

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0104-00

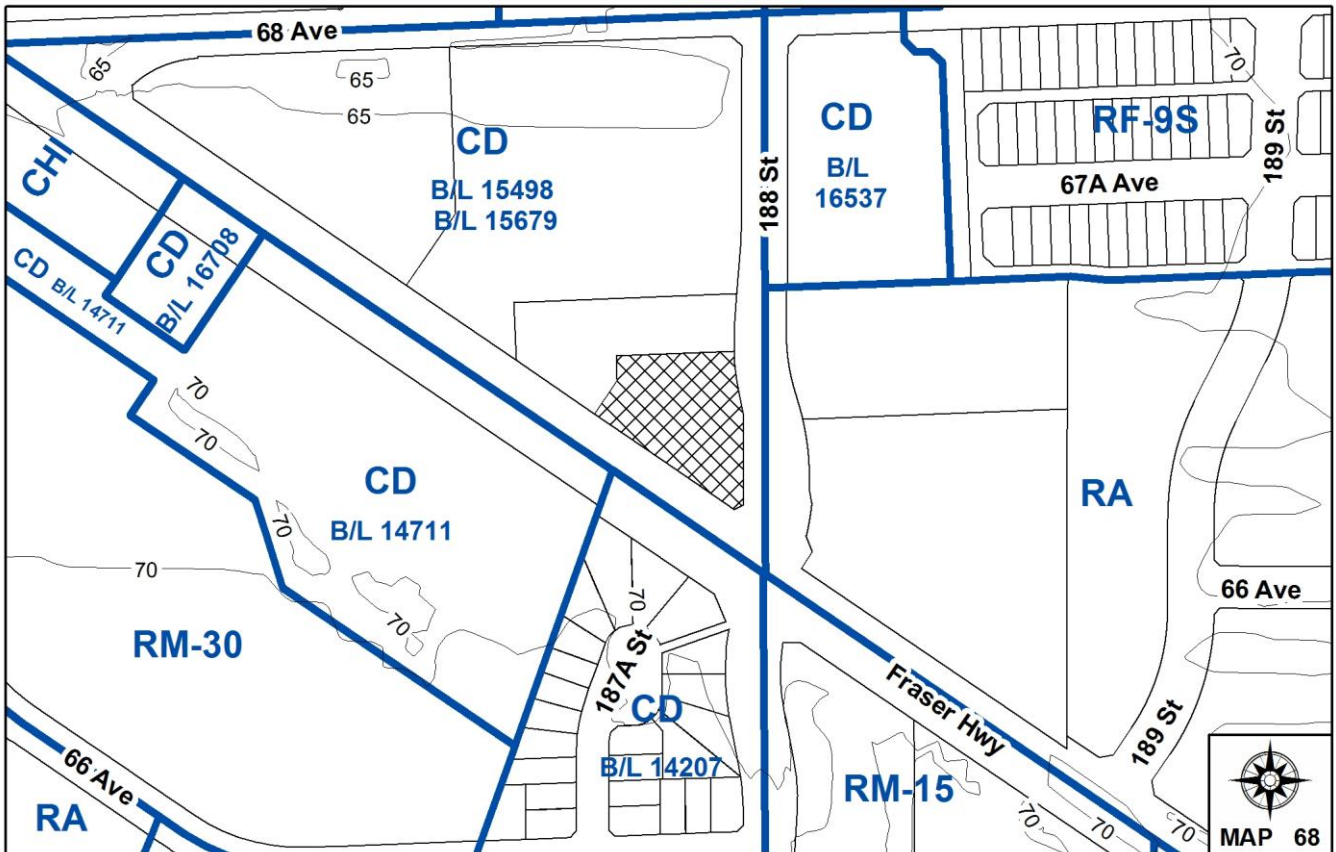
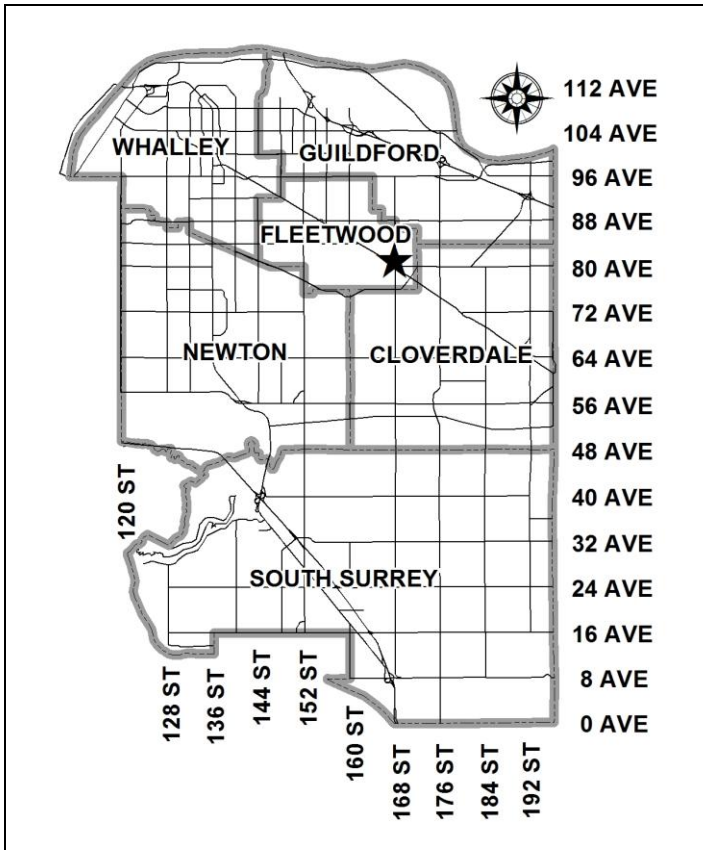
Planning Report Date: July 12, 2010

PROPOSAL:

- **Liquor License Amendment**

in order to amend the hours of operation for a liquor primary establishment.

