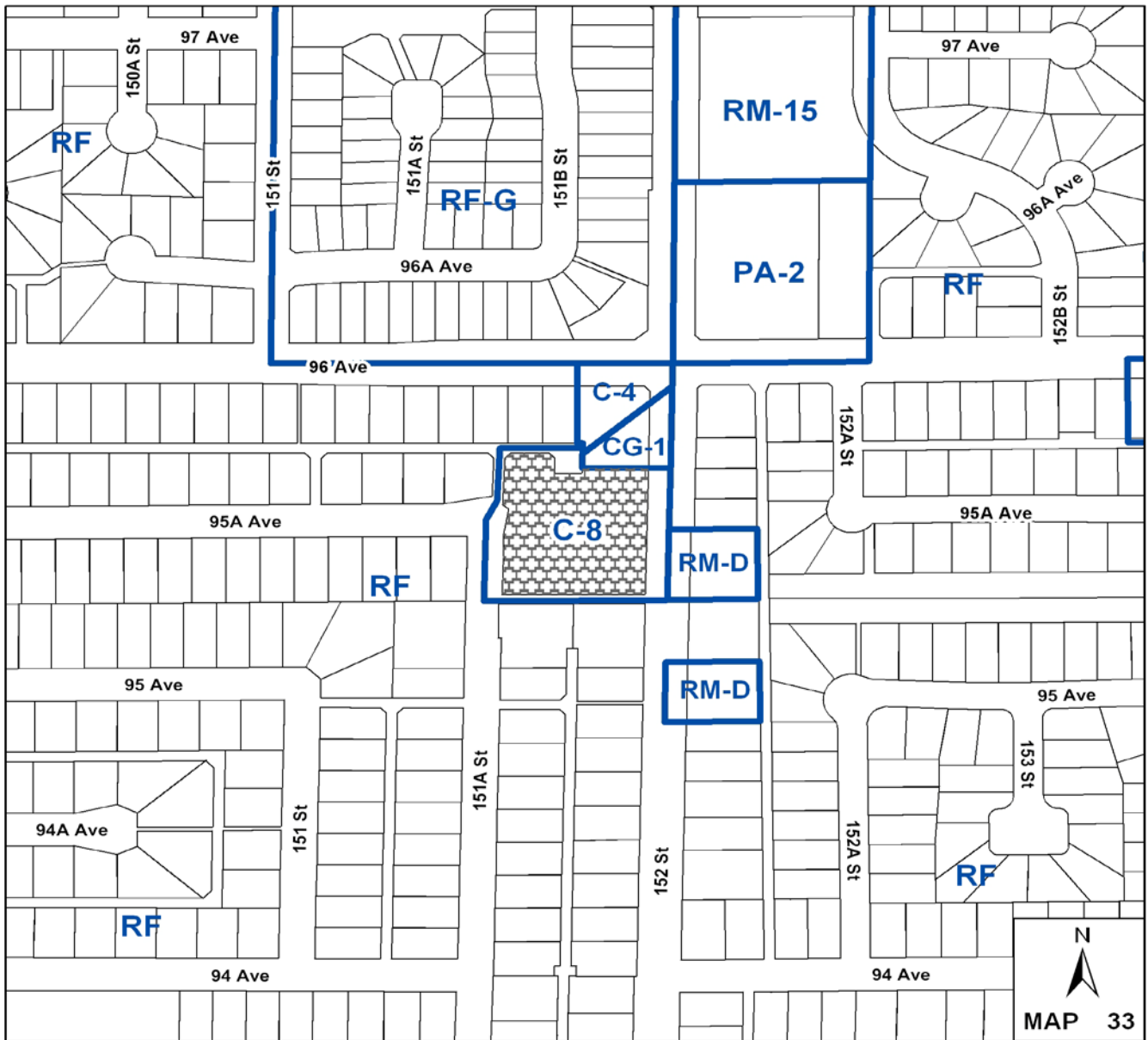
Proposal: Liquor Primary License to allow a neighbourhood pub with an indoor occupant load of 160 and a patio with an occupant load of 40. Development Permit to allow an outdoor patio.

Recommendation: Approval to Proceed

Location: 9547 - 152 Street **Zoning:** C-8

OCP Designation: Urban

LAP Designation: Retail Commercial **Owner:** Ship Galley Restaurant



PROJECT TIMELINE

Completed Application Submission Date: October 4, 2005
Application Revision & Re-submission Date: October 8, 2005
Planning Report Date: January 30, 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 160 persons and an outdoor patio with an occupant load of 40 persons, with the hours of operation being 11:00 a.m. to 1:00 a.m. Sunday through Saturday.

