

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0032-00

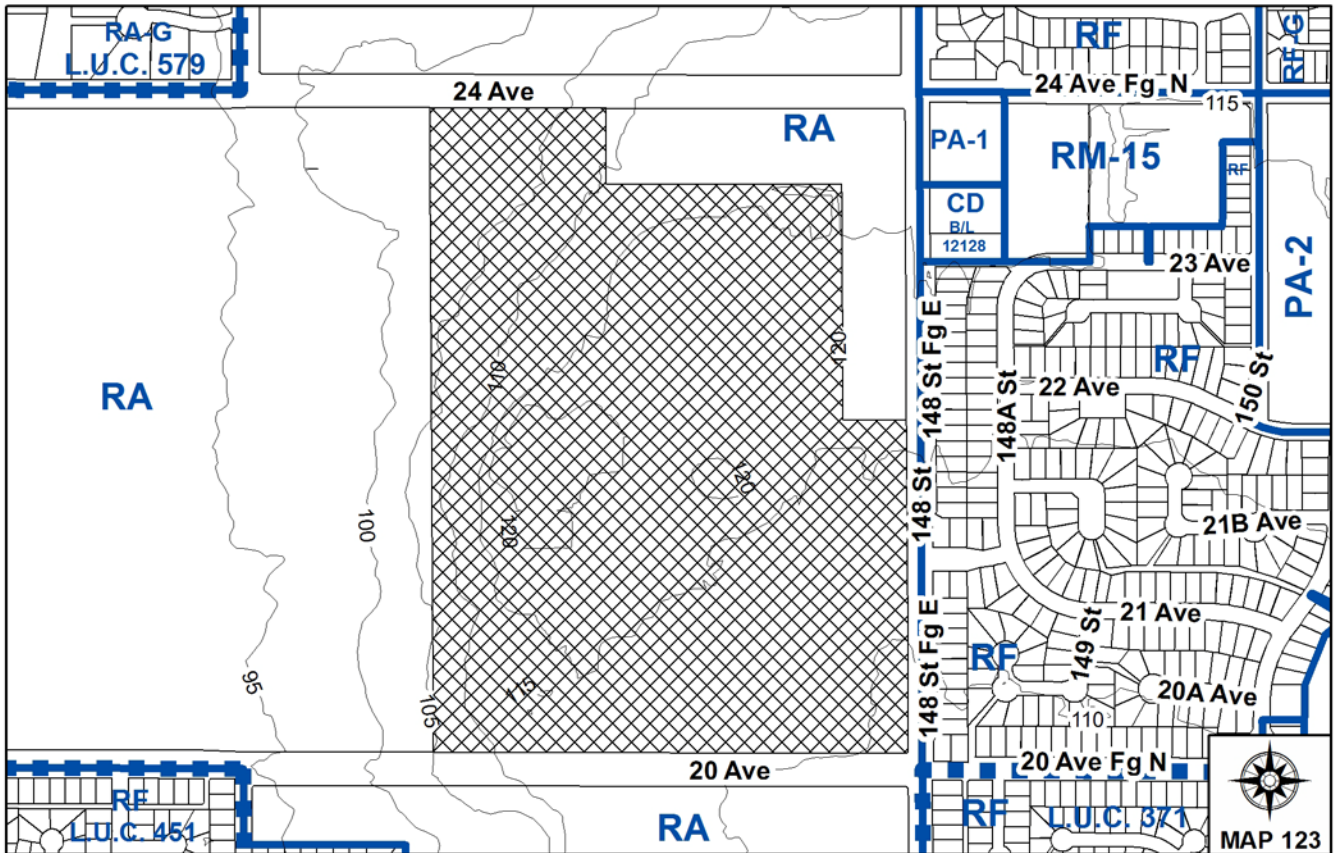
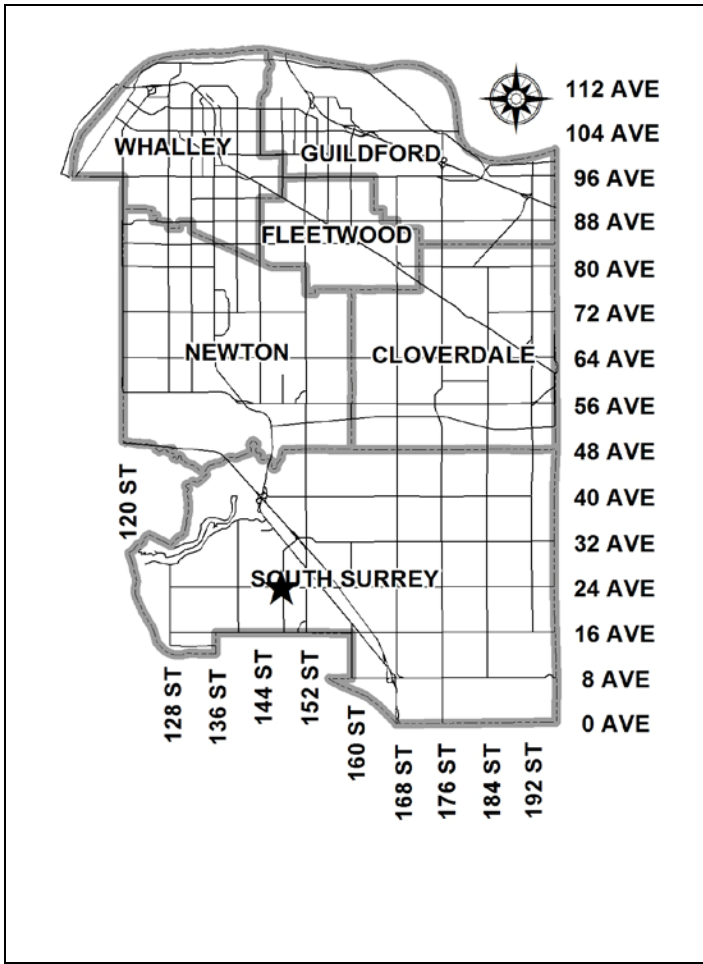
Planning Report Date: March 9, 2009

