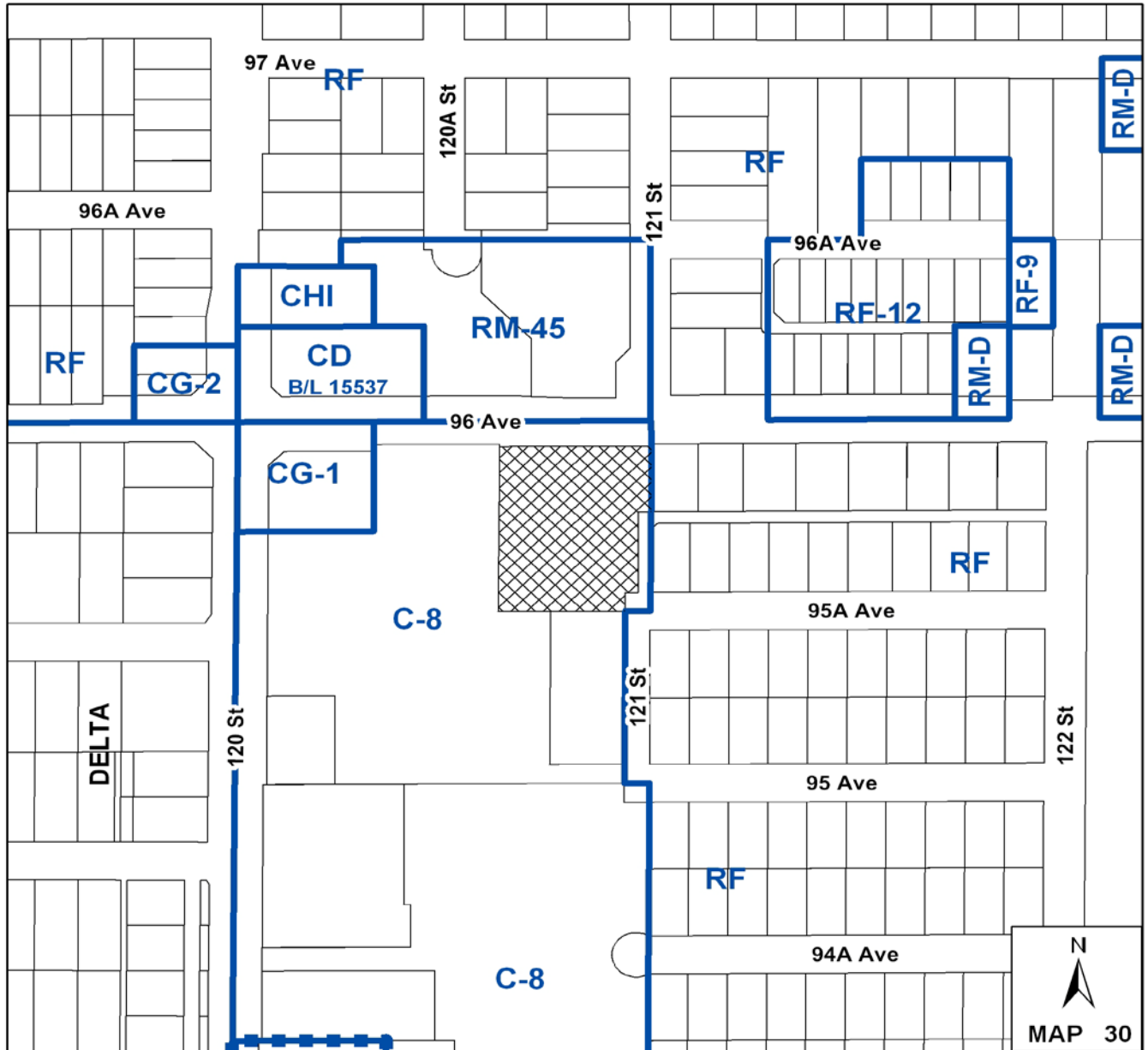


<b>Proposal:</b>	Amendment to a Liquor Primary License to increase the indoor person capacity for Donegal's Pub.		
<b>Recommendation:</b>	Approval to Proceed		
<b>Location:</b>	12054 - 96 Avenue	<b>Zoning:</b>	C-8
<b>OCP Designation:</b>	Commercial		
<b>LAP Designation:</b>	Commercial	<b>Owner:</b>	Donegal's Land Co.



## PROJECT TIMELINE

Completed Application Submission Date: January 22, 2007  
Planning Report Date: April 2, 2007

## PROPOSAL

The applicant is proposing:

- amendment of a Liquor Primary License

in order to increase the indoor person capacity from 150 to 225 for Donegal's Pub in West Whalley.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed liquor primary liquor license amendment to proceed to Public Notification:
  - (a) to increase the indoor person capacity from 150 to 225 for Donegal's Pub located at 12054 - 96 Avenue.

