



# Corporate *NO: L005*

# Report *COUNCIL DATE: November 5, 2001*

<b>REGULAR COUNCIL - LAND USE</b>			
<b>TO:</b>	<b>Mayor &amp; Council</b>	<b>DATE:</b>	<b>November 2, 2001</b>
<b>FROM:</b>	<b>General Manager, Planning &amp; Development</b>	<b>FILE:</b>	<b>2156-001</b>
<b>SUBJECT:</b>	<b>Proposed Patron Capacity Increases for Neighbourhood Pubs</b>		

## RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Resolve, after considering the potential effects of the proposed increase to licensed seating capacity including community impact, traffic, noise, access and parking, to support a patron capacity increase of an additional 50% for each of the following neighbourhood pubs:
  - Donegal's Neighbourhood Pub at 12054 - 96 Avenue being increased from 100 to 150 patron capacity, subject to the registration of an easement for public right of passage, with or without vehicles over part of the property on which the pub is located to the satisfaction of the City;
  - Wheelhouse Neighbourhood Pub at 12811 - 96 Avenue, being increased from 100 to 150 patron capacity;
  - Active Pass Neighbourhood Pub at 14817 - 108 Avenue, being increased to from 125 to 176 patron capacity;
  - Guildford Station Neighbourhood Pub at 10176 - 154 Street, being increased from 65 to 98 patron capacity;
  - The Sawmill Neighbourhood Pub at 9613 - 192 Street, being increased from 65 to 98 patron capacity;
  - Green Timbers Neighbourhood Pub at 9167 - 148 Street, being increased from 65 to 98 patron capacity;

- Fleetwood Arms Neighbourhood Pub at 8410 - 160 Street, being increased from 65 to 98 patron capacity subject to the owner of the pub providing 24 additional parking spaces for pub patrons to the satisfaction of the City;
  - Hook and Ladder Neighbourhood Pub at 8593 - 132 Street, being increased from 65 to 98 patron capacity;
  - Garry T's Neighbourhood Pub at 12025 - 72 Avenue, being increased from 65 to 89 patron capacity;
  - Robin Hood Neighbourhood Pub at 13468 - 72 Avenue, being increased from 65 to 98 patron capacity;
  - The Dolphin Neighbourhood Pub at #229, 7115 - 138 Street, being increased from 65 to 98 patron capacity;
  - Samz Neighbourhood Pub at 19580 - 56 Avenue, being increased from 65 to 98 patron capacity;
  - Sawbuck's Neighbourhood Pub at 1626 - 152 Street, being increased from 97 to 146 patron capacity;
- and
- Hampton's Neighbourhood Pub at 960, 15355 - 24 Avenue, being increased from 65 to 98 patron capacity;
3. Request the General Manager of the Liquor Control and Licensing Branch that as a condition of approval require the owner of each affected pub to submit to the City of Surrey a building permit application complete with a revised seating plan with the increased patron seating capacity that demonstrates compliance with the B.C. Building Code and Fire Code; and
4. Authorize the Acting City Clerk to advise the General Manager of the Liquor Control and Licensing Branch in writing of Council's resolution related to each application.

## **INTENT**

The purpose of this report is to advise Council of the applications received by the City for increased patron seating capacity for 14 liquor licensed establishments in accordance with the recently revised liquor licensing regulations and to obtain a resolution of Council regarding the applications to be forwarded to the Liquor Control and Licensing Branch (LCLB).

## **BACKGROUND**

On March 26, 2001, Council received Corporate Report No. R061 regarding the proposed procedures for processing applications for increased licensed seating capacity that is possible under the recently adopted modifications to the liquor licensing regulations. Council instructed staff to proceed with the processing of these applications in accordance with the proposed bulk application procedures.

Initially, the City received 24 Letters of Intent from licensed establishments indicating a desire to increase their licensed seating capacity. Staff invited each of these establishments to make a formal application to the City within a two-week time frame. Applications were submitted by 14 licensees. This report addresses the 14 applications received within the prescribed two-week time frame.

