

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7907-0403-00

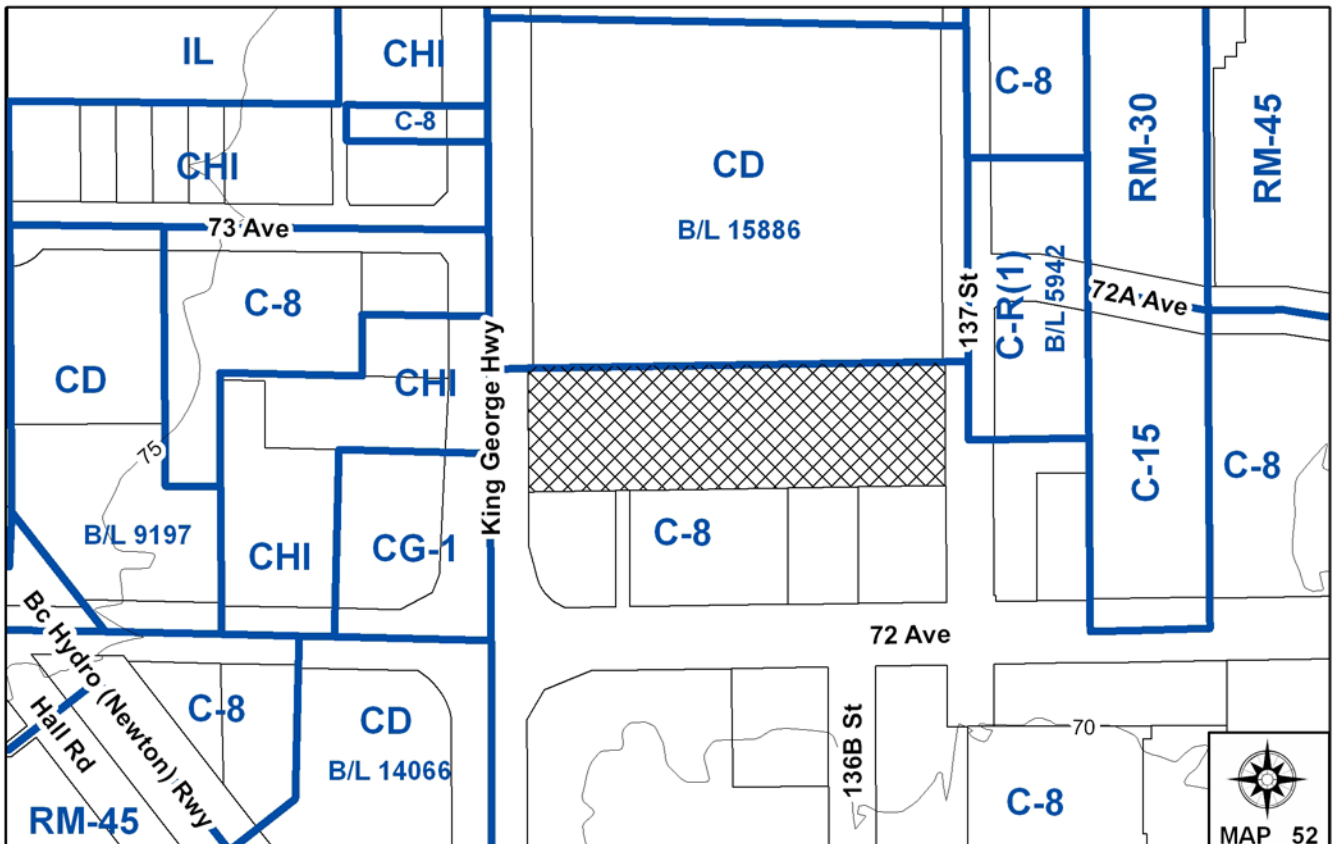
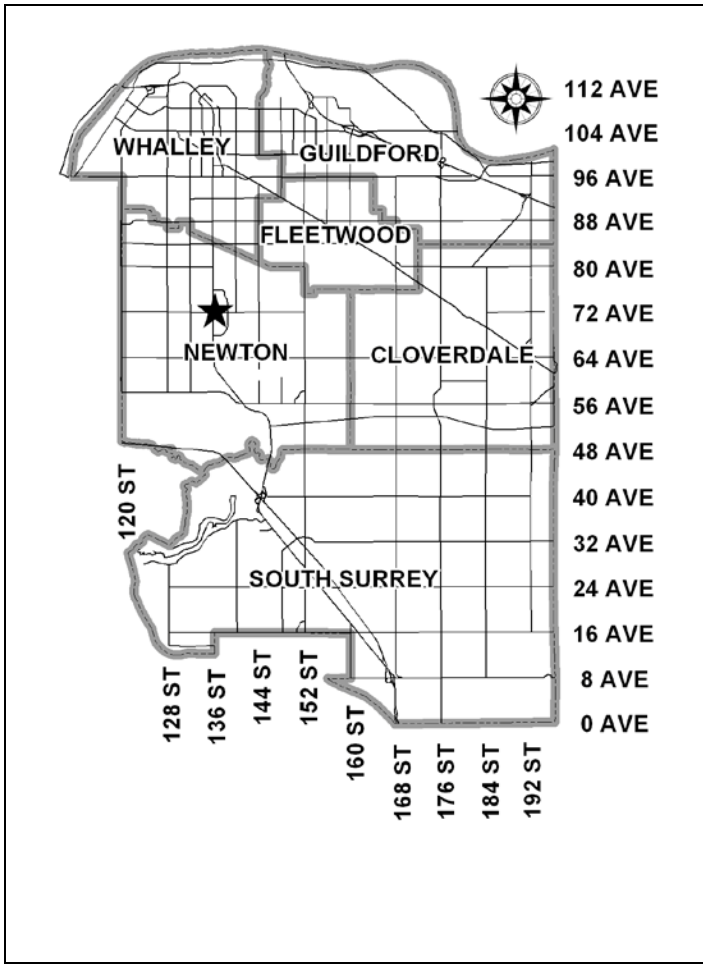
Planning Report Date: February 25, 2008

