

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0290-00

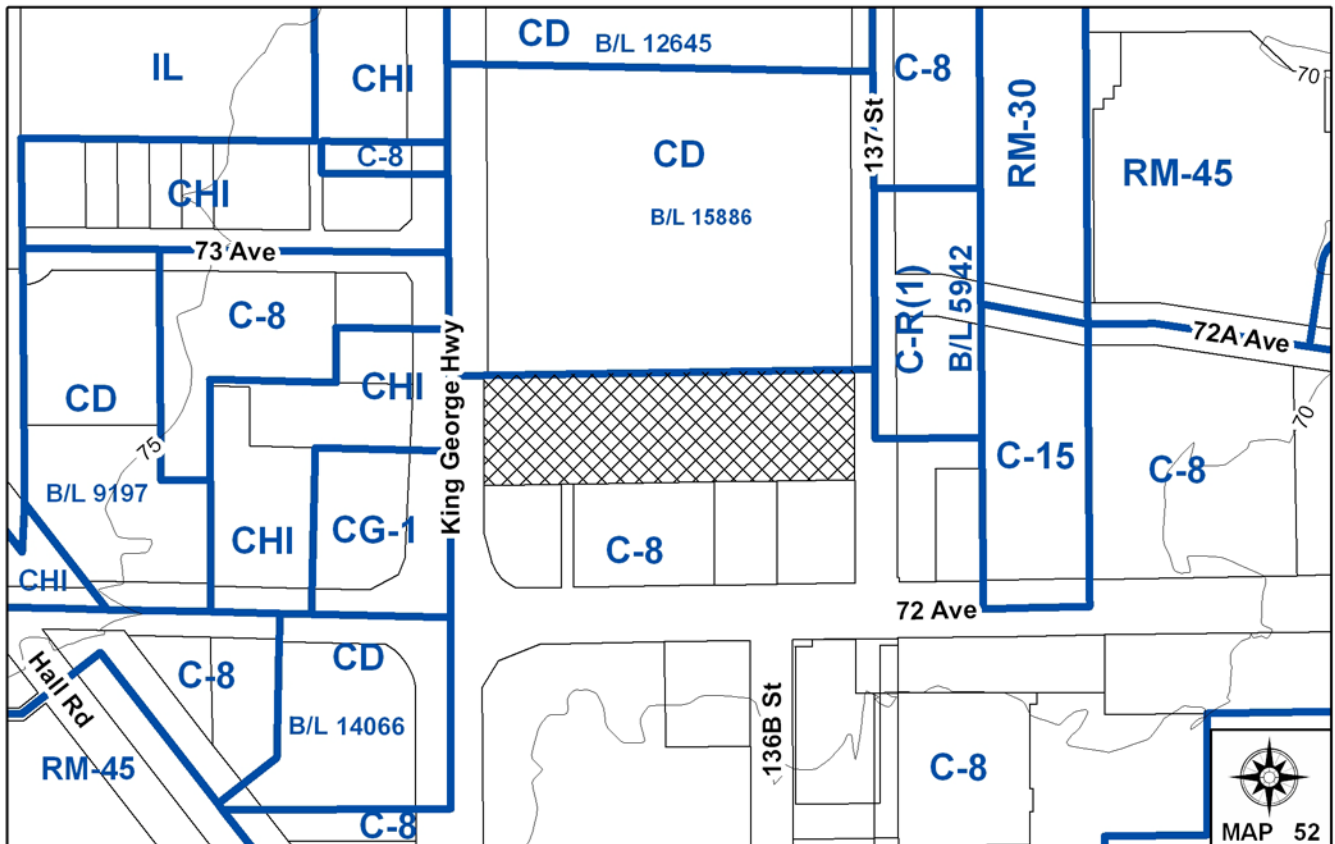
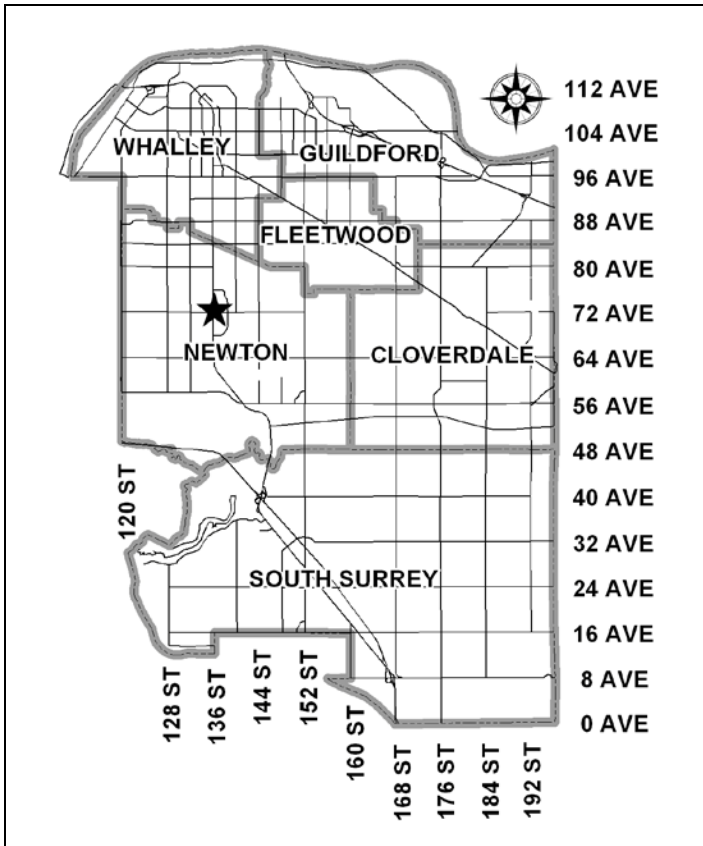
Planning Report Date: October 1, 2007