PROPOSAL:

- **Liquor License Amendment**

in order to increase the licensed person capacity of the outdoor bleacher seating area at Softball City from 1,500 to 1,543 for the purpose of liquor service.

LOCATION: 2201 - 148 Street
OWNER: City of Surrey
ZONING: RA
OCP DESIGNATION: Conservation Area
LAP DESIGNATION: Recreational



MAP 123

RECOMMENDATION SUMMARY

- Approval of the proposed liquor license amendment to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- This amendment is intended to correct an error in the licensed capacity of various licensed areas at Softball City as proposed and authorized by Council in 2006.
- The bleacher seating area at Softball City is currently licensed to allow liquor sales to a maximum of 1,500 people. This seating/liquor sale capacity of 1,500 people was incorrectly conveyed to staff by the applicant in 2006. The proposed liquor license amendment to increase the licensed capacity from 1,500 to 1,543 is considered minor.

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 increase in person capacity in the outdoor bleacher seating area of Softball City from 1,500 to 1,543.

REFERRALS

- Referrals to internal and external referral agencies were not considered warranted in this case as the proposal only constitutes a minor increase to the person capacity of a liquor license already approved by Council in 2006. As part of the 2006 Liquor License review process staff referred the proposal to Engineering, Parks, Recreation & Culture, By-laws & Licensing, Building Division and the RCMP, none of whom expressed any concerns with the proposal at that time.

SITE CHARACTERISTICS

Existing Land Use: Softball City Sports & Entertainment Complex, South Surrey Athletic Park, Arena and Recreation Centre.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 24 Avenue):	Sunnyside Acres Urban Forest.	Conservation Area	RA
East (Across 148 Street):	Single family dwellings and churches.	Urban	RF, CD and PA-1
South (Across 20 Avenue):	South Surrey Athletic Park	Conservation Area	RA
West:	Sunnyside Acres Urban Forest.	Conservation Area	RA

DEVELOPMENT CONSIDERATIONSBackground2006 Proposed Amendments to the Liquor and Food Primary Licenses - Softball City

- In 2006, Softball City submitted a Liquor License application to the City to make several changes to their existing Liquor Primary and Food Primary Liquor Licenses. The proposed changes include the following:

