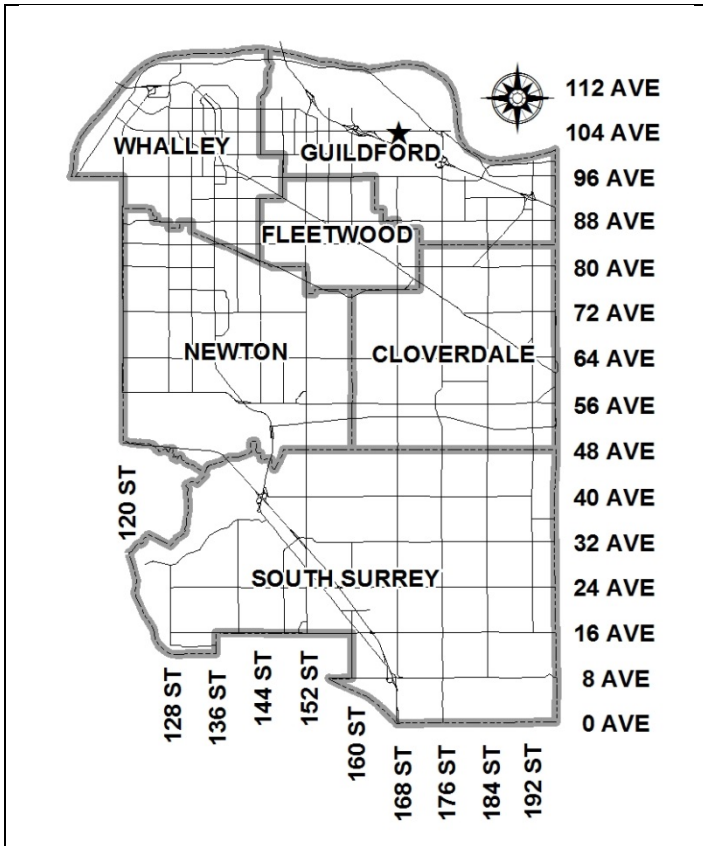


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7914-0151-00

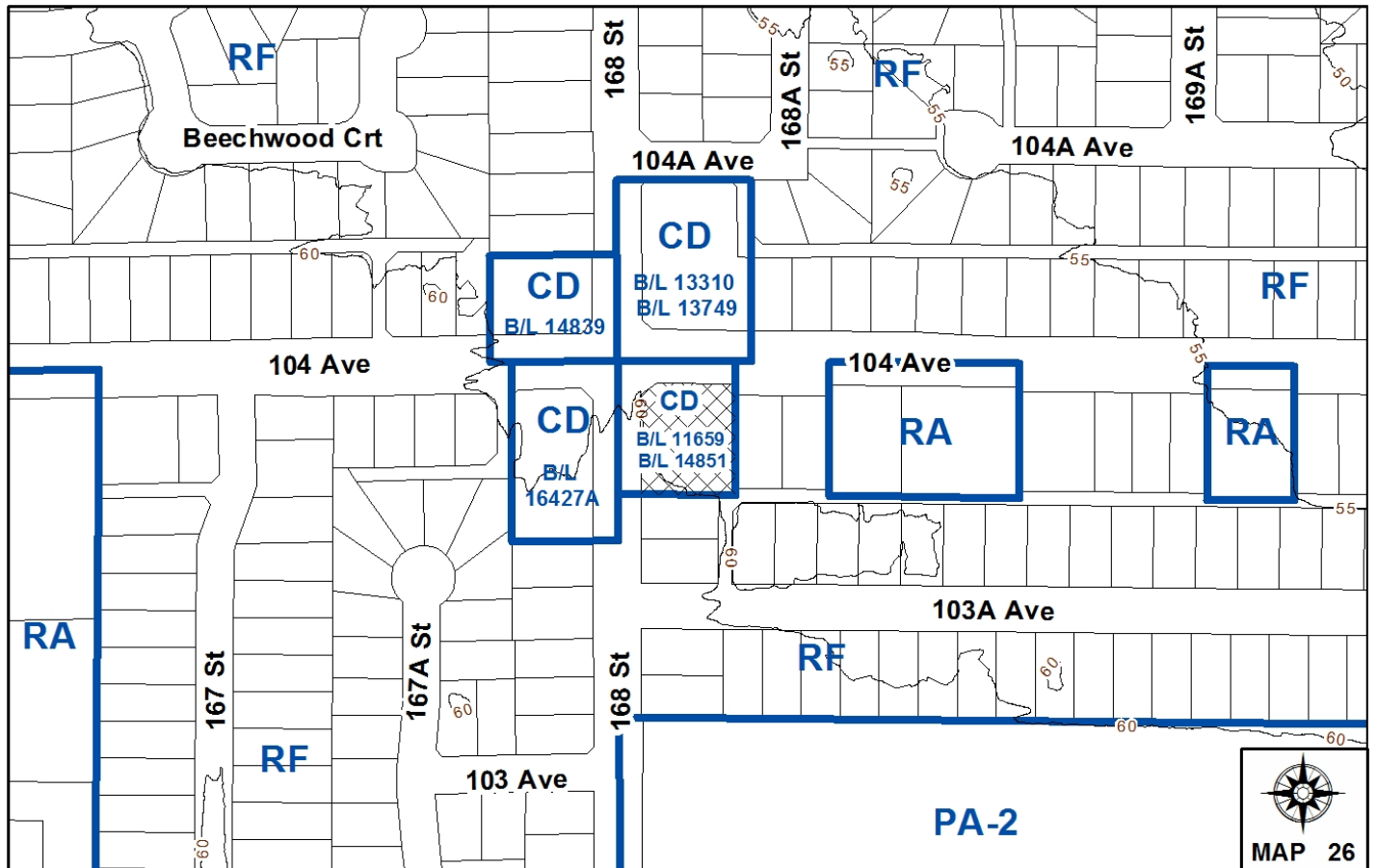
Planning Report Date: July 7, 2014



PROPOSAL:

- Amend CD By-law No. 11659, amended by By-law No. 14851 in order to permit a licensee retail store (private liquor store) in an existing commercial building in Fraser Heights.

LOCATION: 16814 - 104 Avenue
OWNER: T & R Chung Co Ltd
ZONING: CD By-law No. 11659, amended by By-law No. 14851
OCP DESIGNATION: Urban
LAP DESIGNATION: Retail Commercial



RECOMMENDATION SUMMARY

- Denial

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Does not comply with City Policy No. O-59, Locational Guidelines for Private Liquor Stores (Licensee Retail Stores), as the subject site is located within 400 metres of two schools.

RATIONALE OF RECOMMENDATION

- The subject site is in close proximity to Pacific Academy and Fraser Heights Montessori. Therefore this site does not satisfy the locational criteria for private liquor stores as contained in City Policy No. O-59.
- The subject site was rezoned to CD By-law No. 11659 on May 25, 1993 (under Zoning By-law No. 5942). At that time, the rezoning was intended to accommodate a child care centre (for up to 20 children) within a neighbourhood commercial centre, and the zoning was based on the Local Commercial Zone (C-L) of Surrey Zoning By-law No. 5942.