All other licensed drinking establishments in Surrey seeking an increase in their licensed seating capacity, including the 10 that indicated an interest but did not apply within the prescribed time frame, will be processed on an individual basis.

On July 16, 2001, Council received Corporate Report No. R170 regarding the parking requirements for liquor

licensed establishments seeking increased seating capacity. Council instructed staff to examine the adequacy of parking for all applications seeking increased liquor licensed seating capacity as part of the review process.

## **DISCUSSION**

The 14 applications are dispersed throughout the City including 2 sites in Whalley; 3 sites in Guildford; 2 sites in Fleetwood; 4 sites in Newton; 1 site in Cloverdale; and 2 sites in South Surrey all as illustrated in Appendix I. All applications are related to neighbourhood pubs.

In accordance with the Liquor Control and Licensing Regulations, staff have evaluated the applications in terms of the community impact that the increased seating capacity may cause, such as traffic, noise, vehicular access, and availability of parking. In addition, the 14 applications have been reviewed in terms of Zoning By-law compliance and in particular, parking adequacy. Comments were also requested and received from the By-law Enforcement & Licensing Section, the RCMP and the Transportation Engineering Section.

### **Zoning By-law Compliance**

The 14 sites are regulated primarily by the Community Commercial Zone (C-8) with 4 exceptions. Land Use Contract (LUC) Nos. 118, 385 and 581 regulate 3 sites and one site is regulated by Comprehensive Development By-law (CD) No. 12835.

Community Commercial Zone (C-8) allows neighbourhood pubs as a permitted use with the development of a community shopping centre serving a community of several neighbourhoods. Community Commercial Zone (C-8) does not limit the size of neighbourhood pubs, but relies on the Regulations to the Liquor Control and Licensing Act. This is also true for Land Use Contract Nos. 118, 385 and 581 and CD By-law No. 12835. As such, the proposed increased seating capacity requested under each application does not contravene the restrictions of the City's Zoning By-law or the Land Use Contracts.

### **Building Code Compliance**

The City should request that the LCLB require, as a condition of approval, that the owner of each pub submit a building permit application to the City to demonstrate that the new occupancy load is in compliance with the B.C. Building Code and the Fire Code. Prior to the increased seating capacity being installed, an on-site inspection will be required to verify that all applicable Building Code requirements are met. The building permit will also cover any improvements to the structure that may be required to accommodate the increased seating.

### **By-law Enforcement and Licensing Section**

The By-law Enforcement & Licensing Section advises that they have no concerns with the increase in seating capacity for any of the 14 applications. The By-law Enforcement & Licensing Section also advised that changes in licensed seating capacity do not result in changes to City business licensing and, therefore, modifications to the business licenses of the 14 pubs will not be necessary if the seating capacity increases are approved.

### **RCMP**

The RCMP advises that they do not have objections to increased licensed seating capacity for the 14 sites.

### **Transportation Engineering and Parking**

The Engineering Department has reviewed the applications from a transportation impact perspective and does not foresee problems of traffic load increase as a result of the requested patron capacity increases with the exception of Donegal's Pub, located at 12054 - 96 Avenue. The Transportation Division has a concern that 96 Avenue is very busy at this location and there is no turning lane or median refuge available for left turns to the site. According to the accident statistics, there are a high number of accidents in this area, with some of them apparently related to the pub access driveway. The Transportation Division has requested the registration of an easement for public right of passage, with or without vehicles, in order to connect to a future internal drive aisle with the properties to the south. In the future, this drive aisle will provide the pub with a signalized access to Scott Road. This modification to the access system for the pub, in conjunction with the future raised median on 96 Avenue along the site's frontage, will eliminate the left turn accidents at the pub driveway and improve access to the pub.