PROPOSAL:

- **Development Permit**
- **Liquor License Amendment** to change the hours of operation, increase the capacity, and for a patio addition

to an existing liquor primary facility.

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



RECOMMENDATION SUMMARY

- Approval to draft Development Permit.
- Approval of the proposed liquor license amendment for a change in hours, addition of a patio and increase in capacity due to the patio addition (structural alteration) to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- The proximity of this facility with other Liquor Primary establishments was reviewed as part of the Liquor Primary relocation application under project No. 7907-0290-00, which was approved by Council on October 1, 2007.
- The requested hours of operation are consistent with Council policy of hours of operation.
- The patio addition is consistent with the character of the building, and is located underneath the existing canopy. The patio will be consistent with other outdoor display areas for the other businesses underneath the canopy within the same building. Other liquor primary establishments in the near by area (Newton Arms Sports Pub, Dolphin; Brewsters and Robin Hood), have similar outdoor patios.
- The proposed addition of a patio will increase the occupancy load for the establishment from 80 to 110 persons (80 indoor and 30 outdoor). This overall capacity is considered acceptable on a commercial site in the Newton Town Centre, which is surrounded by other commercial sites and not in immediate proximity to residential uses.
- The Surrey RCMP, the Fire Department and the By-laws & Licensing Services have no concerns regarding the proposed hours of operation, the addition of patio, and the 30-person increased capacity due to the addition of the patio.
- Overall, the proposed changes are expected not to have any negative impact to the community, and there will be no potential for noise, since there are no residential uses in the nearby area.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed liquor primary liquor license amendment to proceed to Public Notification:
 - (a) the addition of a patio with a maximum person capacity of 30 people;
 - (b) the alteration of hours of operation from 12:00 noon to 1:00 a.m. Monday to Thursday and 12:00 noon to 2:00 a.m. Friday and Saturday to 11:00 a.m. to 1:00 a.m. Monday to Saturday; and
 - (c) increase in overall capacity from 80 persons to 110 persons.
2. Council authorize staff to draft Development Permit No. 7907-0403-00 in accordance with the attached drawings (Appendix II).
3. Council instruct staff to resolve the following issue prior to final approval:
 - (a) the applicant enter into a good neighbour agreement with the City, RCMP, and Surrey Fire Services, as per Section 53.(5) of the Business License By-law 1999, No. 13680.

REFERRALS

Engineering:	The Engineering Department has no requirements for this Development Permit application (Appendix III).
Surrey RCMP:	No concerns regarding the proposed amendment. They, however, expressed a concern regarding the volume of traffic entering the site from 137 Street, next to the RCMP office. <i>The traffic circulation was reviewed as part of the redevelopment of the nearby site to the north (former Newton Inn) and found to be adequate.</i>
Surrey By-laws & Licensing Services:	No concerns.