- The C-L Zone, which was intended to accommodate local shopping including convenience stores, did not permit private liquor stores. The C-L Zone formed the basis of the C-4 Zone in Zoning By-law No. 12000. The C-4 Zone does not permit private liquor stores.
- On November 18, 2002, the zoning for the subject site, CD By-law No. 11659, was amended by By-law No. 14851, under Council-initiative, to prohibit restaurants and cafés from being licensed by the Liquor Control and Licensing Branch (Corporate Report No. L011:2002). This amendment was undertaken to address the changes approved by the Province allowing lounges to operate within restaurants.
- On October 1, 2012, Council approved an amendment to Zoning By-law No. 12000 (Corporate Report No. R117:2012) to permit private liquor stores in the Community Commercial Zone (C-8) and the Town Centre Commercial Zone (C-15). The existing CD By-law for the subject site is more similar to the Neighbourhood Commercial Zone (C-5), versus the C-8 or the C-15 Zones.
- Considerable opposition has been expressed by area residents to the proposed private liquor store.
- Similar opposition was expressed for a proposed rezoning to accommodate a private liquor store in Fraser Heights at the north-east corner of 108 Avenue and 160 Street (application no. 7912-0305-00), which was denied by Council on June 17, 2013.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

If, however, Council finds merit in the proposal, it should be referred back to staff to undertake the necessary referrals.

