



Corporate Report

NO: R180

COUNCIL DATE: July 24, 2003

REGULAR COUNCIL

TO: Mayor & Council DATE: July 22, 2003
FROM: General Manager, Planning and Development FILE: 7902-0243-00
SUBJECT: Proposed Liquor Primary License for the Fox and Fiddle Restaurant
19530 Langley By-pass

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council receive this report as information;
2. If Council is supportive of the issuance of a liquor-primary license, that Council adopt the following resolution:

"After taking into account the following criteria outlined in staff's report:

- (a) the location of the establishment being 19530 Langley By-pass;
- (b) the proximity of the establishment to other social or recreational facilities and public buildings;
- (c) the person capacity and hours of liquor service of the establishment;
- (d) the number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location;
- (e) traffic, noise, parking and zoning;
- (f) population, population density and population trends;
- (g) relevant socio-economic information; and
- (h) the impact on the community if the application is approved; and

after holding a Public Hearing on January 20, 2003 to gather the views of area residents and businesses with respect to the proposed liquor-primary establishment,

Surrey City Council recommends the issuance of the license subject to the following conditions:

- a maximum capacity of 117 persons inside and 50 persons in the patio area; and
 - hours of operation to be 11 a.m. to 1:00 a.m. on Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday"; and
3. Council instruct the City Clerk to notify the General Manager, Liquor Control and Licensing Branch of Council's decision.

BACKGROUND

The subject site on the Langley By-pass (Appendix I) is zoned Highway Commercial Industrial (CHI). Council approved a Development Permit on January 15, 2001 to permit the construction of a 97-room hotel and a restaurant on the site. The Hampton Inn and Suites hotel and the Fox and Fiddle restaurant have subsequently been constructed

and are in operation. In late 2002, the operator of the Fox and Fiddle restaurant made application for a "liquor primary" license for the restaurant and in accordance with normal procedure on Monday January 20, 2003, Council held a Public Hearing to solicit opinions from area residents regarding the proposed "liquor primary" license. At the conclusion of the Hearing, Council referred the application back to staff to ensure that pre-clearance for the liquor primary licence is issued by the BC Liquor Control and Licensing Branch ("LCLB").

On June 27, 2003, the LCLB provided correspondence approving the applicant's suitability and the eligibility of the proposed establishment for licensing. Since receipt of the pre-clearance letter fulfilled the remaining requirements for Council consideration of the liquor primary license, staff prepared a memorandum and resolution for Council's consideration, which was placed on the agenda for the July 14, 2003 Regular meeting of Council. After considering the memorandum, Council referred the matter back to staff for a report on the comments expressed at the Public Hearing and for clarification on how the liquor primary area will be physically separated from the food primary area of the restaurant.

DISCUSSION

Summary of Public Hearing

To gauge community sentiment regarding the proposed liquor primary license at 19500 Langley By-pass, a Public Hearing was held on January 20, 2003. Council received eight written submissions in opposition to the application and a 150-name petition also in opposition to the application. Six delegations appeared before Council during the Hearing, three of whom were representing other liquor-primary businesses in the area and were opposed to approval of the application. Two delegations were representing the Fox and Fiddle restaurant and one delegation was a resident who was concerned that the advertisement indicated that entertainment was permitted under a food-primary license.

Four of the eight written submissions were submitted by owners and managers of existing liquor primary establishments that were concerned about the introduction of additional competition. The LCLB identified the liquor primary licencees within one mile of the Fox and Fiddle. Four of the six establishments are located in the City of Langley and two are in Surrey. These liquor primary establishments are listed below:

Establishment Name	City	Establishment Type	Total Capacity	Distance from Fox & Fiddle
Sunrise Golf & Racquet Club	Surrey	Recreation facility	24	Within 1 mile
Samz Pub	Surrey	Neighbourhood pub	118	Within ½ mile
Duke of Wellington	Langley	Neighbourhood pub	98	Within 1 mile
Liquid Nightclub	Langley	Cabaret	325	Within 1 mile
Gabby's	Langley	Cabaret	285	Within 1 mile
West Country Hotel	Langley	Hotel	237	Within 1 mile

The two Surrey establishments within one mile of the proposal are Sunrise Golf and Racquet Club, which is noted as a recreation facility (golf course, restaurant and banquet facility), and Samz Pub, which is a neighbourhood pub. The Fox and Fiddle operator has advised that the target market for their establishment includes hotel guests from the hotel on the same site, tourists and local business people. Since the establishment is located close to the border of the municipality of Langley, it will provide service to patrons from that area as well.

