



# Corporate

NO: R145

# Report

COUNCIL DATE: June 25, 2001\_

<b>REGULAR COUNCIL</b>			
TO:	<b>Mayor &amp; Council</b>	DATE:	<b>June 21, 2001</b>
FROM:	<b>General Manager, Planning &amp; Development</b>	FILE:	<b>7900-0196-00</b>
SUBJECT:	<b>Delegation by BRP Investments for Off-Premise Sales "Chili'z Neighbourhood Pub" 17637 - 58A Avenue and 5860 - 176 Street</b>		

## RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Consider passing a resolution “that Council has considered the issue of off-premise sales and support off-premise sales for BRP Investments Ltd, Neighbourhood Pub (Application No. 7900-0196-00)”; and
3. Instruct the City Clerk to forward the resolution to the Liquor Control & Licensing Branch.

## INTENT

The intent of this report is to provide background information on the development application for the proposed neighbourhood pub, and present options for Council's consideration regarding the applicant's request for a Council motion to be forwarded to the Liquor Control and Licensing Branch.

## BACKGROUND

### Application History:

The application to rezone the subject properties was submitted on July 7, 2000. The application form signed by the owner states that the proposal is to rezone from CHI and RF to C-15 in order to accommodate a "pub and restaurant for 100 seat facility". An Official Community Plan amendment is also required for one parcel, 17637

– 58A Avenue, to amend the Official Community Plan designation from Multiple Residential to Town Centre to accommodate the proposed use. Accompanying the application form were architectural drawings and the Preliminary Site Approval (PSA) letter, dated June 7, 2000, from the Liquor Control and Licensing Branch. The PSA letter states as a Condition of License: "Sales of packaged beer, cider and wine coolers containing less than 7% alcohol for off-premise consumption is generally permitted subject to local government input for this class of license by specific endorsement of the license". Although the PSA letter indicated that off-premise sales were permitted subject to local government input, the applicant did not specify in the application form, nor did the applicant formally notify staff at the time of application submission, that off-premise sales was a component of their proposal.

The applicant worked closely with staff through the development and design review process, submitting revised plans and elevations as required. Throughout this process, staff reviewed a number of plans for the proposed pub and restaurant, and in all the plans submitted an area labelled as 'display area' was included. However, there was no reference to off-premise sales on these plans.

On August 31, 2000, the applicant, BRP Investments, sent letters to the surrounding neighbourhood, inviting their participation at a Public Information Meeting at the Cloverdale Senior's Centre on September 23, 2000. This letter describes the proposed use as a ". . . 100 seat neighbourhood pub and restaurant . . .". This letter did not mention off-premise sales.

Staff attended the Public Information Meeting, and noted that one member of the community asked the applicant if there were off-premise sales proposed. The applicant answered in the affirmative, subject to the approval by the Liquor Control and Licensing Branch.

#### Regular Council Land Use Meeting:

During the preparation of the planning report for this project for the October 2, 2000 Regular Council Land Use meeting, staff reviewed the procedures followed in the processing of the Panorama Village Pub, under Surrey Development Project No. 7998-0161-00. While the body of the report to Council for Project No. 7998-0161-00 mentions off-premise sales, the recommendations section does not, nor does the Public Hearing notice prepared by the Clerk's Department. The motion to refer the application for the Panorama Village neighbourhood pub to the LCB following the Public Hearing on October 19, 1998 did not mention off-premise sales. The Panorama Village pub has been granted a Class D Liquor Licence which also allows the off-premise sales of pre-package beer, cider, and wine coolers. It would appear that there was an inconsistency in the approval requirement imposed by the Liquor Control and Licensing Branch for off-premises sales between the Panorama Village Pub application and the subject application.

#### Public Hearing:

During the Public Hearing on October 16, 2000, the issue of off-premise sales was not raised by the public or the applicant. At the Public Hearing, council passed a resolution that "Council had considered the proximity of the proposed pub to other social facilities and public buildings and had no concerns; that Council had considered the traffic, road access, and parking availability and had no concerns; Council had considered the noise and appearance of the establishment and had no concern; Council had considered the local issues and had no concerns; and that these resolutions, along with a copy of the original Planning Report be forwarded to the Liquor Control and Licensing Branch" (Council Resolution No.RES.R00-2459).

The rezoning by-law to rezone from CHI and RF to C-15 and the Official Community Plan amendment by-law to redesignate one parcel as Town Centre, are currently at Third Reading.

The applicant informed staff subsequent to the Public Hearing that he was under the impression that all issues, including off-premise sales, had been dealt with in the Report to Council and would be forwarded to the Liquor Control and Licensing Branch.

#### Liquor Control and Licensing Branch (LCLB) Requirements:

After the Public Hearing, the City Clerk's office forwarded a copy of the Public Hearing Minutes with Council's resolution on the proposed neighbourhood pub, along with a copy of the original Planning Report to the Liquor Control and Licensing Branch.

