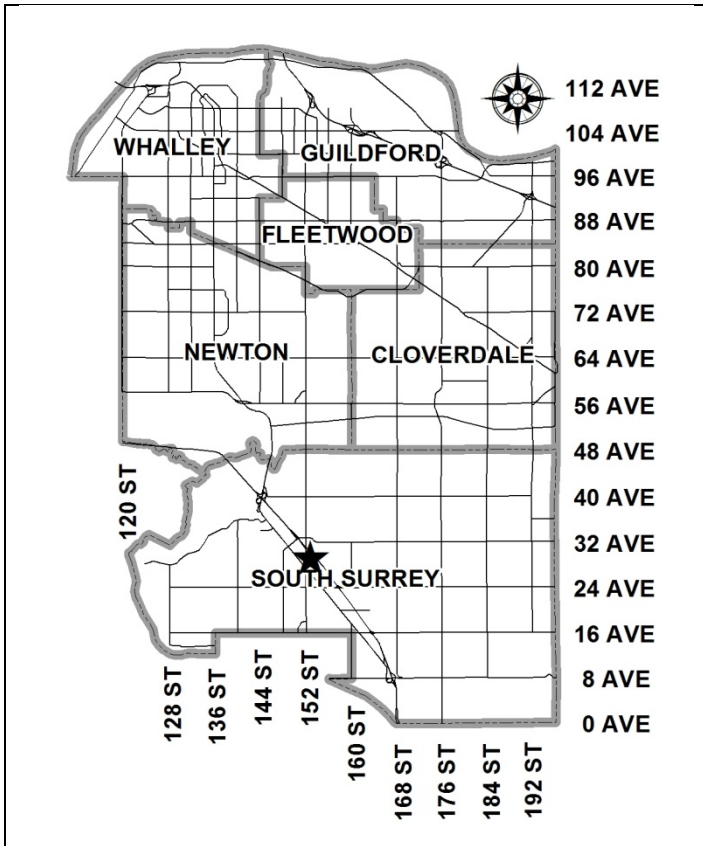


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7913-0048-00

Planning Report Date: May 6, 2013

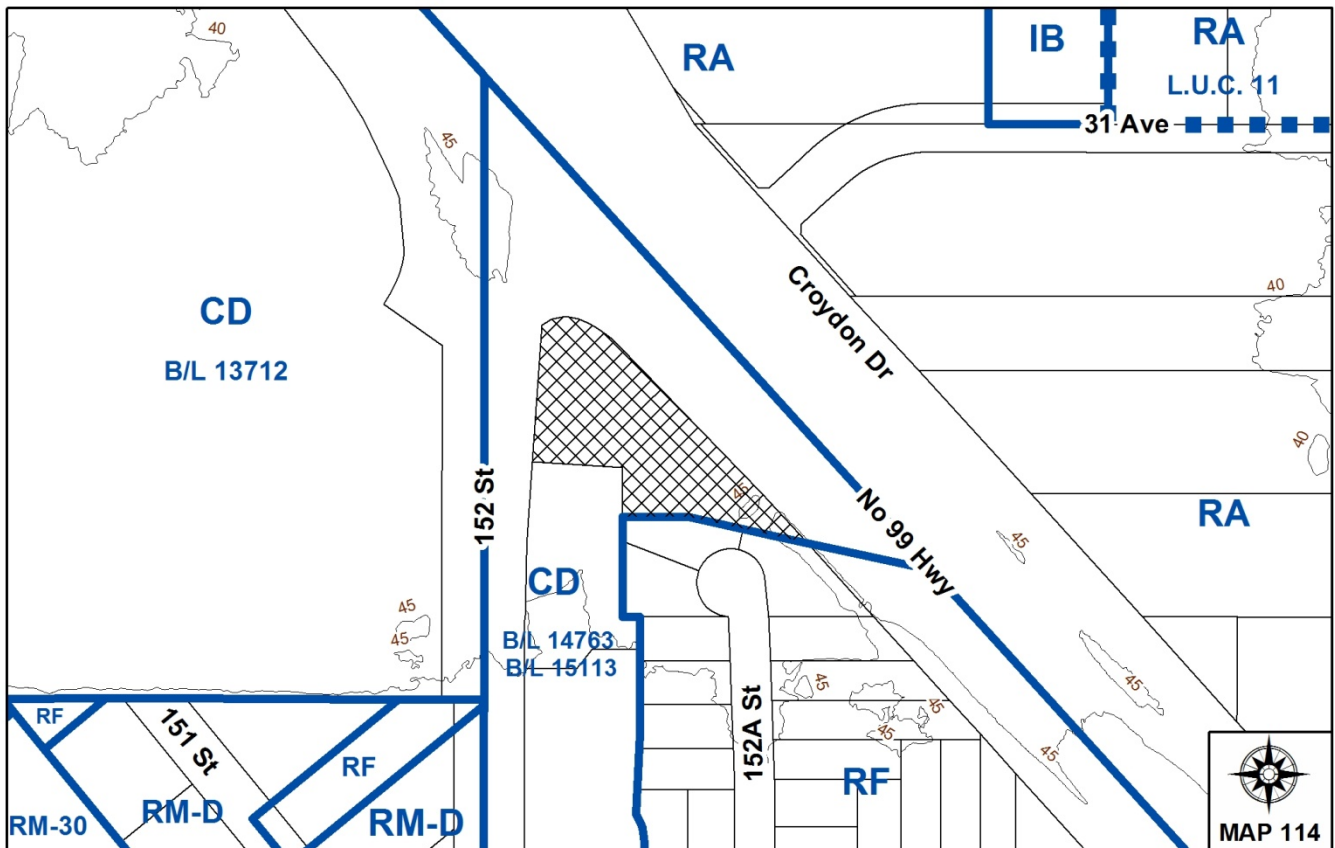


PROPOSAL:

- **Liquor License Amendment**

in order to permit the extension of hours for a liquor primary licensed establishment (Ceili's Irish Pub and Restaurant).

LOCATION: 3020 - 152 Street
OWNER: South Point Annex (1) Ltd.
ZONING: CD (By-law No. 14763 & 15113)
OCP DESIGNATION: Urban
LAP 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

- Adjacent property owners have expressed no concerns with the proposed hours of operation.
- The RCMP and By-laws & Licensing Division have expressed no concerns with the proposal.
- A liquor-primary establishment has operated on-site continually since 2005 with no recorded complaints.
- The applicant volunteered to enter into a Good Neighbour Agreement with the City of Surrey.
- A Corporate Report (L003) was forwarded to Council in February, 2004 which advocated that Council adopt a policy of allowing liquor-primary establishments to operate Sunday through Thursday from 11:00 a.m. to 1:00 a.m. and Friday to Saturday from 11:00 a.m. to 2:00 a.m. The hours of operation proposed for Ceili's Irish Pub and Restaurant are consistent with the hours of operation identified for liquor-primary establishments within the Corporate Report (L003).

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed liquor primary license amendment to proceed to Public Notification:
 - (a) The extension of hours from 11:00 a.m. to 1:00 a.m. Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday.
2. Council instruct staff to resolve the following issue prior to final approval:
 - (a) Amend the Section 219 Restrictive Covenant on title which limits the hours of operation and land-uses permitted on-site (BV206881/BV206882); and
 - (b) Execution of a Good Neighbour Agreement with the City.

REFERRALS

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

Surrey RCMP: No concerns.

Surrey Fire Department: No concerns.

Surrey By-laws & Licensing Services: No concerns.

Building Division: No concerns.