SITE CHARACTERISTICS

Existing Land Use: Local commercial building with 3 CRUs and a second floor residence.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 104 Avenue):	2-storey, multi-tenant commercial building.	Urban	CD (By-law No. 13310, as amended)
East:	Single family dwellings.	Urban	RF
South:	Single family dwellings.	Urban	RF
West (Across 168 Street):	Gas station.	Urban	CD (By-law No. 16427A)

DEVELOPMENT CONSIDERATIONSBackground

- The subject site is located at 16814 – 104 Avenue on the south-east corner of 104 Avenue and 168 Street.
- The property is designated "Urban" in the Official Community Plan (OCP) and is zoned "Comprehensive Development Zone (CD)" (By-law No. 11659, as amended by By-law No. 14851) (see Appendix III).
- CD By-law No. 11659, which regulates the site, was approved by Council in 1993 as part of Development Application No. 7992-0332-00. The CD By-law was based on the Local Commercial Zone (C-L) under the prevailing Zoning By-law No. 5942, and included a day care for up to 20 children as a permitted use. The C-L Zone formed the basis of the C-4 Zone in Zoning By-law No. 12000. The C-4 Zone does not permit private liquor stores.
- In 2002, CD By-law No. 11659 was amended under a Council-initiated rezoning (By-law No. 14851) to prohibit liquor-licensed eating establishments in response to new Provincial liquor-licensing regulations (Corporate Report No. L011:2002). This By-law amendment affected various CD-zoned sites around the City including the subject site.

- The current CD By-law No. 11659, as amended, is comparable to the Neighbourhood Commercial Zone (C-5), which does not allow liquor stores as a permitted use.
- On September 9, 2013, Council approved the recommendations in Corporate Report No. R172, regarding the location guidelines for private liquor stores, resulting in the approval of City Policy No. O-59 (see Appendix IV).
- The existing commercial building on the subject site has a total of 3 commercial units, one of which is currently vacant. The remaining units are occupied by Fraser Heights Montessori and a pizza restaurant. There is an existing dwelling unit located on the second floor.

Current Proposal

- The applicant (T&R Chung Co., owner of the existing building) is proposing an amendment to CD By-law No. 11659, as amended, in order to permit a private stand-alone liquor store on the site, to be operated by Partytime Liquor Stores Ltd.
- Partytime Liquor Stores Ltd. owns several liquor stores in the province. They do not currently own a licensed liquor store in Surrey, however they have informed City staff that they are in the process of trying to purchase an existing license owned by a different operator in Surrey. Partytime Liquor Stores Ltd. has not confirmed with staff the current location of the existing liquor store that would be relocated to the subject site.
- The proposed liquor store is to be located in a unit formerly occupied by a convenience store and is approximately 185 square metres (1,996 sq.ft.) in size.
- The subject site is located approximately 98 metres (323 ft.) to the north of Pacific Academy, a private Christian school for students from kindergarten through grade 12, and is located within the same building as Fraser Heights Montessori, a community school for 20 children ages 3 through 5.

Regulations, Policies and Site Evaluation

- In 2009, the Liquor Control and Licensing Branch (LCLB) implemented a number of changes in policy. One of these policy changes included the elimination of the requirement that the operator of a Licensee Retail Store (LRS) (i.e. private liquor store) also own and operate a qualifying liquor primary establishment.
- On October 1, 2012, to correspond with the LCLB's change in policy, Surrey Zoning By-law No. 12000 was amended to allow private liquor stores as a permitted use in the C-8 and C-15 Zones without having to be associated with a liquor primary licensed establishment (i.e. neighbourhood pub) on the same lot.
- The CD Zone that regulates the subject site is comparable to the C-5 Zone, which does not allow a private liquor store as an outright permitted use, and therefore the applicant is proposing rezoning.
- The LCLB is not issuing any new permits for licensee retail stores (LRS) so any new site proposed for an LRS is a result of a relocation.