The following lists the concerns that were raised at the Public Hearing and provides a brief comment regarding each concern:

1. **A letter from the manager of a nearby auto dealership expressed concerns about the lack of sidewalks and bus service for residents within the area. He was also concerned about the potential for increased**

vandalism around the auto dealerships on the Langley By-pass.

The Fox and Fiddle restaurant is targeting the businesses in the area as well as hotel guests and tourists. It is expected that most of the patrons to the restaurant will access the site by vehicle. Given the high visibility location of the car dealerships along a major road (i.e., the Langley By-pass), it is not expected that the introduction of this business will contribute to vandalism in the area in any significant way.

2. **Written submissions from residents objected to another drinking establishment in this area, the possibility of "Cheap Drink Nights" and the concern that the restaurant would not be suitable for children.**

At this time, there is only one liquor primary establishment within a one-mile distance of the subject site that being Samz Pub. With regard to the offering of low-priced drinks during certain hours, such practice is regulated through the BC LCLB. The restaurant will have a combined license with part of the restaurant being "liquor primary" and part being "food-primary". Families may patronize the "food-primary" part of restaurant, which will be a similar circumstance to other licensed restaurants in the City.

3. **The 150-name petition objecting to the liquor primary license did not document specific reasons for the objection.**

The majority of the addresses identified on the petition are located east of 192 Street and north of the Langley By-pass and are in majority more than one mile away from the Fox and Fiddle restaurant location.

4. **Three of the speakers at the Public Hearing were speaking on behalf of liquor-licensed businesses in the area and expressed concern about the prospects of additional competition in the area.**

The operator of the Fox and Fiddle restaurant has advised that his restaurant is targeting a different clientele than other liquor-licensed establishments in the area being local businesses, tourists and hotel guests.

5. **A delegation expressed concern that a food primary license may be amended to allow entertainment.**

Based on liquor regulations, application for a "food primary entertainment endorsement" requires a local government resolution commenting on the application. The operator has applied for a "patron participation entertainment endorsement" (i.e., dance floor, karaoke, etc.). The current application and Council resolution deal only with the liquor-primary license application. The City will deal with the "entertainment endorsement" application separately in due course if the applicant proceeds with that application.

Separation of Liquor Primary and Food Primary Areas

Council also raised a concern with respect to the separation of the liquor primary area from the food primary area. The food primary area is being separated from the liquor primary area by a five-foot high pony wall and an aisle way through the centre of the premises created by four-foot high pony walls and a fireplace that significantly restrict visibility between the two areas. These walls and the fireplace act to create two "doorways" into the liquor primary area. Similarly on the patio, a screen is being installed to limit the visibility between the food-primary and liquor-primary areas on the patio. The plan attached as Appendix II illustrates the layout of the restaurant and patio.

CONCLUSION

It is recommended that Council receive this report as information and, if Council is supportive of the application,

consider adopting the following resolution:

"After taking into account the following criteria outlined in staff's report:

- (i) the location of the establishment being 19530 Langley By-pass;
- (j) the proximity of the establishment to other social or recreational facilities and public buildings;
- (k) the person capacity and hours of liquor service of the establishment;
- (l) the number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location;
- (m) traffic, noise, parking and zoning;
- (n) population, population density and population trends;
- (o) relevant socio-economic information; and
- (p) the impact on the community if the application is approved; and

after holding a Public Hearing on January 20, 2003 to gather the views of area residents and businesses with respect to the proposed liquor-primary establishment,

Surrey City Council recommends the issuance of the license subject to the following conditions:

1. a maximum capacity of 117 persons inside and 50 persons in the patio area; and
2. hours of operation to be 11 AM to 1:00 AM Sunday through Thursday and 11:00 AM to 2:00 AM Friday and Saturday"; and

instruct the City Clerk to notify the General Manager, Liquor Control and Licensing Branch of Council's decision.

Murray Dinwoodie
General Manager
Planning and Development

LAP/kms/saw

Appendix I – Location Map of Subject Site
Appendix II – Liquor Primary/Food Primary Areas