RECOMMENDATION

The Planning & Development Department recommends that:

1. 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. 7905-0173-00 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).

Building Division: No concerns (Appendix VII).

Surrey RCMP: No concerns (Appendix VI).

By-laws & Licensing Services: No concerns (Appendix VIII).

SITE CHARACTERISTICS

- **Existing Land Use** Multi-tenant strata-titled commercial building.
- **East:** Across 152 Street, single family dwellings, zoned RF and a duplex, zoned RM-D, all designated Urban.
- **South:** Across the Green Timbers Greenway, single family dwellings, zoned RF, designated Urban.
- **West:** Across 151A Street, single family lots zoned RF, designated Urban.
- **North:** Gasoline service station, zoned CG-1 and convenience store, zoned C-4 and vacant single family lots, zoned RF, all designated Urban.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

Background

- A building permit was issued in 1976 for the subject lot, to allow for the construction of a multi-tenant commercial building. Construction was completed, and tenant improvements were done to create the units within this structure.
- The subject application involves 4 units within the strata-titled building.
- The subject units have operated as a restaurant since 1979, including the Mug and Musket, and Forster's Mug and Musket. The latest operation, the Ship Galley Restaurant was licensed in May 2004 to operate a restaurant at this location. The restaurant was subsequently closed in March 2005.

Current Proposal

- An application has been submitted to amend the previous licensing from a food primary to a liquor primary license to allow the operation of a neighbourhood pub with an indoor occupant load of 160 persons and a 40-seat outdoor patio within the existing multi-tenant commercial building. The proposed neighbourhood pub will occupy four of the strata units within the existing building and comprise a gross floor area of approximately 485 square metres (5,219 sq.ft.). This is the same floor area as the previous Ship Galley Restaurant.
- A neighbourhood pub is a permitted use in the Community Commercial Zone (C-8).
- With the exception of a new outdoor patio there are no exterior alterations proposed to the building. The outdoor patio is 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 of the locational guidelines for neighbourhood pubs.

(b) Proximity to Other Liquor Primary Establishments

- 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 currently two liquor primary licenses located approximately 1.6 kilometres from the subject site. The Mirage Cabaret is located at 15330 – 102 Avenue and the

Guildford Station Pub is located at 10176 – 154 Street (Appendix XI).

(c) Proximity to Public Buildings

- The site is located south-west of a church located at the northeast corner of the intersection of 96 Avenue and 152 Street. The church provides for religious assembly, as well as day care for children during working hours.

(d) Proposed Person Capacity and Hours of Operation

- The applicant is proposing an indoor occupant load of 160 persons, and a 40-seat patio for a total occupant load of 200 persons including patrons and staff. The proposed 40-seat patio will require a tenant improvement building permit application.
- One of the Provincial requirements for a patio associated with a liquor primary license is that they be physically defined by fencing and walls. A Development Permit is therefore required (see Development Permit Section).
- The applicant has requested hours of operation as follows:
 - 11:00 a.m. to 1:00 a.m. Sunday through Saturday.
- These hours are consistent with Council's policy on hours of operation for liquor primary establishments.

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

- The applicant has advised that he is targeting the local population in the age group of 21 to 55. The business will cater to sports functions including television and satellite games, pool table, darts, and provide quality food.
- The Mirage Cabaret is located at 15330 – 102A Avenue which is approximately 1.6 kilometres (1 mile) away. The Mirage Cabaret has recently had an amendment to their hours of operation, and is considering changing their business focus from a cabaret to a neighbourhood pub focus with food and beverage service.
- The Guildford Station Pub, located at 10176 – 154 Street, is approximately 2 kilometres (1.2 miles) from the subject proposal and operates as a neighbourhood pub with food and beverage service.