- The LCLB requires that there be a minimum of one-kilometre (one-half mile) separation distance between existing or proposed private liquor stores, and that the proposed location be in compliance with the zoning requirements.
- The closest private liquor store to the subject site is located at the Guildford Station Pub at 154 Street and 102 Avenue. Although the applicant has not confirmed the current location of the existing liquor store intended to be relocated, the minimum one-kilometre separation would be satisfied.
- The City of Surrey's *Locational Guidelines for Private Liquor Stores* (Policy O-59) require that a private liquor store not be located within 400 metres (one-quarter mile) of a school, public children's park, public playground, public library or public recreation centre.
- The proposed new liquor store location does not comply City Policy No. O-59, as it is within 400 metres of Pacific Academy, a private Christian school (10238 – 168 Street) and Fraser Heights Montessori (on the subject site).

PRE-NOTIFICATION

Pre-notification letters were sent out on June 16, 2014 and a development proposal sign was erected on the site. As of June 27, 2014, staff received 17 telephone calls and 97 emails in response to the pre-notification letter and development proposal sign from parents and children attending Pacific Academy, as well as residents of the Fraser Heights neighbourhood. Five (5) respondents were in support of the proposal, while the remaining 109 respondents were opposed to the proposal and had the following concerns:

- The major concern expressed by all respondents is the proximity of the proposed liquor store to Pacific Academy and Fraser Heights Montessori. Specifically, the concerns were that the students frequent this shopping node and there is a possibility of liquor being purchased for underage students. Some respondents were concerned that the proposed liquor store would attract crime and drug use, and that customers of the store would loiter and consume alcohol in the schoolyard at Pacific Academy.

(The operator of the proposed liquor store has indicated that staff are trained to ensure that they do not sell alcohol to minors, however the proposal does not meet the City's locational criteria for separation distance from a school.)

- Some respondents expressed concern about the traffic which would be generated by a liquor store at this location.

(A transportation assessment has not been provided to confirm the impact of the proposed liquor store on traffic, however, it is not anticipated that traffic generation would be much more significant than other retail uses already permitted under the CD Zone.)

CONCLUSION

- The Fraser Heights residents, including parents of children attending Pacific Academy, have expressed strong opposition to the proposed liquor store.
- Staff have only received two (2) responses from the public in support of the proposed liquor store.
- Private liquor stores are only permitted outright in the C-8 and C-15 Zones. The CD Zone that regulates the subject site is comparable to the C-5 Zone, which does not allow a private liquor store as an outright permitted use.
- The proposed liquor store location does not comply with City Policy No. O-59, as it is within 400 metres of Pacific Academy and Fraser Heights Montessori.
- As a result, the Planning and Development Department recommends that this application be denied.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan of Subject Site with Location of Proposed Private Liquor Store
Appendix III.	CD By-law No. 11659, as amended by By-law No. 14850
Appendix IV.	City Policy No. O-59

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LM/da

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SCHEDULE "A"