Parking has been reviewed for each of the 14 sites in terms of By-law compliance and the impact on the current parking situation. Staff has reviewed the parking available for each of the 14 establishments and concluded that only the Fleetwood Arms Pub is deficient with respect to parking spaces.

## Site Reviews

The adequacy of the parking supply on each site was based on current standards, which are calculated by gross floor area (10 spaces per 100 square metres). This requirement is based on the maximum occupant load of the building, which cannot be exceeded by the increased seating capacity under the liquor license regulations. However, the parking requirements in place when some of the pubs were initially approved were based on an older Zoning By-law standard that was related to the actual seating capacity of the establishment.

The following summarizes the findings for each site and the comments received.

### *Whalley*

#### 1. Donegal's Neighbourhood Pub (Application No: 7901-0081-00)

Address:	12054 - 96 Avenue
Zoning:	C-8
Year of Initial Approval:	1987
Current Licensed Seating:	100 Patrons
Allowable Capacity Increase (Current x 0.5):	50 Patrons
Estimated Allowable New Patron Capacity:	150 Patrons
Previous Parking Requirement*:	28 (Based on 1 space per 4 seats plus employees)
Shared Parking:	Yes
Required Parking with Increased Capacity:	36 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Lease:	Plaza Location/Not Specified
Parking Provided in Total:	80

\* Donegal's Pub occupies the entire site.

By-law Enforcement & Licensing Services and the RCMP have no objection to the proposed increased capacity. The Building Division has not identified any Building Code deficiencies. The Engineering Department notes that 96 Avenue has had a number of motor vehicle accidents at this location, and the registration of a public right-of-passage with or without vehicles is required as previously addressed in this report.

2. Wheelhouse Neighbourhood Pub (Application No. 7901-0118-00)

Address:	12811 - 96 Avenue
Zoning:	LUC 118 (Underlying C-8 Zone)
Year of Initial Approval:	1976
Current Licensed Seating:	100 Patrons
Allowable Capacity Increase (Current x 0.5):	50 Patrons
Estimated Allowable New Patron Capacity:	150 Patrons
Required Parking with Increased Capacity:	105 (Based on LUC 118)
Shared Parking:	Yes
Required Parking with Increased Capacity:	105
Parking Provided in Total:	105

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

*Guildford*

3. Active Pass Neighbourhood Pub (Application No. 7901-0078-00)

Address:	14817 - 108 Avenue
Zoning:	C-8 Zone
Year of Initial Approval:	1988
Current Licensed Seating:	125 Patrons
Allowable Capacity Increase (Current x 0.5):	51 Patrons
Estimated Allowable New Patron Capacity:	176 Patrons
Previous Parking Requirement:	34 (1 space per 4 seats plus employees)
Shared Parking:	Yes

Required Parking with Increased Capacity:	89 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Lease:	Plaza Location/Not Specified
Parking Provided in Total:	384

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

#### 4. Guildford Station Neighbourhood Pub (Application No. 7901-0085-00)

Address:	10176 - 154 Street
Zoning:	C-8 Zone
Year of Initial Approval:	1992
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	33 Patrons
Estimated Allowable New Patron Capacity:	98 Patrons
Previous Parking Requirement:	19 (1 space per 4 seats plus employees)
Shared Parking:	No
Required Parking with Increased Capacity:	63 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Lease:	67
Parking Provided in Total*:	67

\* Guildford Station Pub occupies the entire site.

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

#### 5. The Sawmill Neighbourhood Pub (Application No. 7901-0100-00)

Address:	9613 - 192 Street
Zoning:	C-8
Year of Initial Approval:	1977
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	33 Patrons

Estimated Allowable New Patron Capacity:	98 Patrons
Previous Parking Requirement:	19 (1 space per 4 seats plus employees)
Shared Parking:	Yes
Required Parking with Increased Capacity:	42 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Lease:	Plaza Location/Not Specified
Parking Provided in Total*:	84

\* The Sawmill Pub is in a 60-stall shared space plaza and has a rental agreement with a neighbouring business to provide a total of 24 additional parking stalls.