Subsequent to the Liquor Control and Licensing Branch receiving notification of the Council Resolution, the applicant received correspondence from the LCLB stating that the proposed neighbourhood pub had received Pre-Clearance Approval for the proposed Class 'D' Liquor Licence but did not include an approval for off-premise sales, as there was no resolution from Surrey City Council specifically stating they had considered the issue of off-premise sales for the proposed pub (This procedural requirement imposed by LCLB for the subject application appears to be inconsistent with that for the Panorama Village Pub). At this point, the applicant informed staff for the first time in the process that not only were off-sales a component of the proposed pub operation, but also that the sale of packaged beer, cider, and wine coolers also was a critical component of their business plan, projected to account for approximately 25% of total sales from the pub. Had staff been informed of this earlier in the process, this information would have been included in the original report.

In addition, the applicant indicated the pressing nature of his off-premise sales approval in that the Liquor Control and Licensing Branch has placed a moratorium on any new applications for off-premise sales under Class D Liquor Permits. The subject application is one of the last applications currently 'in-stream' which will be considered by the LCLB.

#### Formal Request for Off-Premise Sales:

At the March 26, 2001 Regular Council meeting, Council received a submission from the applicant, requesting that Council review the issue of off-premise sales and forward a resolution in favour of the request to the Liquor Control and Licensing Branch for their consideration. Legislative Services forwarded the applicant's request to the Engineering Department, the Planning & Development Department and the RCMP for comments on the request for off-premise sales. The RCMP informed the City Clerk that they had no concerns with the proposed neighbourhood pub or off-premise sales, and the Engineering Department stated that there would not be, in their opinion, any major increase in traffic arising from off-premise sales. The Planning & Development Department indicated that there were no land use concerns with the request for off-premise sales. Legislative Services presented the applicant's request for a Council resolution regarding off-premise sales, as well as results of their referrals, as part of the March 26, 2001 Clerk's Report. At this meeting, Council tabled the request, and passed a motion to have the proposed off-premise sales go back to a Hearing for community input (Council Resolution No. RES.R01-686).

The Hearing for the proposed neighbourhood pub, dealing with only the proposed off-premise sales of pre-packaged beer, cider and wine coolers, was held on April 23, 2001. Two people spoke against the proposed off-premise sales, and the applicant's consultant, Mr. Bert Hick, answered questions from Council on the issue.

A motion to approve the request for off-premise sales and forward a resolution to the Liquor and Licensing Branch supporting off-premise sales received no seconder. A second motion to pass a resolution supporting the off-premise sales license received no seconder. The request for off-premise sales therefore has not been approved.

## Applicant's Submission to June 4, 2001 Council-in-Committee

The applicant provided a background information package to Council as part of his June 4, 2001 Delegation Request. In that package, a list of neighbourhood pubs in Surrey was included. The list indicates that all the pubs are licensed for either off-premise sales or cold beer and wine store. The applicant requested that Council endorse the proposed off-premise sales.

### Options

The following is a discussion of the options available to Council.

1. **Endorse the request:** The Surrey RCMP has indicated that there are no concerns, the Engineering Department has indicated that there should be no additional traffic concerns generated by off-premise sales, and the Planning & Development Department has indicated that there should be no land use impact from the proposed license for off-premise sales. During the Hearing of April 23, 2001, two persons spoke in opposition to the request. Comments made by the speakers were that there were existing off-premise sales available in the area, traffic impacts, impact on property values, and that the off-premise sales license would not complement the existing land uses in the area.
2. **Not endorse the request:** By denying the applicant's request for a resolution to be forwarded to the LCLB, the proposed pub will be the only pub in the entire City which does not have either a beer or wine store, or off-premise sales, according to the applicant's information submitted at the June 4, 2001 meeting.

The Planning & Development Department recommends that Council endorse the applicant's request for off-premise sales. The RCMP and the Engineering Department indicated that there were no identified traffic and safety issues. The Planning & Development Department has identified no land use reasons why the proposed off-premise sales should not be supported. At the Hearing held April 23, 2001, 2001 there were only two speakers against the proposal, which suggests that there is only limited opposition to the issue of off-premise sales.

## CONCLUSION

The rezoning by-law to rezone from CHI and RF to C-15 and the Official Community Plan amendment by-law to re-designate one parcel as Town Centre, are currently at Third Reading. The Liquor Control & Licensing Branch has granted Pre-Clearance Approval for a Class 'D' licence for the proposed Neighbourhood Pub. The applicant is close to completion of engineering and servicing requirements for the project.

Based on comments from staff and the RCMP, the applicant's submission regarding other similar businesses and liquor licences in Surrey, and the lack of land use reasons against the proposed off-premise sales, the Planning & Development Department recommends that Council pass a motion to endorse the applicant's request for off-premise sales, and instruct the City Clerk to forward Council's decision to the Liquor Control and Licensing Branch.

Murray D. Dinwoodie  
General Manager  
Planning & Development

BK/bea  
Attachments

1. Proposed Design
  2. Regular Council - Public Hearing Minutes, October 16, 2000
  3. Regular Council - Public Hearing Minutes, March 26, 2001
  4. Regular Council - Public Hearing Minutes, April 23, 2001
- c.c. - City Manager  
- Acting City Clerk

v:\wp-docs\planning\01data\apr-june\06131407.bk.doc  
BEA 6/28/01 3:59 PM