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant commercial building fronting King George Highway, currently being renovated and the RCMP building on the east side of the property fronting 137 Street.

Adjacent Area:

Direction	Existing Use	OCP/NCP 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 CONSIDERATIONSBackground

- The subject application relates to a liquor primary establishment recently relocated from 7300 King George Highway to the subject property, located at 7218 King George Highway. The site is on the east side of King George Highway, just north of 72 Avenue in the Newton Town Centre. It is zoned C-8 and designated "Commercial" in the OCP and "Retail Commercial" in the Newton Town Centre Study.
- Information presented to Council as part of the relocation application (Project No. 7907-0290-00), indicated that there were three (3) liquor primary licenses at the original location, as detailed in the table below:

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 the future.

- The relocation application for License # 026736 to the subject location received preliminary approval from the Liquor Control and Licensing Board (LCLB), and is now in the floor plan approval stage.
- At the new location, the 80-person indoor seating within an area of approximately 201 square metres (2,160 sq.ft.) is retained. However, Council only endorsed hours of operation from 12:00 noon to 1:00 a.m. Monday to Thursday, 12:00 noon to 2:00 a.m. Friday and Saturday, and 11:00 a.m. to Midnight on Sunday.

- In addition, License No. 013381 will be terminated and a Section 219 Restrictive Covenant is being registered against the title of the property located at 7300 King George Highway, to ensure that a liquor primary establishment will not operate at that location under License No. 005559.
- The new proposal is to alter the new hours of operation to 11:00 a.m. to 1:00 a.m., Monday through Saturday, and add a 30-seat patio, outdoor seating that will increase the person capacity from 80 persons to 110 persons (80 indoor and 30 outdoor). These changes require resolutions from Council, prior to LCLB, considering the application for the proposed changes.
- According to Council policy, a Development Permit is required to allow the addition of the patio.

Evaluation of Proposed Changes to Liquor Primary hours of Operation

- The City endorsed the relocation of the Liquor Permit license transfer from 7300 King George Highway to 113 - 7218 King George Highway. In conjunction with that approval, Council approved an amendment to the operating hours of the licens. Under the subject application, the applicant is requesting a further amendment to the approved hours. The following is a comparison of the different operating hours:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Original Hours	12 noon to 2:00 a.m.	12 noon to 2:00 a.m.	12 noon to 2:00 a.m.	12 noon to 2:00 a.m.	12 noon to 2:00 a.m.	12 noon to 2:00 a.m.	11:00 a.m. to 12 Midnight
Amended Hours Approved by Council	12 noon to 1:00 a.m.	12 noon to 1:00 a.m.	12 noon to 1:00 a.m.	12 noon to 1:00 a.m.	12 noon to 2:00 a.m.	12 noon to 2:00 a.m.	11:00 a.m. to 12 Midnight
Proposed further Amendment	11:00 a.m. to 1:00 a.m.	11:00 a.m. to 1:00 a.m.	11:00 a.m. to 1:00 a.m.	11:00 a.m. to 1:00 a.m.	11:00 a.m. to 1:00 a.m.	11:00 a.m. to 1:00 a.m.	11:00 a.m. to 12 Midnight

- The proposed amendment requires a resolution from Council prior to the LCLB processing the application.
- The new proposal increases the hours of operation by one (1) hour from Monday through Thursday, by starting one hour earlier. The Friday and Saturday number of hours of operation remain the same, however, the starting and closing times are altered. The Sunday hours are unchanged.
- The applicant indicated that the amendment to the hours of operation is necessary to allow the applicant to meet market demand and to capture the market share to be financially viable.
- The requested hours of operation are consistent with Council policy of hours of operation between 11:00 a.m. and 1:00 a.m., Sunday through Thursday, and 11:00 a.m. to 2:00 a.m. Friday and Saturday.

