

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7909-0106-00

Planning Report Date: October 5, 2009

**PROPOSAL:**

- **Rezoning** from CD (By-law No. 16444) to CD
- **Liquor Primary License Relocation**
- **Liquor License Amendment**

in order to permit relocation of an existing Neighbourhood Brew Pub, extend the permitted hours of operation for a food primary establishment and permit a new liquor retail store in a business/retail centre currently under construction.

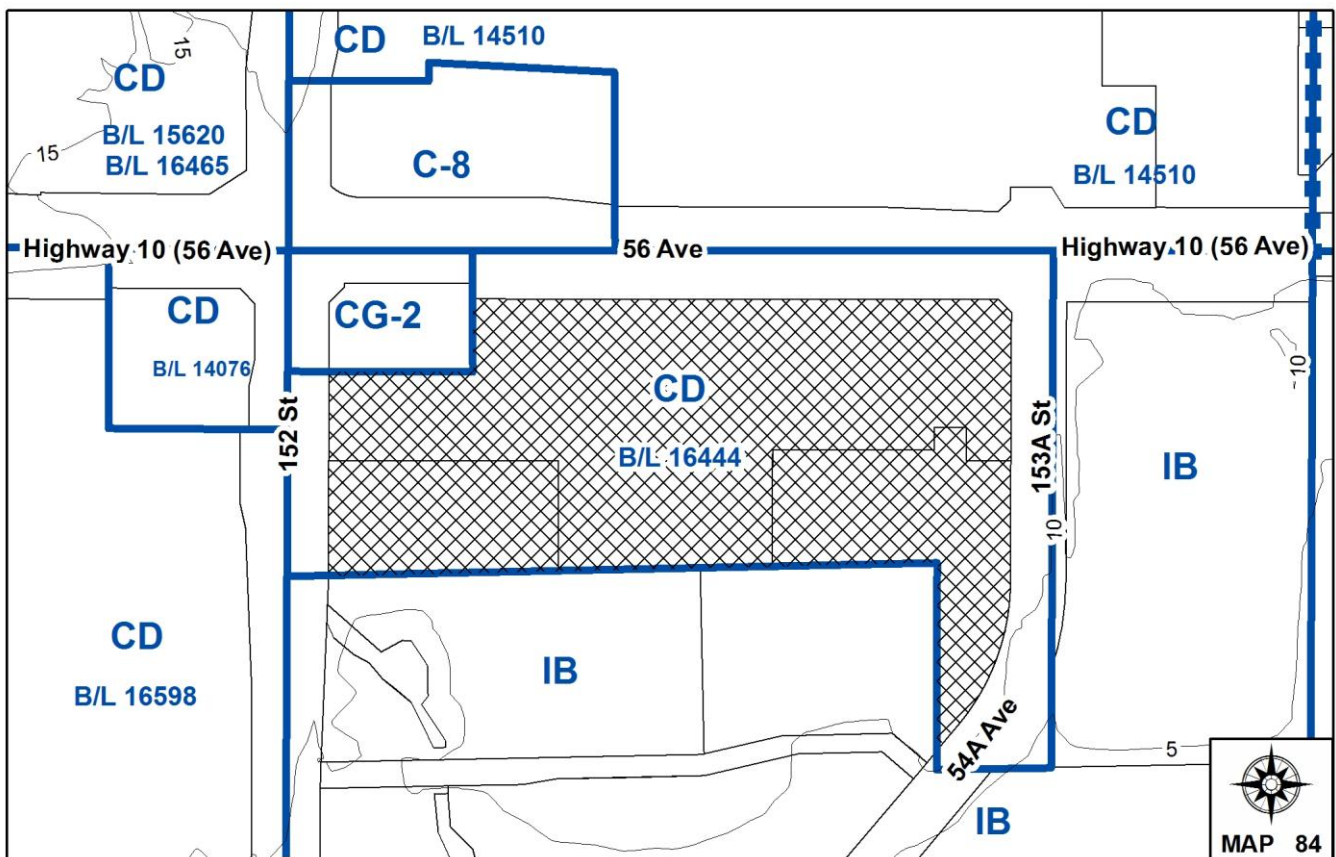
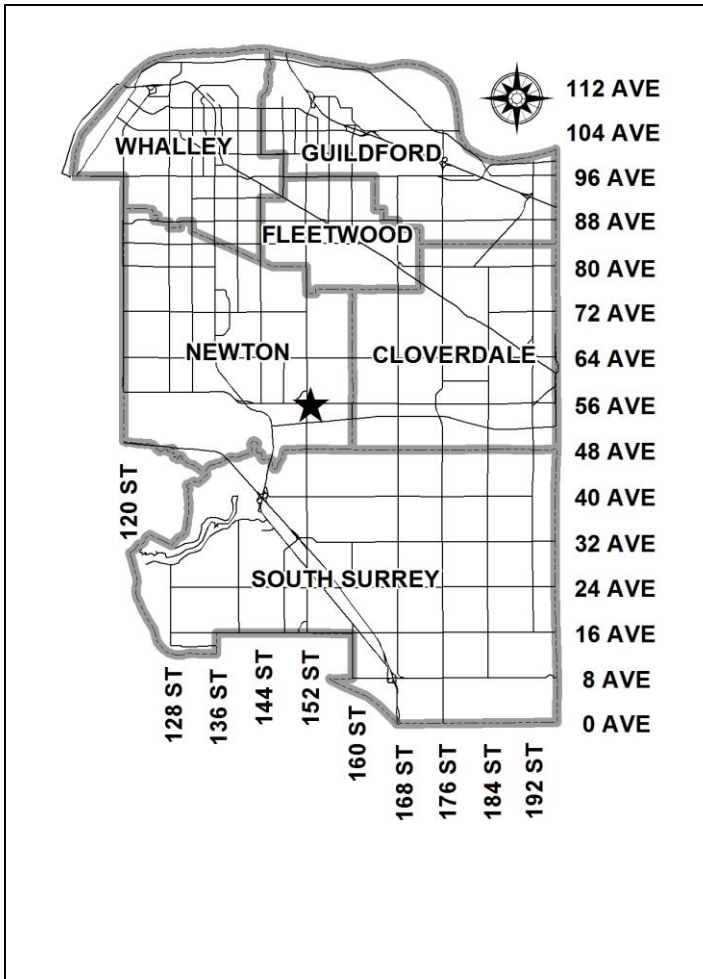
**LOCATION:** 15230 Highway No. 10 and 5577 - 153A Street/5570 - 152 Street