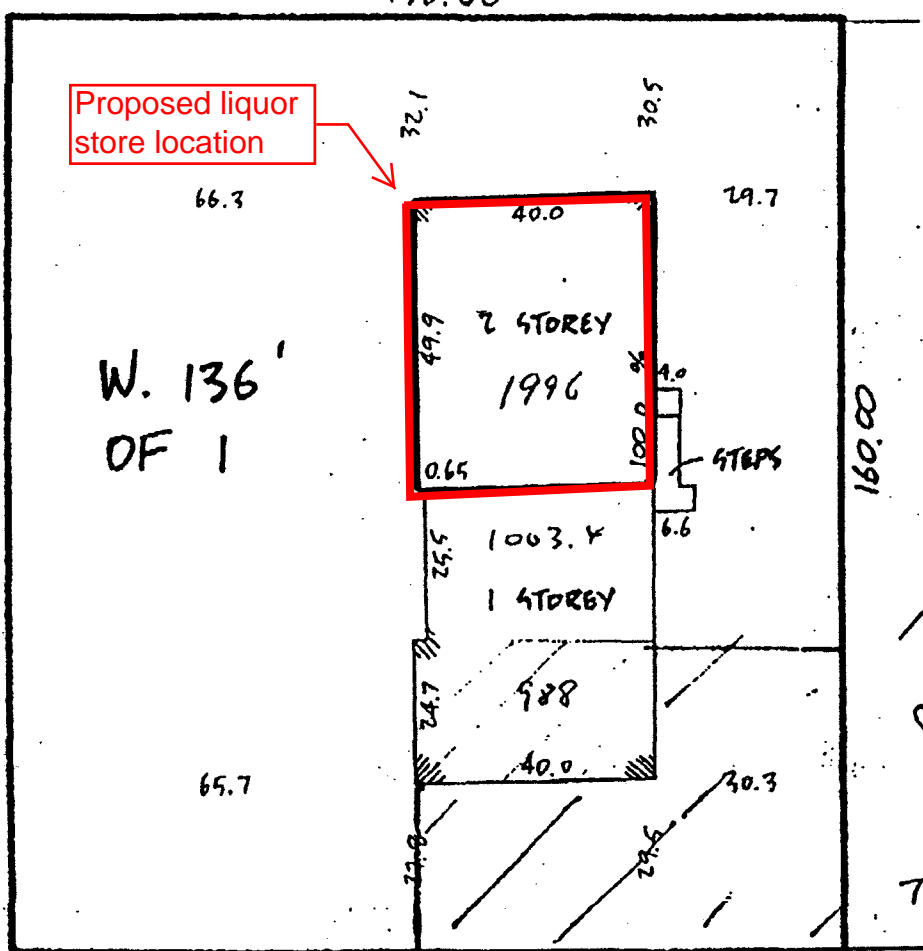
104 AVENUE

16 205 2

168 STREET

160.00

W. 136' OF 1



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T.1.1 3987

2 1 & 2 STOREY COMMERCIAL BLDG.
16814 104TH AVENUE,
SURREY, B.C.

©1990
LYON, FLYNN & ASSOCIATES
British Columbia Land Surveyors

#102 - 1537 W. 8th Avenue
Vancouver, B.C., V6J 1T6
Tel: 737-8777 Fax: 737-8794

THIS DOCUMENT IS NOT
VALID UNLESS ORIGINALLY
SIGNED AND SEALED.

Certified Correct:

Handwritten signature
B.C.L.S.

BOUGHTON
YANG

PETERSON
ANDERSON

PLAN SHOWING LOCATION
OF BUILDING ON THE W. 136
FT. OF LOT 1, SEC. 6 TP. 9,
N.W.D., PLAN 5980.

THIS PLAN TO BE USED
FOR MORTGAGE
PURPOSES ONLY AND
IS NOT TO BE USED
FOR THE LOCATION OF
PROPERTY LINES.

SCALE 1" = 30'	
DATE Nov. 29, 1990	
OUR FILE 90-1856	
YOUR FILE 61158-1	
CHK. [initials]	DRWN. G.J.

THE CORPORATION OF THE DISTRICT OF SURREY
BY-LAW NO. 11659

A by-law to amend "Surrey Zoning By-law,
1979, No. 5942."

THE MUNICIPAL COUNCIL of The Corporation of the District of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Zoning By-law, 1979, No. 5942," as amended, is hereby further amended, pursuant to the provisions of Section 963 of the "Municipal Act," and the classification of the following parcels of land, presently shown upon the maps designated as the "Zoning Maps" and marked as Schedule "A" under PART III of the said By-law No. 5942, is hereby amended as follows:

FROM "LOCAL COMMERCIAL ZONE (C-L)"
TO "COMPREHENSIVE DEVELOPMENT ZONE (C-D)"

West 136 Feet Lot 1, Section 6, Township 9, New Westminster District, Plan 5980.

(16814 - 104 Avenue)

(hereinafter referred to as "the lands" or "the site")

2. The following regulations shall apply to the lands herein:

A. INTENT

This Comprehensive Development Zone is intended to accommodate and regulate existing local convenience stores and a pre-school.