SITE CHARACTERISTICS

Existing Land Use: Commercial building

Adjacent Area:

Direction	Existing Use	OCP/NCP/LAP Designation	Existing Zone
North and East (Across Highway 99):	Single family residential. Several properties are currently under application for business park developments.	Industrial/ Business Park	RA

Direction	Existing Use	OCP/NCP/LAP Designation	Existing Zone
South:	Multi-tenant commercial buildings and single family residential	Urban/Commercial and Single Family Residential (6 u.p.a.)	CD (By-law No. 14763 & 15113) and RF
West (Across 152 Street):	Multi-tenant commercial buildings	Commercial/ Highway Commercial	CD (By-law No. 13712)

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is designated "Urban" in the Official Community Plan (OCP) as well as "Commercial" in the King George Highway Corridor Plan. The property is regulated under a "Comprehensive Development Zone (CD)" (By-law No. 14763 and 15113) that allows retail uses, general service uses, limited personal service uses, office uses as well as a liquor store provided it operates in conjunction with a liquor-primary licensed establishment (neighbourhood pub).
- The property was rezoned to "Comprehensive Development Zone (CD)" (By-law No. 14763) in May, 2003 (File No. 7902-0074-00). A Development Permit amendment was later issued by Council in November, 2003 (No. 7903-0170-00/-01) for three single-storey commercial buildings with a gross floor area of 1,848 square metres (19,892 sq. ft.). In addition, the original CD By-law was amended to permit the operation of a liquor store in conjunction with a liquor-primary establishment (By-law No. 15113). At the time, the applicant proposed a 382 square metre (4,107 sq. ft.) liquor store and 325 square metre (3,500 sq. ft.) liquor-primary licensed establishment that could accommodate one-hundred patrons as well as twenty people on the outdoor patio.
- The applicant advises the liquor-primary license issued by the Liquor Control and Licensing branch was recently transferred from Southpoint Station Pub to Ceili's Irish Pub and Restaurant which currently operates at the same location.