**OWNER:** Panorama Park Investments Ltd.

**ZONING:** CD (By-law No. 16444)

**OCP DESIGNATION:** Industrial

**LAP DESIGNATION:** Business Park/Commercial



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Rezoning.
- Set date for a Public Information meeting in the form of a Public Hearing to solicit resident opinions on the proposed relocation of a Liquor Primary License (neighbourhood pub).
- Approval of the proposed liquor license amendment to extend the hours of operation, for a Food Primary Establishment to proceed to Public Notification.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed relocation of an existing liquor primary license (Big Ridge Brew Pub) will remain in proximity to a provincial highway (Highway No. 10).

### RATIONALE OF RECOMMENDATION

- The site was rezoned in 2008 under CD By-law No. 16444 to allow development of a business/commercial centre to establish a combination of industrial business park and local commercial uses permitted in the IB and C-5 Zones. The current CD By-law does not allow Neighbourhood Pubs or Liquor Store (Liquor License Retail Store/LRS). However, Neighbourhood Pubs and government liquor stores are permitted uses in the C-5 Zone.
- The applicant proposes to relocate the existing Big Ridge Brew Pub from its current location at the Panorama Ridge shopping centre on the northwest corner of this intersection to the subject property, and extend the business hours for the Food Primary portion of the operation. The applicant is also proposing to add a liquor licensee retail store use(LRS) to the site.
- The applicant proposes to remove government liquor store use from the allowable uses in order to off-set the proposed Liquor Store/LRS.
- The City's locational criteria for neighbourhood pubs generally supports the proposed location as it is in a commercial area and is close to but not surrounded by a residential area.
- The proposed Liquor License Amendment to extend the operating hours for a Food Primary Establishment complies with City Policy for hours of operation for liquor license establishments.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD)" (By-law No. 16444) to "Comprehensive Development Zone (CD)" and a date be set for Public Hearing.
2. that a date for Public Hearing be set to solicit comments from area residents regarding the proposed relocation of a Liquor Primary License.
3. Council approve an amendment to an existing food primary license to proceed to Public Notification as follows:
  - (a) to extend the hours of operation from 11:00 a.m. to 1:00 a.m. Monday to Saturday; and from 11:00 a.m. to 12:00 midnight on Sunday.
4. Council instruct staff to resolve the following issues prior to final adoption:
  - (a) approval from the Ministry of Transportation and Infrastructure; and
  - (b) the applicant enter into a "Good Neighbour Agreement" to address operational issues.

REFERRALS

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

Ministry of Transportation & Infrastructure: No concerns.

Surrey RCMP: No concerns.

Surrey By-laws & Licensing Services: No concerns.

SITE CHARACTERISTICS

Existing Land Use: Commercial/industrial buildings are under construction.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across Highway No. 10):	Commercial plaza.	Commercial	CD (BY-law No. 14510) and C-8

Direction	Existing Use	OCP/NCP Designation	Existing Zone
East (Across 153A Street):	Vacant industrial building.	Industrial/Business Park	IB
South (Across 152 Street):	Industrial business park.	Industrial/Business Park	IB
West (Across 152 Street):	Industrial business park. Gas station.	Industrial/Business Park Industrial/Highway Commercial	IB CD (By-law No. 14076) CG-6

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject site is located at the southeast corner of the intersection of Highway No. 10 and 152 Street and consists of 3 properties: 15230 Highway No. 10, 5577 – 153A Street and 5570 – 152 Street. The site is zoned "Comprehensive Development (CD) By-law No. 16444" and is designated "Business Park/Commercial" in the East Panorama Ridge Local Area Plan (LAP) and "Industrial" in the Official Community Plan (OCP).
- The site currently contains a number of commercial buildings under construction. The site was rezoned in 2008 from "Agro-Industrial Zone (IA)" to CD By-law No. 16444 in order to allow development of a multi-building business/commercial centre based on a combination of business park (IB) uses and local commercial (C-5) uses. As part of this application a Development Permit was issued by Council. Subsequent to the completion of the rezoning to CD By-law No. 16444, two lots (5577 – 153A Street and 5570 – 152 Street) have been subdivided from the large remainder lot (15230 Highway No. 10). All three parcels are part of this application but the main changes in permitted uses are on the large remainder parcel (15230 Highway No. 10).

### Proposal

- The applicant is proposing to rezone the subject site from CD By-law No. 16444 to a new CD Zone in order to allow a Liquor Primary use (neighbourhood pub) and a Liquor Licensee Retail Store (LRS). The applicant is proposing to relocate an existing Liquor Primary License (Big Ridge Brew Pub) along with the associated Liquor Licensee Retail Store from the Panorama Village Shopping Centre at 15153 Highway No. 10 to the subject site (Appendix IV). The applicant is also proposing an amendment to the existing Food Primary License to extend the operating hours of the Big Ridge restaurant.
- The applicant is proposing to locate a 145 sq.m. (1,560 sq.ft.) neighbourhood pub area within the 743 sq.m. (8,000 sq.ft.) Big Ridge restaurant building (shown as Building "A" in Appendix II). The proposed number of seats in the pub area is 85. The applicant is also proposing to locate a 342 sq.m. (3,680 sq.ft.) LRS within Building "C" on the subject site.
- Both buildings are currently under construction.