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

#### *Fleetwood*

#### 6. Green Timbers Neighbourhood Pub (Application No. 7901-0106-00)

Address:	9167 - 148 Street
Zoning:	C-8 Zone
Year of Initial Approval:	1987
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	33 Patrons
Estimated Allowable New Patron Capacity:	98 Patrons
Previous Parking Requirement:	19 (1 space per 4 seats plus employees)
Shared Parking:	Yes
Required Parking with Increased Capacity:	25 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Lease:	60
Parking Provided in Total:	80

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

#### 7. Fleetwood Arms Neighbourhood Pub (Application No. 7901-0118-00)

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Address:	8410 - 160 Street
Zoning:	C-8 Zone
Year of Initial Approval:	1987
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	33 Patrons
Estimated Allowable New Patron Capacity:	98 Patrons
Previous Parking Requirement*:	19 (1 space per 3 seats plus employees)
Shared Parking:	No
Required Parking with Increased Capacity:	54 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Total*:	30

\* Fleetwood Arms Pub occupies the entire site.

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

The Fleetwood Arms Neighbourhood Pub has a deficiency of parking spaces based on the current parking requirements of the Zoning By-law. The current requirement is 54 parking stalls and only 30 stalls are currently available on site, indicating a deficiency of 24 parking stalls. As a remedy for this deficiency, and in keeping with Council's position on addressing parking deficiencies, Council should approve increased seating capacity upon the condition that the Fleetwood Arms Neighbourhood Pub apply for a Development Variance Permit to reduce the minimum required parking stalls from 54 to 30. Alternately, in accordance with Sub-section A.2(a) of Part 5 Surrey Zoning By-law No. 12000 the owner could enter into a rental agreement with a neighbouring property within 200 metres (656 ft.) of the subject site on which additional parking spaces may be provided to make up the deficiency.

*Newton*

8. Hook and Ladder Neighbourhood Pub (Application No. 7901-0089-00)

Address:	8593 - 132 Street
Zoning:	LUC 581 (CHI Zone)
Year of Initial Approval:	1981
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	33 Patrons
Estimated Allowable New Patron Capacity:	98 Patrons
Required Parking with Increased Capacity:	79 (Based on LUC 581)
Shared Parking:	Yes



Parking Provided in Lease:	Plaza Location/Not Specified
Parking Provided in Total:	79

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

9. Garry T's Neighbourhood Pub (Application No. 7901-0093-00)

Address:	12025 - 72 Avenue
Zoning:	C-8 Zone
Year of Initial Approval:	1996
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	23 Patrons
Estimated Allowable New Patron Capacity:	88 Patrons
Previous Parking Requirement:	19 (1 space per 4 seats plus employees)
Shared Parking:	Yes
Required Parking with Increased Capacity:	48 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Lease:	Plaza Location/Not Specified
Parking Provided in Total:	70

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

10. Robin Hood Neighbourhood Pub (Application No. 7901-0087-00)

Address:	13468 - 72 Avenue
Zoning:	C-8 Zone
Year of Initial Approval:	1982
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	33 Patrons
Estimated Allowable New Patron Capacity:	98 Patrons
Previous Parking Requirement:	19 (1space per 4 seats plus employees)
Shared Parking:	Yes
Required Parking with Increased Capacity:	30 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Lease:	21

Parking Provided in Total*:	46
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\* The lot holds 28 and the Robin Hood Pub has a rental agreement with two neighbouring businesses to provide a total of 18 additional stalls.