PROPOSAL:

- **Liquor Primary License Relocation**

in order to permit relocation of a neighbourhood pub with a capacity of 80 persons.

LOCATION: 7218 King George Highway
OWNER: 7218 KG Financial Inc.
ZONING: C-8
OCP DESIGNATION: Commercial
LAP DESIGNATION: Retail Commercial



RECOMMENDATION SUMMARY

- Council authorize staff to provide written confirmation to the General Manager of the Liquor Control and Licensing Branch that Surrey has no objection to the proposed Liquor License relocation.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposed liquor primary license relocation site is within 1.6 km of two (2) other liquor primary establishments.

RATIONALE OF RECOMMENDATION

- Complies with Zoning By-law.
- Liquor license is being relocated from the adjacent site. Both sites are within a commercially zoned and designated Town Centre.
- The applicant will be surrendering an existing 350 seat liquor primary license as part of this proposal and has also agreed to relocate another existing 250 seat liquor primary license.
- Although the proposed relocation is within 1.6 km from two (2) other Liquor Primary businesses (Dolphin; Brewsters), the relocation will result in a decrease in the number of liquor primary businesses from 3 to 1 and will result in a reduction in total seating capacity for all liquor primary licenses from 680 to 80.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize staff to provide written confirmation to the General Manager of the Liquor Control and Licensing Branch that Surrey has no objections to the proposed relocation of the Liquor Primary Liquor License subject to the following:
 - (a) termination of Liquor Primary License No. 013381;
 - (b) revision of operating hours to comply with Council policy; and
 - (c) registration of a Section 219 Restrictive Covenant to prohibit operation of a liquor primary establishment under License #005559 at 7300 King George Highway.

REFERRALS

Engineering: The Engineering Department has no objection to the project Appendix III.

Surrey RCMP: RCMP has no concerns with the proposed liquor license relocation to permit a neighbourhood pub on the subject site.

Surrey By-laws & Licensing Services: By-laws & Licensing Services has no concerns with the proposed liquor license relocation.

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant commercial building, currently being renovated, and RCMP Newton office.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Shopping centre under construction (Save-On-Foods, Shoppers Drug Mart and Tim Hortons).	Commercial/Retail Commercial	CD
East (Across 137 Street):	Retail, office and general service uses.	Commercial/Retail Commercial	C-8
South:	Retail and general service uses.	Commercial/Retail Commercial	C-8
West (Across King George Highway):	Automotive service uses and gas station.	Commercial/Highway Commercial	CHI and CG-1

DEVELOPMENT CONSIDERATIONS

Background

- The subject application involves 2 neighbouring properties located on the east side of King George Hwy, just north of 72 Avenue. Both sites are designated "Commercial" in the OCP and are within the Newton Town Centre. The most northerly site (7300 King George Highway) is the site of the new "Centre of Newton" commercial complex, currently under construction, which consists of Save-on-Foods, Shopper's Drug Mart, Tim Horton's, and a variety of smaller retailers. The most southerly site (7218 King George Highway) is the location of the "Plaza 7218" multi-tenant building, and the RCMP Newton office. The "Plaza 7218" multi-tenant building is currently being renovated in accordance with the recently approved Development Permit (No. 7906-0451-00).