- To expand the existing liquor primary licensed area in the outdoor bleachers to include the existing restaurant and outdoor patio areas, which are currently under a Food Primary Liquor License, and to cancel the existing Food Primary Liquor License.
 - To amend the total Liquor Primary Liquor Licensed person capacity in all components of the site (bleachers, restaurant, patio) to 1,467
 - To amend the Liquor Primary Liquor License hours of operation from 11:00 a.m. to 10:00 p.m. Monday to Sunday to 11:00 a.m. to 12:00 midnight Monday to Sunday for the restaurant and outdoor patio areas only. The operating hours in the bleacher seating area remain unchanged (11:00 a.m. to 10:00 p.m. Monday to Sunday).
 - To change the Terms and Conditions of the Liquor Primary Liquor License to allow year round liquor sales in the restaurant and outdoor patio areas only. Liquor sales in the bleacher seating area are to remain seasonal only (April 1 to October 31).
 - To change the Terms and Conditions of the Liquor Primary Liquor License to allow full liquor service in the restaurant and outdoor patio areas only. Liquor service in the bleacher seating area is to remain restricted to beer, wine, ciders, and coolers only.
 - To expand the minor's endorsement on the Liquor Primary Liquor License (outdoor bleachers) to include the restaurant and outdoor patio areas.
- Staff brought forward a report on June 12, 2006 detailing the above proposed changes to the liquor licenses at Softball City (Appendix III).
 - After considering the merits of the proposal and after hearing from individuals who submitted correspondence or made a presentation at the Public Hearing, Council passed a resolution in support of the above proposed changes to the Food Primary and Liquor Primary Licenses at Softball City. The resolution was forwarded to the General Manager of the Liquor Control and Licensing Branch (LCLB) on July 5, 2006.
 - Softball City has advised staff that the issuance of the amended liquor primary liquor license from LCLB has been delayed for the past couple of years due to problems obtaining LCLB approval for the proposed minor's endorsement expansion. Up until recently, LCLB has not endorsed this element of the proposal and because it is considered critical to their operations, Softball City has chosen not to proceed with the other license changes. Recently however, LCLB completed a policy update which allows minors endorsements for liquor primary licensed recreational facilities (on a limited basis). This recent policy change will now allow Softball City to obtain LCLB approval for the proposed minor's endorsement expansion. As such, Softball City has been working with LCLB to complete the license amendment process.

2009 Corrected Capacity

- During a subsequent review of the resolution passed by Council in 2006, the general manager of Softball City discovered that there were significant errors in the capacity data provided by his consultant, Rising Tide Consultants, to the City in 2006. In 2006, the Liquor Primary License in the stadium had a licensed capacity of 1,500 persons and the Food Primary License in the restaurant and outdoor patio area had a licensed capacity of 361 (129-restaurant, 232-patio). The applicant's consultant inadvertently provided incorrect capacity numbers to staff for Council consideration. The capacity numbers for the restaurant and patio were higher and the capacity number for the bleachers was lower.
- The 2006 capacity numbers provided by the project consultant and subsequently endorsed by Council, as well as the correct capacity numbers are provided below:

	Previous Approved Capacity	2006 Endorsed Capacity	Corrected 2009 Capacity
Restaurant	129	150	129
Outdoor Patio	232	328	232
Outdoor Bleachers	1,500	989	1,543
Total	1,861	1,467	1,904

- The general manager of Softball City advises that he is unaware of the origin of the capacity numbers previously provided by his consultant. The existing capacities of the restaurant and outdoor patio were never intended to be increased, as suggested by these numbers, nor were the capacity numbers in the outdoor bleacher areas intended to be decreased. The capacities in the restaurant and outdoor patios were intended to remain unchanged (129/232) and the capacity in the outdoor bleachers area was intended to actually increase slightly from 1,500 persons to 1,543 persons. A total capacity increase from the original capacity of 1,861 to 1,904 was intended, rather than a decrease from 1,861 to 1,467.
- The general manager of Softball City has spoken to LCLB staff who have confirmed that in order to remedy the error and to finalize the liquor primary liquor license amendments requested, they require the following:
 - A letter from staff confirming that the 2006 resolution from Council is still valid with respect to all elements of the proposal with the exception of the increased bleacher capacity; and
 - A resolution from Council endorsing the new capacity numbers, as follows:
 - Restaurant - remain at 129;
 - Outdoor Patio - remain at 232; and
 - Outdoor Bleachers - increase from 1,500 to 1,543.