Proposed CD By-law*Proposed Uses*

- The applicant is proposing a CD Zone that is based on the existing CD Zone (By-law No. 16444). The following is a table outlining the differences between the existing CD Zone, the proposed CD Zone and the C-5 Zone:

	<b>Current CD By-law (No. 16444)</b>	<b>Proposed CD By-law</b>	<b>C-5 Zone</b>
Neighbourhood Pub Use	Not permitted.	Permitted, up to a maximum floor area of 370 sq.m. (4,000 sq.ft.), to be located on Lot 1 only.	Permitted, up to a maximum floor area of 370 sq.m. (4,000 sq.ft.)
Government liquor store	Permitted.	Not permitted.	Permitted, up to a maximum floor area of 370 sq.m. (4,000 sq.ft.)
LRS (private liquor store)	Not permitted.	Permitted, up to a maximum floor area of 370 sq.m. (4,000 sq.ft.), to be located on Lot 1 only.	Not permitted.
Minimum Setbacks	All lot lines – 7.5m (25 ft.), or as per Schedule A of CD By-law.	Same as CD By-law No. 16444, except that westerly canopy on Building A (Big Ridge Brew Pub restaurant) has a setback of 3.8m (12.5 ft.).	All lot lines – 7.5m (25 ft.).

- The current CD By-law (No. 16444) permits uses based on a combination of the "Neighbourhood Commercial Zone (C-5)" and the "Business Park Zone (IB)". The C-5 Zone permits neighbourhood pubs, provided that the size of the pub does not exceed 370 sq.m. (4,000 sq.ft.) in area. The applicant is proposing that the neighbourhood pub not exceed 145 sq.m. (1,560 sq.ft.) in area.
- The C-5 Zone permits government liquor stores, up to a maximum floor area of 370 sq.m. (4,000 sq.ft.). The applicant is proposing that the government liquor store use be removed from the current CD Zone and that a LRS be permitted instead. The current CD Zone has no size restrictions with respect to a government liquor store. The new CD Zone proposes that the LRS be limited to 370 sq.m. (4,000 sq.ft.) in area.
- One of the elements of the regulatory framework adopted by the City to deal with the potential proliferation of private liquor stores in the City is to allow liquor stores to be located only in conjunction (i.e. in the same building or on the same lot) with a liquor-primary establishment. The purpose of this restriction is to limit the proliferation of these uses to sites that already have liquor sales. Should the proposed neighbourhood pub relocation be supported, an associated LRS is also considered appropriate given that it is consistent with this regulatory approach.
- Should Council support the proposed rezoning, the proposed LRS would be a permitted use and the Liquor Control and Licensing Branch (LCLB) would not require further local government approval to issue the LRS license.

### *Proposed Setback for Big Ridge Brew Pub Canopy*

- The applicant is seeking to reduce the westerly setback (152 Street) from 7.5 metres (25 feet) to 3.8 metres (12.5 feet) for a 3.7 metre (12 feet) canopy to extend from Building A (Big Ridge restaurant).
- The approved Development Permit (No. 7908-0181-00) for the site shows a seating patio on the westerly side of the Big Ridge restaurant building, but no canopy is shown. The proposed canopy is proposed to be a sloped wood, glass and metal structure that is suspended from the westerly elevation. To reduce the visual impact of the canopy, the applicant has reduced the massing of the canopy by dividing it into 2 sections, and has also reduced the patio size to accommodate more landscaping along 152 Street (Appendix V).
- Due to the location of the patio beside 152 Street, and the noise generated by this major arterial road, the applicant is proposing a 1.8 metre (6 feet) high glass fence with a brick and wood base around the patio.
- The enhanced patio will animate the streetscape of 152 Street and will provide an attractive interface to the public space. The proposed canopy and noise mitigation fence will make the area more amenable to patrons who will enliven the space.