Existing Liquor Licenses

- The site at 7300 King George Highway has 3 Liquor Primary Liquor Licenses and 1 Licensee Retail Store License (LRS) currently in existence. All 4 of these licenses were associated with the old Newton Inn, which occupied the site prior to being redeveloped for the new "Centre of Newton" commercial complex. The licenses are currently dormant but are still valid with the LCLB. The following table provides the details of the licenses, as well as the applicant's proposed actions on each license relative to this proposal:

License #	License Type	Capacity	Operating Hours	Proposal
026736	Liquor Primary	80	Noon – 2:00 am Mon. - Sat. 11:00 am – Midnight Sun.	Relocate to 7218 King George Highway. Revise operating hours.
013381	Liquor Primary	350	7:00 pm – 2:00 am Mon. -Sat. 7:00 pm – Midnight Sun.	To be surrendered and terminated
005559	Liquor Primary	250	Noon – 2:00 am Mon. - Sat. Noon – 2:00 am Sun.	To be retained and relocated in future
195412	Licensee Retail Store (LRS)	n/a	9:00 am – 11:00 pm everyday	Relocate to 7218 King George Highway

Proposal

- The applicant (who is the owner of both subject properties) proposes to relocate the 80 person liquor primary liquor license (No. 026736) and the licensee retail store (LRS) license (No. 195412) from 7300 King George Highway to 7218 King George Highway in order to permit development of a 80-seat neighbourhood pub with an attached liquor store. The pub is proposed to be located in the southern corner of the "Plaza 7218" multi-tenant building fronting King George Highway. The proposed pub will be approximately 201 square metres (2,160 sq.ft.) in size and the proposed liquor store will be approximately 388 square metres (4,180 sq.ft.) in size. A copy of the proposed pub/liquor store location plan and floor plans are attached for reference (Appendix II).

- As part of the proposed relocation of the Liquor Primary License No. 026736 and the LRS license No. 195412, the applicant proposes to surrender and terminate Liquor License No. 013381 with a capacity of 350 persons.
- The applicant has advised that they wish to retain the remaining liquor license (No. 005559), with a capacity of 250 persons, in order to relocate this license in the future to a different site.

Evaluation of Proposed Liquor Primary License Relocation

- The following criteria and information has been evaluated to assess the proposal:
 - The subject site is zoned C-8 which permits a liquor primary establishment (neighbourhood pub);
 - The liquor primary liquor license is being relocated from the site next door and is not a net increase in liquor licenses. It will therefore not be generating any new impacts on the surrounding area;
 - The site is located within the Newton Town Centre and is surrounded by commercially zoned and designated properties. There are no residential neighbourhoods in the immediate vicinity and as such the community impact is expected to be minimal;
 - The Surrey RCMP has noted that they have no concerns with the proposed relocation of the liquor primary license; and
 - The proposed pub will generate the need for 15 additional on-site parking stalls which can be accommodated within the existing parking lot on the site.

Hours of Operation

- The applicant has agreed to reduce the operating hours of the relocated liquor primary (pub) license to be consistent with Council policy. The hours will be Noon – 1:00 am on Monday to Thursday, Noon to 2:00 am on Friday and Saturday, and 11:00 am to midnight on Sunday. Staff will ensure that the reduction in operating hours is made a condition of local government support of the proposed relocated liquor primary license.

Proposed Liquor License Changes

- In support of the liquor license relocation, the applicant has also agreed to terminate one of the other 2 remaining liquor primary liquor licenses on the site at 7300 King George Highway. The 350-person capacity license (No.013381) will be terminated as a condition of local government support of the proposed relocated liquor primary license.
- The applicant has also agreed to relocate the 250-person capacity liquor license (No. 005559) to another site in the future. This license has an off sales endorsement and, since LCLB has placed a moratorium on off sales, it is valuable. Staff expressed some concerns with the retention of this license as it could result in a liquor primary licensed establishment being operated on both neighbouring sites. To respond to this concern, the applicant agreed to register a Section 219 Restrictive Covenant on the site at 7300 King George Highway prohibiting a neighbourhood pub from being operated under License #005559. Staff would ensure this covenant is registered prior to sending confirmation to LCLB that local government has no objections to the proposed license relocation. Once the covenant is registered, the applicant will be required to find an alternative site in which to relocate the license. Under LCLB provisions this alternative site must be within

the same community, and within reasonable distance, of the existing site. Council will be given an opportunity to provide comments to LCLB on any possible relocation site. LCLB have indicated to staff that the owner would be given a window in which to find a suitable site for the relocated license. Should the applicant be unable to find an appropriate site, within a reasonable amount of time, the license will be terminated.