LOCATION: 18789 Fraser Highway
OWNER: Clayton Crossing Annex Ltd.
ZONING: CD (By-law Nos. 15498 and 15679)
OCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The proposed change in the hours of operation is not expected to negatively impact the neighbourhood.
- The proposed closing of 11:00 p.m. on Sundays complies with City Policy for hours of operation for liquor primary establishments.

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 amendment of hours of operation on Sundays only from the current 11:00 a.m. to 1:00 a.m. to the proposed 9:00 a.m. to 11:00 p.m.

REFERRALS

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

Surrey RCMP: No concerns with the proposed amendment.

Surrey By-laws & Licensing Services: No concerns with the proposed amendment.

SITE CHARACTERISTICS

Existing Land Use: Multi-unit commercial building.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Neighbourhood commercial retail (Clayton Crossing).	Commercial in OCP	CD (By-law Nos. 15498 and 15679)
East:	Acreage residential lots under application (No. 7906-0429-00) to permit three IB zoned lots and one RA zoned lot (Pre-Council and inactive).	Suburban/Neighbourhood Commercial and Business Park in East Clayton NCP	RA
South and West (Across Fraser Highway):	Single family residential. Neighbourhood Commercial retail (Hillcrest Shopping Centre).	Urban Single Family Residential in the North Cloverdale East NCP Commercial in the North Cloverdale East NCP.	CD (By-law No. 14207) CD (By-law No. 14711)

DEVELOPMENT CONSIDERATIONS

- The subject property located at 18789 Fraser Highway in Clayton is zoned Comprehensive Development (By-law No. 15498 as amended by By-law No. 15679) and designated Commercial in the Official Community Plan (OCP).
- The subject business (Dublin Crossing Irish Pub) is located within the building at the corner of Fraser Highway and 188 Street, which is part of the Clayton Crossing Shopping Centre. The original Development Permit No. 7904-0246-00 for the shopping centre was approved by Council on December 13, 2004.
- The owners of Dublin Crossing Irish Pub have submitted a Liquor License Amendment application to amend their hours of operation on Sundays only. The applicant proposes new hours of operation on Sundays from 9:00 am to 11:00 pm, essentially opening two hours earlier and closing two hours earlier. Currently, the hours of operation at the pub are 11:00 a.m. to 1:00 a.m., everyday.
- The applicant states that the purpose for the change in hours of operation is in order to facilitate a breakfast / brunch service on Sunday mornings. The owners have agreed to close earlier as a result of the earlier opening.
- 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.
- Council has also adopted the following operating hours as policy for considering liquor license applications or liquor license amendment applications for liquor license establishments:
 - Sunday through Thursday 11:00 a.m. to no later than 1:00 a.m.
 - Friday and Saturday 11:00 a.m. to no later than 2:00 a.m.
- The proposed opening at 9:00 a.m. is two (2) hours earlier than specified under Council policy; however, the change is only for Sunday mornings and the impact on the neighbourhood is expected to be minimal.

Proposed Liquor License Amendment

- The Liquor Control and Licensing Branch (LCLB) requires that Council comment on how the subject site satisfies a specific list of criteria as follows:

Potential for Noise

- The Dublin Crossing Irish Pub is located in a commercial retail shopping centre. Most properties in the immediate area have been developed into commercial retail, while existing single family lots are located across Fraser Highway to the south;
- Dublin Crossing Irish Pub is situated at the intersection of an arterial road and a major collector (Fraser Highway and 188 Street), and thus, residents in the area would be accustomed to larger volumes of vehicle traffic at all times of the day;

- The properties to the east across 188 Street are split designated as Neighbourhood Commercial and Business Park. There currently is an in-process Development Application No. 7906-0429-00 to develop the Business Park designated portion of the site.
- As a result, it is not anticipated that the neighbouring properties will be adversely impacted by any noise resulting from the proposed change in the hours of operation.

Impact on the Community

- Several businesses within Clayton Crossing Shopping Centre are also open early on Sundays. Extra Foods and Shoppers Drug Mart are open at 8 a.m., while Starbucks is open at 6 a.m.;
- Due to the land uses in the area, it is anticipated that there will be minimal impact generated through the proposed change in the hours of operation.

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

- The applicant advises that it is not anticipated that the proposed change in hours of operation will result in the establishment being operated in a manner that is contrary to its primary purpose as a liquor primary establishment.

PRE-NOTIFICATION

- In accordance with Council policy, pre-notification letters were sent out on June 14, 2010 and a Development Proposal sign was installed on the property. Staff have not received any comments or concerns with respect to the proposal.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action 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: James MacIntyre, Dublin Crossing Irish Pub
 Address: #101, 18789 Fraser Highway
 Surrey, BC
 V3S 7Y3
 Tel: 604-575-5480

2. Properties involved in the Application

- (a) Civic Address: 18789 Fraser Highway
- (b) Civic Address: 18789 Fraser Highway
 Owner: Clayton Crossing Annex Ltd., Inc. No. 705715
 PID: 026-184-699
 Lot 1 Section 16 Township 8 New Westminster District Plan BCP15574

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 primary liquor license amendment.