(f) Traffic, Noise, Parking and Zoning

- Driveway access to the site is from 152 Street, which is a 4-lane arterial road. There are residences to the west, east and south of the proposed establishment, however, they are separated by a lane to the north, 151A Street to the west and a parking lot and the City Greenway to the south. There is a four foot fence chain link fence along the south and west sides of the property which does not allow for vehicle movement to the lane. On the north side of the property, there are two vacant graveled single

family lots, which have barriers along the 96 Avenue frontage

- The fencing of the site will assist in mitigating traffic impacts on the surrounding single family residences.
- The proposed patio is located on the east side of the building, facing 152 Street. This patio is surrounded on three sides by the building, which will assist in mitigating noise commonly associated with patios.
- The City Business By-law requires that patios adjacent to residential neighbourhoods be closed at 10:00 p.m. in order to reduce the number of noise complaints. This restriction will apply to this site.
- The subject property is zoned "Community Commercial Zone (C-8)". A neighbourhood pub is a permitted use in this zone.
- The parking regulations contained within the Zoning By-law would require a total of 48 spaces for the proposed pub and 68 spaces for the existing uses on the site for a total requirement of 116 spaces. A total of 104 spaces will be provided on the site.
- The parking requirements of the Zoning By-law provide for a reduction in the parking standards of up to 25% of the required parking if businesses operate during different hours of the day. In addition to the proposed neighbourhood pub, other businesses on the site include a veterinary hospital, offices and retail uses. The peak parking demand time for the existing uses is typically during weekdays whereas the proposed pub will be generally busier during evenings and weekends. As such, the pub parking requirement may be reduced to 36 spaces (i.e. 75% of 48 spaces) resulting in a total parking requirement for the site of 104 spaces which is the number of spaces which will be provided on the site.

(g) Population

- Approximately 39,000 people reside in the area around the proposed pub with roughly 70% over the age of 19.

(h) 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 slightly higher household income of \$65,000.
- The contravention rates for surrounding establishments is less than the provincial average and does not indicate a problem with over-proliferation of licensed establishments in the community.

(i) Impact on the Community

- The proposed establishment is intended to cater to the local residents and sports enthusiasts. Comments from By-laws & Licensing, the RCMP and the Surrey School District have indicated no concerns with the proposed neighbourhood pub.

Development Permit

- The building was constructed prior to the Official Community Plan requiring a Development Permit to regulate the form and character of the development. The applicant has, however, requested a Development Permit to allow for the patio (Appendix III).
- The patio is approximately 64 square metres (690 sq. ft.) in area and is located on the east side of the building.
- The patio will be defined by a 1.5- metre (4 ft.) high cedar fence with planters.
- City staff have reviewed the proposed patio design and find it to be satisfactory.

PRE-NOTIFICATION

In accordance with Council Policy, pre-notification letters were sent on November 1, 2005. As a result of the notification process, staff received two letters, and six telephone calls with respect to the proposal. Their comments are summarized as follows:

- Excessive noise

(The applicant has operated a neighbourhood pub in Burnaby for many years. They are proposing to install double doors which will assist in reducing the noise emanating from the business when patrons are entering or leaving the business. The applicant does not intend to have live bands for entertainment as their business is oriented towards the viewing of sporting events.)

- The place will be crowded

(The applicant has advised that he will comply with the maximum occupant load permitted by the license. Overcrowding of a premise will result in penalties assessed by the Liquor Control and Licensing Branch, which is detrimental to business.)

- Possible fights and violence

(The applicant has advised that surveillance cameras will be installed at the entrance to the establishment. He has found that this reduces fights in the establishment, as all customers are taped entering and leaving. Pub staff will be conducting parking lot surveillance to ensure unwanted activities do not occur outside of the premises.)

- A pub is not desirable in their neighbourhood

(The applicant has advised that he is hoping that the surrounding residents will be customers of the establishment and will promote his business within the community.)

- Fears of break-ins and drug use.

(The applicant has advised that, a surveillance camera and additional exterior lights will also be installed to monitor the outside parking lot which will deter criminal activity).

(The occupant load of the proposed neighbourhood pub is limited by the BC Building Code, and is enforced through the LCLB Inspectors and the Fire Marshall. Infractions to the occupant load will result in a suspension of the liquor license by the Province. With respect to the noise, the outdoor patio is screened by the building on three sides which substantially reduces the amount of noise which may be experienced by the surrounding residents. There is currently a by-law which requires that outdoor patios be closed by 10:00 p.m. to decrease the number of noise-related complaints. Surrey RCMP have reviewed the proposal and have expressed no concerns with respect to this proposed liquor license.)

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.	Site Plan (Patio)
Appendix IV.	Engineering Summary
Appendix V.	Parks Comments
Appendix VI.	RCMP Comments
Appendix VII.	Building Division
Appendix VIII.	By-laws & Licensing Services Comments
Appendix IX.	Summary from Liquor Control and Licensing Branch
Appendix X.	Existing Liquor Primary Establishments Near Subject Site

Murray Dinwoodie
General Manager
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CONTOUR MAP FOR SUBJECT SITE