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

11. The Dolphin Neighbourhood Pub (Application No. 7901-0094-00)

Address:	#229, 7115 - 138 Street
Zoning:	C-8
Year of Initial Approval:	1992
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	33 Patrons
Estimated Allowable New Patron Capacity:	98 Patrons
Previous Parking Requirement:	19 (Based on 1 space per 4 seats plus employees)
Shared Parking:	Yes
Required Parking with Increased Capacity:	30 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Lease:	Plaza Location/Not Specified
Parking Provided in Total:	462

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

*Cloverdale*

12. Samz Neighbourhood Pub (Application No. 7901-0092-00)

Address:	19580 - 56 Avenue
Zoning:	CD By-law No. 12835 (C-4 Zone)
Year of Initial Approval:	1996
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	33 Patrons
Estimated Allowable New Patron Capacity:	98 Patrons
Previous Parking Requirement:	25 (Based on 1 space per 3 seats plus employees)
Shared Parking:	Yes
Required Parking with Increased Capacity:	36 (Based on 1 space per 3 seats plus

	employees)
Parking Provided in Lease:	50
Parking Provided in Total*:	80

\* The lot holds 50 parking stalls and Samz Pub has an agreement with the City to provide a total of 30 additional stalls on a graded and packed easement.

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

#### *Semiahamoo*

#### 13. Sawbuck's Neighbourhood Pub (Application No. 7901-0091-00)

Address:	1626 - 152 Street
Zoning:	LUC 385(C-8 Zone)
Year of Initial Approval:	1977
Current Licensed Seating:	97 Patrons
Allowable Capacity Increase (Current x 0.5):	49 Patrons
Estimated Allowable New Patron Capacity:	146 Patrons
Previous Parking Requirement:	27 (Based on LUC 385)
Shared Parking:	Yes
Required Parking with Increased Capacity:	27 (Based on LUC 385)
Parking Provided in Lease:	Plaza Location/Not Specified
Parking Provided in Total:	60

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

#### 14. Hampton's Neighbourhood Pub (Application No. 7901-0099-00)

Address:	960, 15255 - 24 Avenue
Zoning:	C-8 Zone
Year of Initial Approval:	1990
Current Licensed Seating:	65 Patrons
Allowable Capacity Increase (Current x 0.5):	33 Patrons
Estimated Allowable New Patron Capacity:	98 Patrons
Previous Parking Requirement:	19 (Based on 1 space per 3 seats plus employees)

Do They Have Shared Parking:	Yes
Required Parking with Increased Capacity:	35 (Based on 10 spaces per 100 sq.m.)
Parking Provided in Lease:	Plaza Location/Not Specified
Parking Provided in Total:	880

No concerns were raised by By-law Enforcement and Licensing Services, the RCMP, the Engineering Department or the Building Division.

## CONCLUSION

Following receipt of applications for increased licensed seating capacity in each of 14 existing neighbourhood pubs, staff has undertaken a review of each application in relation to potential impacts on the community. In accordance with Council's direction, parking has also been examined. All but 1 application satisfies the applicable parking requirements of the City's Zoning By-law or the applicable Land Use Contract.

It is recommended that Council resolve to support the increased seating capacity for each of the 14 neighbourhood pubs except that with respect to the Fleetwood Arms Neighbourhood Pub at 8410 - 160 Street Council's support be conditional upon the owner addressing the identified parking deficiency to the satisfaction of the City and with respect to Donegal's Neighbourhood Pub at 12054 – 96 Avenue Council's support be conditional on the owner registering an access easement over part of the site to the satisfaction of the City to allow future access over properties to the south which will improve the access system for the site. To ensure that the additional seating capacity is installed in accordance with BC Building Code requirements, it is also recommended that the LCLB require as a condition of approval, that the owner of each pub submit a building permit application to the City. It is further recommended that the Acting City Clerk be authorized to advise the General Manager, Liquor Control and Licensing Branch, of Council's resolution in relation to each of the subject applications.

Murray D. Dinwoodie

General Manager

Planning & Development Department

LAP/kms

Attachments: Appendix I: Map Indicating Location of Subject Sites

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