### Liquor Licensing Approval Procedure, Criteria and Evaluation

- The applicant is proposing to relocate the existing Big Ridge Pub liquor primary license (No. 188312) and the Big Ridge Liquor Store LRS license (No. 195204) from their existing location at 15133 Highway No. 10 to the subject site. This is a distance of approximately 400 metres (1/4 mile).
- The LCLB has indicated that the distance of the proposed relocation is significant enough to require a resolution from the local government and the holding of a public information meeting in the form of a public hearing with respect to the proposal. Thus the approval process for the subject application is similar to the process followed when a new liquor primary license is sought.
- Under the LCLB's procedures, the applicant initially contacts the LCLB to obtain a sign-off for the filing of the required application(s). Once LCLB determines the application is complete, and the establishment and the applicant are eligible for licensing, LCLB contacts the local government. LCLB has advised that the applicant is required to Local Government endorsement of the proposed relocation of the Big Ridge Pub before the application can be considered for approval by LCLB.
- 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:

#### *The Location of the Establishment*

- 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 but not surrounded by a residential area;
  - Select a site that is adjacent to or in a local commercial node;
  - Do not select a site on a provincial highway; and

- Locate further than 400 metres (1,310 ft.) from a school, children's park, or playground.
- The subject site satisfies the majority of these locational guidelines for neighbourhood pubs.
- The subject site is located within a large business/commercial site south of Highway No. 10 that is currently under construction. There is no residential development south of the highway in this area and none is proposed as the area is designated "Industrial" or "Agricultural" in the OCP. There are residential neighbourhoods north of Highway No. 10 both on the east and west side of 152 Street. The nearest residence is approximately 200 metres (1/8 mile) to the north. The proposed neighbourhood pub location is not anticipated to impact any residential areas.
- The subject site is not within 400 metres (1/4 mile) of any public school, children's park or playground. However, the property at 15250 – 54A Avenue is zoned for a private school and is intended to be the permanent site of a Montessori school. The private school is currently in operation at 5446 – 152 Street on a temporary basis, through a TUP issued by Council. The proposed location of the neighbourhood pub is oriented towards 152 Street, is surrounded by commercial and industrial business park uses, and is well separated from the private school site. Additionally, because this is a private school and most children are from outside the immediate neighbourhood and do not walk to school, it is not anticipated that the proposed neighbourhood pub will have a negative impact on the Montessori school.
- 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 no existing liquor primary establishments within 1.6 kilometres (1 mile) of the subject site, with the exception of the existing location of Big Ridge Pub (located approximately 400 metres (1/4 mile) to the west) which is proposed to be relocated to the subject site as part of this application.
- Although the City's locational criteria indicates that locations along provincial highways are not ideal, the current location of the Big Ridge Pub is also on Highway No. 10 and the proposed site of the pub is closer to 152 Street than Highway No. 10 and the subject site has three accesses, only one of which is from Highway No. 10.

#### *The Proximity of the Establishment to Social or Recreational Facilities and Public Buildings*

- The closest public building to the subject site is Surrey "government complex" (City Hall, Law Courts, RCMP Headquarters) which is approximately 1.6 kilometres (1 mile) away. These buildings are not expected to be impacted by this proposal. The Tong Louie YMCA building is located approximately 450 metres (1/4 mile) away. The YMCA is located on the opposite site of 152 Street and Highway No. 10, and is presently across the street from the existing Big Ridge Brew Pub; therefore the proposed pub relocation will increase the distance from the YMCA.

#### *The Person Capacity and Hours of Liquor Service of the Establishment*

- The applicant is proposing a neighbourhood pub capacity of 85 persons. No outdoor occupancy for the neighbourhood pub is being proposed.
- The applicant is proposing the following hours of operation:
  - 11:00 a.m. to 1:00 a.m. on Monday to Saturday; and
  - 11:00 a.m. to midnight on Sunday.

- Council's policy on hours of operation for liquor primary establishments specifies maximum hours of operation from 11:00 am to 1:00 am Sunday through Thursday and 11:00 am to 2:00 am on Friday and Saturday. The proposal complies with Council's policy, and the applicant proposes to close 1 hour earlier on Sunday, Friday and Saturday.