Current Proposal

- The current operator of Ceili's Irish Pub and Restaurant has applied to the Liquor Control and Licensing Branch for a Liquor Primary License Amendment to extend the hours of operation. At present, the liquor-primary establishment is permitted to operate from 11:00 a.m. to 12:00 a.m. Sunday through Thursday and 11:00 a.m. to 1:00 a.m. on Friday and Saturday. The applicant proposes to operate from 11:00 a.m. to 1:00 a.m. Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday, essentially requesting to close one hour later.
- A Section 219 Restrictive Covenant (RC) was previously registered on title under the original rezoning application (File No. 7902-0074-00). The covenant prohibits neighbourhood pubs, twenty-four hour restaurants and gas stations as well as limits business hours from 7:00 a.m. to 11:00 p.m. The covenant became redundant upon Council's approval of the neighbourhood pub use under File No. 7903-0170-00/-01 (CD By-law No. 15113). As a result, the RC will need to be amended accordingly pending Council's decision on the Liquor-primary License Amendment.

Liquor License Amendment Procedural Requirements

- 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-primary establishment is required to proceed through a process similar to a Development Variance Permit application.
- In addition, the applicant is required to erect a Development Proposal Sign on-site and Pre-notification Letters are mailed to property owners located within 100 metres (300 ft.) of the subject property in order to solicit public input on the Liquor License Amendment application.

Standard Hours of Operation for Liquor-Primary Establishments

- Council adopted a policy toward liquor-primary establishment amendment applications under Corporate Report Loo3 (February, 2004) which established the following hours of operation:
 - Sunday through Thursday from 11:00 a.m. to 1:00 a.m.; and
 - Friday and Saturday from 11:00 a.m. to 2:00 a.m.
- Therefore, the hours of operation proposed by the applicant are consistent with the policy adopted by Council.

Liquor License Approval Procedure

- The Liquor Control and Licensing Branch (LCLB) requires the applicant to obtain the opinion of local government officials before a liquor-primary amendment application is considered for approval. In addition, the LCLB requires that Council provide comments on how the site meets the following criteria which ensures adequate consideration has been given to the application:

Potential for noise if the application is approved

- The liquor-primary establishment is located within a larger retail complex. The adjacent buildings are occupied primarily by commercial businesses. In addition, Ceili's Irish Pub and Restaurant is situated along an arterial road (152 Street), adjacent to Highway 99, so the nearest residents located at the north end of the 152A cul-de-sac should be accustomed to larger volumes of daily noise caused by vehicle traffic.
- The closest residential dwelling is located roughly 34 metres (112 ft.) from the liquor-primary establishment and currently shielded by a 1.82 metre (6 ft.) high rear yard fence. The remaining homes on 152A Street are located at least 50 metres (164 ft.) or more from the site.
- It is not anticipated that neighbouring residential properties will be adversely impacted by the proposed expansion in hours of operation. Moreover, the liquor-primary establishment is not expected to generate additional noise complaints in the surrounding neighbourhood.

The impact on the community if the application is approved

- The proposal to expand the existing liquor service hours will not result in a change in the occupancy load and, therefore, should not result in added noise or negatively impact the surrounding neighbourhood.
- A liquor-primary establishment has operated on-site since 2005 with no recorded complaints.
- The RCMP and By-laws & Licensing Division have no concerns with the proposal.

Will the amendment result in the establishment operating contrary to its primary purpose?

- The primary purpose of Ceili's Irish Pub and Restaurant is a liquor-primary establishment (i.e. neighbourhood pub). It is not anticipated that changing the hours of operation would result in the business operating in a manner that is contrary to the liquor-primary license.