Review Process and Public Notification

- Council already endorsed the proposed amendments to the Food Primary and Liquor Primary Liquor Licenses at Softball City in 2006. Since it has only been 2 years since the resolution was passed, staff will send the requested letter to LCLB confirming that this resolution is still valid. With respect to the requested modifications to the person capacity, staff has followed the

established policy and process for reviewing proposed amendments to person capacity under an existing Liquor Primary Liquor License.

- In accordance with the established procedure staff directed the applicant to erect 2 Development Proposal Signs on the site. In addition, staff sent pre-notification letters to all property owners within 100 metres (300 ft.) of the subject site advising them of the proposal. Staff has received no responses to the development proposal sign or pre-notification letters.
- Although staff would typically refer Liquor License Amendment applications to appropriate internal and external referral agencies it was not considered warranted in this case. As part of the 2006 Liquor License review process, staff referred the proposal to the appropriate internal and external agencies including Engineering, Parks, Recreation & Culture, By-laws & Licensing, Building Division, and the RCMP, none of which expressed any concerns with the proposal. It is not anticipated that the proposed person capacity modifications would generate any new or additional concerns and as such new referrals were not sent.

Staff Review

- The anticipated additional impact of the proposed modifications to the licensed person capacity at Softball City on the surrounding community is considered negligible for the following reasons:
 - The capacity of the restaurant and outdoor patio areas are 129 and 232 respectively, which is less than the 2006 Council endorsed capacities of 150 and 328 respectively, and identical to the licensed capacities under the existing Food Primary Liquor License.
 - The new proposed capacity in the outdoor bleacher seating area is 1543, which is only slightly greater than the current capacity of 1,500 under the existing Liquor Primary Liquor License.
 - The total capacity increase from 1,861 to 1,904 is, therefore not considered significant.
 - In 2006, staff reviewed the proposal to convert the existing Food Primary License in the restaurant and outdoor patio to a Liquor Primary License. From a land-use perspective, staff confirmed that the site meets a majority of the locational criteria for neighbourhood pubs as approved by Council. The site is located close to a residential area but not surrounded by one. The site is somewhat isolated and is also buffered from residential areas. The applicant is not proposing longer hours than currently permitted under the Food Primary Liquor License and it was anticipated that the establishment would continue to operate in much of the same manner as it currently does. The proposed minor capacity increase does not impact this previous evaluation.
- In accordance with established procedures for Liquor Primary liquor license amendments, it is recommended that Council approve the proposed liquor license amendment to proceed to Public Notification. Staff will then prepare a resolution for Council's consideration after Public Notification. This resolution will indicate whether Council, after due consideration of the results of the Public Notification process, is in favour of the proposed amendment to increase the overall liquor primary licensed capacity in the bleacher seating area at Softball City from 1,500 to 1,543, and the correction of the liquor primary licensed capacity of the restaurant and outdoor patio

from 150/328 to 129/232 respectively, and if so, recommend to the Liquor Control & Licensing Branch (LCLB) any specific licensing conditions suggested by Council.

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. Softball City Site Plan
- Appendix III. Previous Planning Report for Softball City Liquor Licenses dated June 12, 2006

Jean Lamontagne
General Manager
Planning and Development

RG/kms

v:\planning\plncom09\03021021rg.doc
SEH 6/24/10 3:16 PM

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Murray Gage-Cole, B.C. Amateur Softball Association
 Address: P.O. Box 45570
 Sunnyside Mall
 Surrey, BC V4A 9N3
 Tel: 604-531-3220

2. Properties involved in the Application

(a) Civic Address: 2201 - 148 Street

(b) Civic Address: 2201 - 148 Street
 Owner: City of Surrey
 PID: 015-151-077

Lot 3 Except: Part Subdivided by Plan LMP36078, Section 15 Township 1 New
Westminster District Plan 83184

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.

DEVELOPMENT DATA SHEET

Existing Zoning: RA

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		380,305 m ²
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front		
Rear		
Side #1 (N,S,E, or W)		
Side #2 (N,S,E, or W)		
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)		
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		

** 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)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
---------------	----	---------------------------------	----