*The Number and Market Focus or Clientele of Liquor Primary Licensed Establishments Within a Reasonable Distance of the Proposed Location.*

- The applicant's objective is to relocate the existing Big Ridge Pub from its current location within the Panorama Village Shopping Centre to the newly developing Panorama Place commercial plaza. It is expected that the neighbourhood pub will continue to predominantly serve local residents and businesses but will also generate some outside visitor activity with its highly visible location along 152 Street.
- The nearest competing liquor primary establishments are located at the Coyote Creek golf course (7778 – 152 Street) and the Morgan Creek golf course (3500 Morgan Creek Way), both of which are approximately 4.5 kilometres (2.8 miles) from the subject site. These two liquor primary locations primarily serve golfers and local people from the Fleetwood and Morgan Creek areas.

*Traffic, Noise, Parking and Zoning*

- The subject site is a large commercial site with accesses from 152 Street, Highway No. 10 and 153A Street. The addition of a neighbourhood pub is not anticipated to negatively impact traffic flow in the area.
- The neighbourhood pub is proposed to be located within a large commercial development near the intersection of two major traffic routes (152 Street and Highway No. 10). The nearest residences are approximately 200 metres (1/8 mile) to the north, on the opposite side of Highway No. 10. The owner has advised staff that they are committed to minimizing noise generated by their establishment and are willing to work with neighbours to address any concerns that may arise.
- Building "A", the proposed restaurant/pub/brewing operation requires 66 parking spaces. Under Development Permit application no. 7908-0181-00, Building "A" required 58 spaces because at that time it was proposed to contain a smaller restaurant operation and a retail space. However, the size of Building "E" on the site (A&W) was recently reduced from the size shown in Development Permit No. 7908-0181-00, and this reduced the site parking requirement by 7 spaces. Four hundred twenty-nine (429) parking spaces were required for the site as per Development Permit No. 7908-0181-00 and 433 parking spaces were provided, so the parking requirements of the site are met.

*Population, Population Density and Population Trends*

- The current population in the South Surrey community is 73,298. The City's Long Range Planning Division has projected, based on Surrey Building Permit and BC Assessment information, that the population in the South Surrey area will grow to 97,009 by 2016.



*The Impact on the Community if the Application is Approved*

- There is little expected community impact if the application is approved. The proposed operating hours comply with City policy and there are no residences in the nearby vicinity. Comments from By-laws & Licensing and the RCMP have indicated no concerns with the proposed liquor primary establishment.
- As per the Good Neighbour Agreement Policy, recently approved by Council, the applicant will be required to enter into a Good Neighbour Agreement as a condition of receiving a business license for the proposed liquor primary establishment. The Good Neighbour Agreement will ensure that various measures are implemented to ensure that potential impacts on the surrounding area are minimized.

Proposed Food Primary Liquor License Amendment to Extend Operating Hours

- In accordance with the process adopted by Council on September 29, 2003 (Corporate Report No. R209), an application to amend the hours of operation for a liquor license establishment proceeds through a process similar to that of a Development Variance Permit process. A Development Proposal sign is required to be installed on the property to identify the proposed changes to the operating hours. Although there is no formal Council Policy on the extension of hours for liquor service in Food Primary establishments, the same requirements are applied as per Liquor Primary establishments.
- As previously noted, although the subject establishment contains a restaurant (i.e. Food Primary), the Planning Department utilizes the City's policy regarding maximum hours of operation for Liquor Primary establishments as a guide to evaluate the extension of hours for Food Primary establishments. This policy was adopted through Corporate Report No. L003 (February 2004) and stipulates the following hours:
  - Sunday to Thursday 11:00 am – 1:00 am
  - Friday to Saturday 11:00 am – 2:00 am
- The LCLB has established procedures for new Food Primary Liquor Licenses including maximum operating hours. Any proposal to extend hours beyond midnight must be approved by local government.
- The subject establishment, Big Ridge Restaurant, has applied to the Liquor Control and Licensing Branch of the British Columbia (LCLB) for a Food Primary Liquor License that would amend the standard permitted hours to the following:
  - Monday to Saturday 11:00 am to 1:00 am
  - Sunday 11:00 am to midnight
- A survey of existing food primary liquor licenses was undertaken as a basis to compare the proposed hours of the proposed restaurant. Some comparable restaurant hours in the vicinity include:
  1. Milestone's Restaurant (3085 - 152 Street)  
9:00 am – midnight daily