Good Neighbour Agreement (Policy No. M-25)

- In accordance with Good Neighbour Agreement Policy (No. M-25), City staff require operators of liquor-primary establishments to enter into a Good Neighbour Agreement which provides a formal and defined role for the proprietor in the prevention of, as well as response to, negative issues that may arise from the business operation. Subject to approval from the Liquor Control and Licensing Branch, the applicant is required to enter into a Good Neighbour Agreement that is attached to the Business License and ensures minimal impact on the surrounding community.

PRE-NOTIFICATION

A Development Proposal Sign was installed on-site and Pre-notification Letters were mailed on April 15, 2013 to solicit the opinions of residents within 100 metres (300 ft.) of the property. No comments were received in response to the Development Proposal Sign or Pre-notification Letters.

CONCLUSION

- Adjacent property owners have expressed no concerns with the proposed hours of operation.
- The applicant volunteered to enter into a Good Neighbour Agreement with the City of Surrey.
- City staff recommend the application proceed to Public Notification to solicit public opinion.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary
Appendix II. Site Plan and Floor Plan

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

MJ/da

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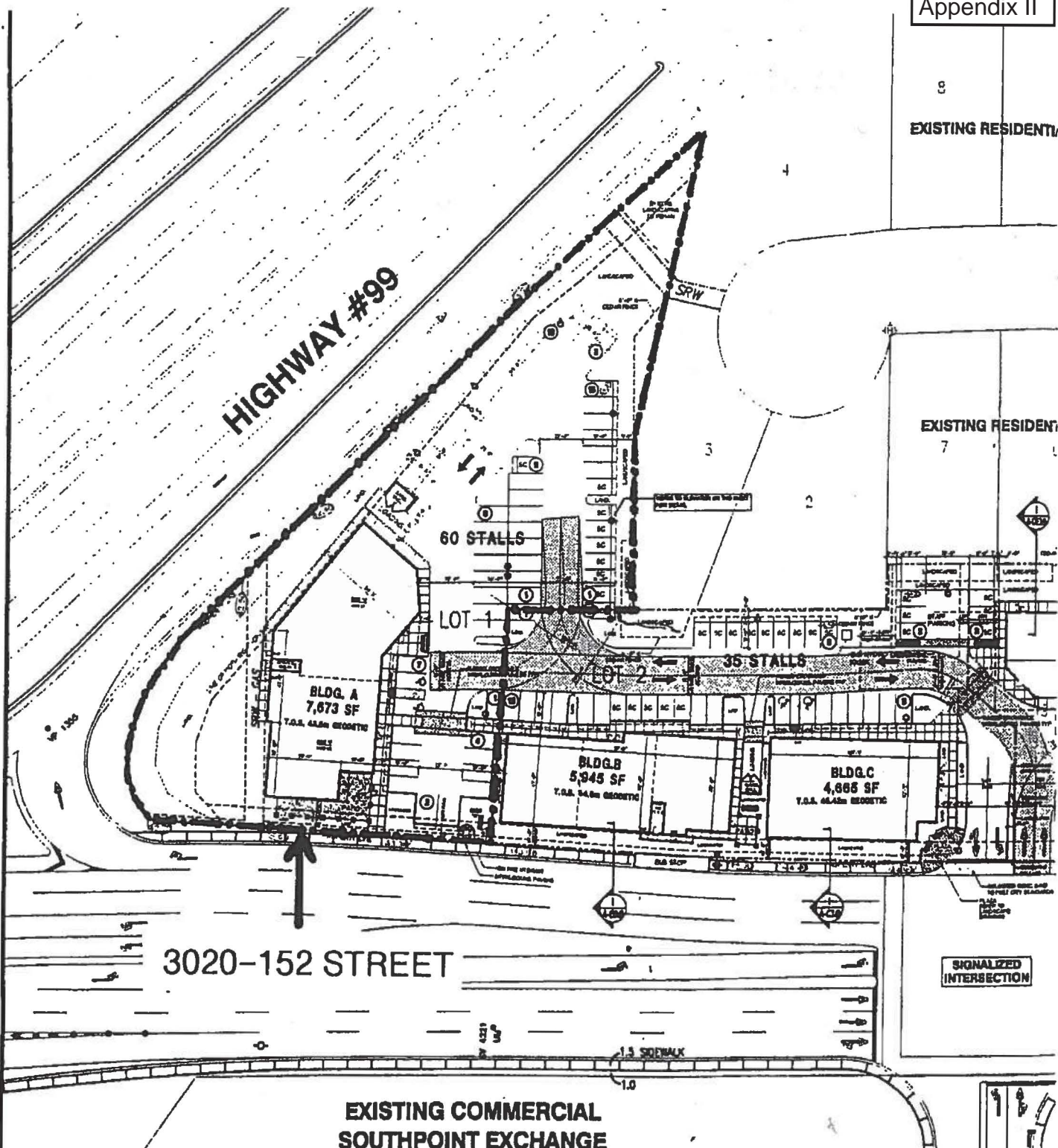
Information for City Clerk