## REFERRALS

Surrey RCMP: No concerns. Discussed the application with Planning staff and had no concerns with respect to the proposal.

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

Building Division: No concerns. A building permit application is required to amend the occupant load (Appendix V).

## SITE CHARACTERISTICS

- **Existing Land Use** Multi-tenant commercial building, including Donegal's Pub and Licensee Retail Store.
- **East:** Single family residences, zoned RF, designated Multiple Residential.
- **South:** Vacant property, zoned C-8, designated Commercial.
- **West:** Multi-tenant commercial shopping complex, zoned C-8, designated Commercial.
- **North:** Across 96 Avenue, apartment building, zoned RM-45, designated Multiple Residential.

## PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Designation: Complies.

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject property located at 12054 – 96 Avenue is currently zoned C-8 and designated Commercial in the Official Community Plan (OCP).
- Donegal's Pub and Licensee Retail Store are two of the tenants located on the subject property.
- In 2003, under development application number 7901-0081-00, Council passed a resolution to support a one-time increase in the seating capacity of Donegal's Pub from 100 to 150 persons in accordance with changes in the liquor regulations of the Liquor Control and Licensing Branch (LCLB).
- Donegal's Pub currently has a liquor primary license of 150, and hours of operation of 11:00 am to 1:00 am Monday through Saturday and 11:00 am to Midnight Sunday.
- The applicant has requested an amendment to the liquor primary license to increase the indoor person capacity from 150 to 225, which reflects the person capacity permitted under the BC Building Code.
- The applicant is aware of Council's desire to have all liquor primary establishments to enter into a "good neighbour agreement" and has agreed in principle to enter into the agreement. By-law Enforcement & Licensing staff will require such an agreement as a condition of the business license.

### LCLB Criteria

- The Liquor Control and Licensing Branch (LCLB) requires that Council, in providing a response to the LCLB with respect an application to increase the person capacity comment on how the subject site satisfies a specific list of criteria. The analysis of the criteria for this site is provided as follows:

#### Potential for Noise

- Donegal's Pub is located in a multi-tenant commercial building in a commercial area. The increase to the person capacity of the pub is to reflect the current occupant load as permitted under the BC Building Code. The applicant has not requested an increase in the floor area of the Pub.

- The RCMP have advised Planning staff that they have not had any complaints with respect to the operation of the existing pub.
- As a result, it is not anticipated that the adjoining properties will be adversely impacted by any noise that may be generated by having a greater person capacity.

#### Impact on the Community

- The subject property is located on an arterial road. The existing pub is located at the rear of the building, and the entrance to the pub is located between the two commercial buildings on the property. These buildings buffer the existing pub from the adjoining properties to the east and west. The property to the south is currently vacant, however, it is designated for future commercial development. The additional liquor primary seating will likely not have any negative impact on the adjoining properties.

#### Will the amendment result in the establishment being operated in a manner that is contrary to its primary license.

- The main purpose of the business is a liquor primary license (Neighbourhood Pub). By allowing additional patrons on the premises, it will not result in the establishment being operated in a manner that is contrary to its primary purpose.

#### PRE-NOTIFICATION

- In response to the Provincial liquor licensing regulations that came into effect in 2002 under the *Liquor Control and Licensing Act*, Council approved Corporate Report No. R209 on September 29, 2003. The Corporate Report sets out the public consultation procedures for various types of liquor permit applications. In accordance with procedures adopted by Council, an application to amend an existing liquor primary license for an increase in person capacity is processed in a manner similar to the process for a Development Variance Permit.
- In accordance with Corporate Report No. R209, the applicant has installed a development Proposal Sign on the property to identify the proposed increase in person capacity for the existing pub and pre-notification letters were sent on February 14, 2007. Planning & Development staff have not received any telephone calls or correspondence in response to this sign or the pre-notification letter.

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. Existing Site Plan and Proposed Floor Plans
- Appendix IV. Surrey By-laws and Licensing Services Comments
- Appendix V. Building Division

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:                Alan Kelly  
                         Address:            12054 - 96 Avenue  
   Surrey, B.C.  
   V3W 1W3  
                         Tel:                    604-250-3741
  
2.      Properties involved in the Application
  - (a)      Civic Address:            12054 - 96 Avenue
  
  - (b)      Civic Address:            12054 - 96 Avenue  
                 Owner:                    Donegal's Land Co.  
                 PID:                            019-069-049  
                 Lot C Section 31 Township 2 New Westminster District Plan LMP 20116
  
3.      Summary of Actions for City Clerk's Office
  - (a)      Proceed with Public Notification to solicit public opinion with respect to a liquor license amendment.

CONTOUR MAP FOR SUBJECT SITE