2. Cactus Club Restaurant (3033 152 Street)
- |                      |                     |
|----------------------|---------------------|
| Monday to Wednesday  | 11:00 am – 1:00 am  |
| Thursday to Saturday | 11:00 am – 1:30 am  |
| Sunday               | 11:00 am – midnight |

The Cactus Club received a Liquor License amendment to allow longer hours of operation as part of Project 7906-0408-00

3. The Keg Steakhouse (15180 32 Avenue)
- |                    |                    |
|--------------------|--------------------|
| Sunday to Thursday | 4:30 pm – 10:00 pm |
| Friday to Saturday | 4:30 pm – 11:00 pm |

- While these restaurants are not in the immediate vicinity of the proposed Original Joe's Restaurant, they do represent similar styles of restaurant.
- Based on the above, the Planning and Development department has no concerns with the proposal to extend the hours of operation of the Big Ridge Brew Pub restaurant to the following:
  - Monday to Saturday 11:00 am – 1:00 am
  - Sunday 11:00 am – midnight
- The above mentioned closing hours of liquor service, as per City Policy, can be supported due to the proposed location of the restaurant within a larger shopping area with minimal expected impacts on future residential development.

### PRE-NOTIFICATION

In accordance with Council Policy, pre-notification letters were sent on September 22, 2009 and 2 development proposal signs were erected on the property. Staff have not received any comments with respect to the proposal.

### 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.  | Floor Plan and Site Plan   |
| Appendix III. | Proposed CD By-law   |
| Appendix IV.  | Proposed Relocation Map  |
| Appendix V.   | Proposed Patio and Canopy  |

Jean Lamontagne  
General Manager  
Planning and Development

Information for City Clerk

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

1. (a) Agent:      Name:                Richard Coulter, Terrex Realty  
                         Address:                #300, 1959 - 152 Street  
                                                Surrey, BC  
                                                V4A 9E3  
                         Tel:                        604-542-4800
  
2.      Properties involved in the Application
  - (a)      Civic Addresses:      5577 - 153A Street, 5570 152 Street and 15230 Highway No. 10
  
  - (b)      Civic Address:      5577 - 153A Street  
                 Owner:                Panorama Park Investments Ltd., Inc. No. 0806551  
                 PID:                        027-813-533  
                 Lot A Section 2 Township 2 New Westminster District Plan BCP39793
  
  - (b)      Civic Address:      5570 - 152 Street  
                 Owner:                Panorama Park Investments Ltd., Inc. No. 0806551  
                 PID:                        027-863-506  
                 Lot B Section 2 Township 2 New Westminster District Plan BCP40332
  
  - (c)      Civic Address:      15230 Highway No. 10  
                 Owner:                Panorama Park Investments Ltd., Inc. No. 0806551  
                 PID:                        014-474-115  
                 Lot 1 Section 2 Township 2 New Westminster District Plan 81808 Except: Plans LMP34068, BCP25772, BCP39793 and BCP40332
  
3.      Summary of Actions for City Clerk's Office
  - (a)      Introduce a By-law to rezone the property.
  
  - (b)      Application is under the jurisdiction of MOTI.  
                 MOTI File No. 2009-04716.

**Liquor Applications**

- (c)      That a date be set for a Public Hearing to solicit public opinion with respect to a liquor-primary license relocation application.
  
- (b)      Proceed with Public Notification to solicit public opinion with respect to a food primary license amendment to extend operating hours.