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

1. (a) Agent: Name: Heather Doherty
 Rising Tide Consultants Ltd.
 Address: 1130 - West Pender Street Unit #1090
 Vancouver, B.C. V6E 4A4
 Tel: 604-669-2928
2. Properties involved in the Application
 - (a) Civic Address: 3020 - 152 Street
 - (b) Civic Address: 3020 - 152 Street
 Owner: South Point Annex (1) Ltd.
 PID: 025-707-710
 Lot 1 Section 23 Township 1 New Westminster District Plan BCP5612
3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification to solicit public opinion with respect to a liquor license amendment.

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EXISTING RESIDENT

EXISTING RESIDENT
7



3020-152 STREET

**EXISTING COMMERCIAL
SOUTHPOINT EXCHANGE**

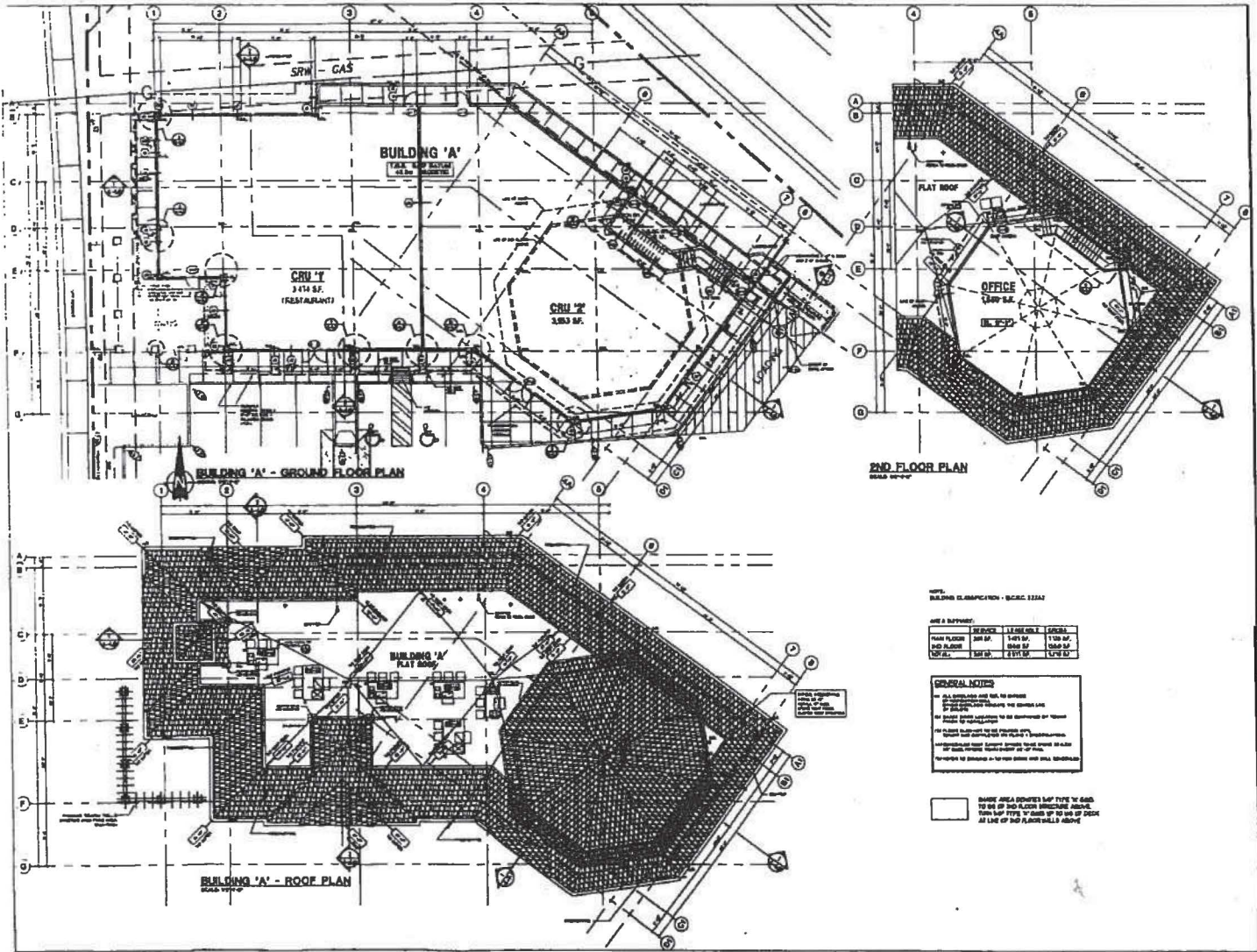
GENERAL NOTES:

- 1) BUILDING PERMIT APPLICATION DRAWINGS SUBMITTED BY URBAN DESIGN GROUP ARCHITECTS LTD. IS FOR SMALL BUILDING ONLY AND STRUCTURES
- 2) ALL PERMIT APPROVEMENTS BUILDING PERMIT APPLICATIONS WILL BE SUBMITTED BY THE INDIVIDUAL TEAMS OR THEIR REPRESENTATIVES
- 3) REFER TO M&E ENGINEERING INC. DRAWINGS FOR ALL SITE GRADING AND CIVIL WORK
- 4) REFER TO GEOTECHNICAL REPORT BY HORNBY ENGINEERING DATED FEBRUARY 2009 FOR SOIL CONDITIONS AND FOUNDATION DESIGN AND SPECIFICATIONS
- 5) PRIOR TO POURING OF ANY CONCRETE STRUCTURES CONTRACTOR IS TO VERIFY THAT NO GRADING EXCEEDS 5% SLOPE. SHOULD THERE BE ANY SITE CONDITIONS AFTER LAYOUT HAS BEEN COMPLETED WHERE THE 5% SLOPE IS EXCEEDED CONTRACTOR IS TO NOTIFY ARCHITECT OF AREA CONCERNED TO REASSESS GRADING PRIOR TO CONCRETE POUR

- 6) PRIOR TO LAYOUT OF BUILDING FOUNDATIONS CONTRACTOR SHALL HAVE ALL CRITICAL REFERENCE DEFINITIONS COVERED WITH ARCHITECT IN WRITING
- 7) CONTRACTOR IS TO INCLUDE THE LANDLORD/TEENANT AGREEMENTS AS PART OF THE CONTRACTOR DOCUMENTS. SHOULD THERE BE ANY DISCREPANCIES BETWEEN DRAWINGS AND AGREEMENTS CONTRACTOR SHALL CONSULT WITH ARCHITECT IN WRITING IMMEDIATELY

LEGEND:

- DENOTES DECORATIVE PAVING (PAVERS OR STAFFED CONCRETE)
- DENOTES 4" x 4" x 8" WIDE FIRE LINE - NO ASPHALT FIRE LINE TO BE MARKED WITH LINE PAINTED NOTES STATES "KEEP CLEAR - FIRE TRUCK LANE"
- DENOTES PARKING LOT LIGHT - SEE ELEC. CIVIL DRAW.
- DENOTES RAISED PEDESTRIAN CROSSWALK (PAVERS OR STAFFED CONCRETE)
- DENOTES LABEL CHAIR LITTOON
- DENOTES TRELLIS STRUCTURE - SEE LANDSCAPE DRAW
- DENOTES SITE FURNITURE - SEE LANDSCAPE DRAW



NOTE:
BUILDING CLASSIFICATION - B.C.R.C. 2224

AREA SUMMARY:

FLOOR	AREA (SF)	PERCENT	TOTAL (SF)
1ST FLOOR	6367	100%	6367
2ND FLOOR	1297	20%	7664
TOTAL	7664	100%	7664

GENERAL NOTES

- SEE ARCHITECT'S SPECIFICATIONS FOR ALL MATERIALS.
- ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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NOTE: AREA DENOTES 1/4" TYPE 'W' GIRDERS TO BE USED FOR ALL FLOOR BRACING ABOVE. TYPE 'W' TYPE 'W' GIRDERS TO BE USED FOR ALL OF DECK AT END OF EACH FLOOR SLAB ABOVE.

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DATE: 11/11/11
SCALE: AS SHOWN

SOUTH POINT ANNEX
ATYONDALE DEVELOPMENT
13440 & HIGHWAY 99 - SURREY, BC

Architects Inc.
2000 WEST BROADWAY
VANCOUVER, BC V6K 3K6
TEL: 604-271-1111
FAX: 604-271-1112

**BUILDING A
FLOOR & ROOF PLAN**
DATE: 11/11/11
SCALE: AS SHOWN