- The requested hours of operation are similar to those for the three other liquor primary (pub) establishments within 1.6 kilometers (1 mile) of the site, summarized below:

Name	Hours of Operation	Location
Brewer's Sports Pub	<ul style="list-style-type: none"> • 11:00 a.m. to 12 midnight Sunday through Thursday, • 11:00 a.m. to 1:00 a.m. Friday and Saturday 	7380 King George Hwy
Newton Arms Sports Pub (formally the Dolphin Pub)	<ul style="list-style-type: none"> • 11:00 a.m. to 1:00 a.m. Monday through Saturday • 11:00 a.m. to 12 midnight on Sunday 	7115-138 Street
Robin Hood Pub	<ul style="list-style-type: none"> • 11:00 a.m. to 1:00 a.m. Monday through Saturday • 11:00 a.m. to 12 midnight on Sunday 	13468-72 Avenue

- The Surrey RCMP has no concerns regarding the proposed hours of operation.
- No concerns have been expressed by the public or the nearby businesses, following pre-notification letters sent on February 1, 2008.
- Staff, therefore, support the proposed changes.

Proposed Addition of a Patio/Increase in Person Capacity

- The creation of a 30-seat outdoor seating area (patio) will increase the person capacity for the liquor primary license to 110 persons (80 indoor and 30 outdoor). This change in structure and person capacity also requires a resolution from Council. As Council policy, a Development Permit is also required to permit the patio.
- Other liquor primary establishments in the near by area (Newton Arm Sports Pub, Brewsters and Robin Hood), have similar outdoor seating arrangements.
- The proposed addition of a patio for 30-person capacity will increase the occupancy load for the establishment. The applicant will be required to obtain a Building Permit to ensure that the addition meets BC Building Code.
- As with the proposed hours of operation, the Surrey RCMP has no concerns regarding the proposed patio and increase in person capacity.
- Similar to the change in hours of operation, the applicant indicated that the addition of a patio and increased person capacity are necessary to allow the applicant to meet market demand and to capture market share in order to remain competitive and financially viable.
- The patio is not deemed to create a negative impact, as it is located on a major commercial site near the Newton Town Centre, and is not in close proximity to residential uses.

The LCLB Criteria

- The LCLB requires that Council provide a response to the proposed increase in person capacity, addition of a patio and change in hours of operation, and comment on how the subject proposal impacts the nearby community in general and to potential noise impact, and whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose, as outlined in the sample resolution attached as Appendix IV.

PUBLIC NOTIFICATION

- Following the amendment to the Liquor Control and Licensing Act in 2002, which changed the provincial liquor licensing regulations, Council approved public consultation procedures for various types of liquor permit application. The procedure approved for applications to amend existing liquor primary licenses is similar to the process for a Development Variance Permit, including pre-notification letters and erection of a development sign.
- Pre-notification letters were sent out on February 1, 2008. To date, staff have not received any calls concerning the proposed amendment.
- A development sign has been erected on the property. Staff received a picture of the erected sign.

DESIGN PROPOSAL AND REVIEW

- The patio involves enclosure of a portion of an existing arcade (covered walk) along the north façade of the building, with 2.4-metre (8 ft.) high posts linked with glass. The existing concrete floor surface will be retained. Access to the patio will be mainly from the main indoor seating area. A small gate is also provided on the west side of the patio. The enclosed area is approximately 41.8 square metres (450 sq.ft.). This increase in floor does not affect the maximum floor area ratio or the parking requirement for the site.
- The patio addition will not change the character of building, since it is located underneath the existing canopy and is mostly clear glass.
- The extent of the patio will leave, at a minimum, a 1.5-metre (5 ft) width for pedestrian traffic. Consequently, there will be no impact to pedestrian movement underneath the canopy including wheelchair and scooters. This is consistent with other outdoor display areas underneath the canopy for the other businesses in the building.
- With the addition of the patio, 129 parking stalls are required to accommodate all the uses on the property. 131 stalls are provided.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets and Survey Plan
- Appendix II. Patio Design
- Appendix III. Engineering Summary
- Appendix IV. Sample Resolution to LCLB

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: Dennis Coates
 Address: 700 - 275 Landsdowne Street
 Kamloops, BC
 V2C 6H6
 Tel: 1-250-374-3161

2. Properties involved in the Application
 - (a) Civic Address: 7128 King George Highway

 - (b) Civic Address: 7128 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

Liquor Applications

- (a) Proceed with Public Notification to solicit public opinion with respect to a liquor license amendment.

DEVELOPMENT DATA SHEET

Proposed/Existing Zoning: C-8

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		9,254 m ²
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		1,872.26 m ²
Office		1,159.43 m ²
Total		3,031.69 m ²
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	7,403.20 m ²	3,031.69 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)	0.80	0.32
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	129	131
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	129	131
Number of disabled stalls	2	6
Number of small cars	32	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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