Proximity to Other Liquor Primary Licenses

- Under the locational criteria established by the City, new liquor primary licenses should not locate within 1.6 kilometers (1 mile) of an existing liquor primary license. It is noted that within a 1.6 kilometre (1 mile) radius of the subject site there are currently 2 other liquor primary licensed establishments. The "Dolphin Pub", located at 7115 – 138 Street, is approximately 400 metres (1,312 ft.) from the subject site, and "Brewster's Sports Pub", located at 7380 – King George Highway, is approximately 200 metres (656 ft.) from the subject site. While these neighbouring pubs likely cater to the same clientele as the proposed pub, it is noted that the proposal will result in a net decrease in the approved liquor primary licenses from 3 to 1 on the subject sites. The change also results in a reduction in total person capacity of liquor primary establishments from 680 to 80. On this basis, the relocation will result in an overall reduced potential impact and community benefit.

Liquor License Relocation Process

- Under the policies and processes of the Liquor Control and Licensing Branch (LCLB), an establishment can relocate to a new location within the immediate vicinity (as in the case of this relocation), subject to written confirmation from local government as to whether they have any objection to the proposed relocation. In addition, the applicant is not requesting any amendments to the existing license (i.e. capacity increase, extension of hours, patio addition, etc.) at this time.
- The LCLB also does not require a formal resolution from Council for the proposed LRS license relocation provided the proposal complies with the City's Zoning By-laws. In this case, the site at 7218 – King George Highway is zoned "Community Commercial Zone (C-8)" which permits a licensee retail store (liquor store) provided it is in conjunction with a liquor primary licensed establishment. As such, if the relocation of the liquor primary license is endorsed by Council, the liquor store would be an outright permitted use on the site under the Zone, and LCLB would not require further local government input to approve the relocation.
- Although a formal resolution from Council is not required (only staff comments) by LCLB for the proposed license relocation, it is the City's practice to present the relocation for Council decision. Typically 3 alternative options are available for Council's consideration.

Option 1: Council Authorize Staff Comments

- Council authorize staff to provide written confirmation to the General Manager of the LCLB that local government has no objections to the proposed relocation of the Liquor Primary License. This option is possible because LCLB does not require a public process for the proposed relocation nor do they require a formal Council resolution (only staff comments), if the relocation is to a new location in the immediate vicinity.

Option 2: Use Public Notification Process

- Council use the Public Notification process typically used for Development Variance Permit (DVP) applications to notify property owners located within 100 metres (330 ft.) of the subject site of the proposed relocation of the Liquor Primary License. This is the same process as used for Liquor License Amendments including capacity increases and changes in hours of operation.

Option 3: Use Public Hearing Process

- Council hold a Public Hearing to solicit opinions from area residents regarding the proposed relocation of the Liquor Primary License (neighbourhood pub). Council can authorize staff to prepare a resolution for Council's consideration after the Public Hearing. This is the same process as used for new Liquor Primary Licenses.
- Options 2 and 3 are not deemed necessary, as the proposed relocation is within an existing commercial shopping area. As a result of the applicant's action, the proposal will result in an actual reduction in the total number of liquor primary licenses (from 3 to 1) on these neighbouring sites, and a reduced liquor primary capacity of approximately 600 seats. There is no amendment made to the relocated liquor primary license. Staff therefore recommends that Council follow Option 1 and authorize staff to provide written confirmation to the General Manager of the LCLB that local government has no objections to the proposed relocation of the Liquor Primary License, subject to conditions discussed in this report.

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.	Proposed Site Plan, Floor Plans and Building Elevations
Appendix III.	Engineering Summary

Jean Lamontagne
General Manager, Planning and Development

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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: Harp Hoonjan, Platinum Projects Ltd.
 Address: 2230 - 138 Street
 Surrey, BC
 V4A 4G6
 Tel: 604-240-9924

2. Properties involved in the Application

- (a) Civic Address: 7218 King George Highway
- (b) Civic Address: 7218 King George Highway
 Owner: 7218 KG Financial Inc., Inc. No. 492825
 PID: 011-189-274
 Parcel "E" (Explanatory Plan 12064) Lot 4 Except: Parcel "One" (By-law Plan
 62739); Section 21 Township 2 New Westminster District Plan 6210

3. Summary of Actions for City Clerk's Office

DEVELOPMENT DATA SHEET

Existing Zoning: C-8

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		9,254 m ²
Net Total		
LOT COVERAGE (in % of net lot area)	50%	33%
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front (West)	7.5 m	19.16 m
Rear (East)	7.5 m	4.65 m
Side #1 (South)	7.5 m	1.76 m
Side #2 (North)	7.5 m	18.36 m
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m	7 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail & Proposed Pub		1,830.46 m ²
Office		1,159.43 m ²
Total		2,989.89 m ²
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	7,403.20 m ²	2,989.89 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)	.80	0.32
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	126	129
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	126	129
Number of disabled stalls	2	6
Number of small cars	22	23
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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