B. PERMITTED USES

The Land and any buildings or structures on the site shall be used for the following uses only, or for a combination of such uses:

- (a) Retail and service commercial uses; provided however that the total floor area for all commercial uses on a site shall not exceed three hundred and eighty (380) square metres [4,000 sq. ft.] as follows:

- Barber Shops and Beauty Parlours
- Dry Cleaning Establishments
- Grocery Stores
- Laundromats
- Restaurants, Cafes and Delicatessens
- Retail Nurseries
- Shoe Repairs
- Souvenir and Gift Shops

- Video Rentals, provided that the total floor area of such a store shall not exceed 110 square metres (1,184 square feet)
- (b) Play school and other facilities for up to 20 day care children provided however that no overnight accommodation shall be provided.
- (c) Accessory uses:
 - One dwelling unit provided that:
 - (i) The dwelling unit is within the principal building, and
 - (ii) The dwelling unit is occupied by the owner or his employee for the protection of the businesses permitted on the property.
- (d) Accessory buildings and structures.

C. LAND DEVELOPMENT

Notwithstanding any other provision of this zone, the uses permitted by Section B shall be conditional upon the immediate availability and adequacy of those Municipal facilities and services hereinafter set forth to serve each parcel of land and each unit of every building, structure and use to be erected, placed or carried on thereon. No use of land and no use of any building or structure thereon shall be deemed to be authorized by Section B of this zone, and all uses otherwise permitted by this By-law are hereby prohibited unless and until all of the following services and facilities have been provided and are immediately available and are adequate therefor to the standards set out as follows:

1. Sanitary sewer, waterworks and drainage works shall be provided and constructed to the standards set out for the C-L zone in "Surrey Subdivision By-law, 1986, No. 8830" and amendments thereto.
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2. All highways abutting and serving the land including boulevards, street lighting, underground wiring, transit service facilities shall be constructed to the standards set out for the C-L zone in "Surrey Subdivision By-law, 1986, No. 8830" and amendments thereto.
3. Where this zone abuts other zones requiring a lesser servicing standard than those specified in Sub-section C. 1 above, and where any portion of the works and facilities required under Sub-section C. 1 cannot be practically provided to the full standard as required due to unavailability of Municipal services, that portion of the works and facilities may be provided to a lesser standard as required in the said abutting zone.

D. DENSITY

The maximum density shall not exceed a floor area ratio of one (1).

E. SITE COVERAGE

The maximum site coverage shall be fifty (50) per cent.

F. SUBDIVISION

1. Lot size: The minimum lot size shall be one thousand five hundred (1,500) square metres [16,000 sq. ft.].
2. Frontage: The minimum lot frontage shall be thirty (30) metres [100 ft.].

G. HEIGHT OF STRUCTURES

1. Principal buildings: The height of principal buildings shall not exceed two (2) storeys, or twelve (12) metres.
2. Accessory buildings: The height of accessory buildings shall not exceed four decimal five (4.5) metres.

H. YARDS AND SETBACKS

Buildings and structures shall be situated as hereinafter set forth:

1. Front yard: The minimum front yard shall be seven decimal five (7.5) metres.
2. Side yard:
 - (a) The minimum side yard adjoining a residential zone shall be six (6) metres.
 - (b) The minimum side yard adjoining a non-residential zone shall be three (3) metres.
 - (c) The minimum side yard on a side property line fronting onto a flanking street shall be seven decimal five (7.5) metres.
3. Rear yard: The minimum rear yard shall be seven decimal five (7.5) metres.

I. LANDSCAPING

Any building or structure being erected, enlarged or increased in capacity shall make provision for landscaping as hereinafter set forth:

1. Landscaping shall cover not less than five (5) per cent of the developed site area.
2. A continuous landscaping strip not less than one decimal five (1.5) metres in width shall be provided along the developed portion of each side of the

site which abuts a public highway. This landscaping strip may be interrupted at boulevard crossings, or to provide necessary pedestrian access for entering a building or for viewing shop windows.

3. Except in those portions where a building abuts the property line, screen planting at least one decimal five (1.5) metres high in a strip at least one decimal five (1.5) metres wide, or a solid decorative fence at least one decimal five (1.5) metres high shall be provided along all property lines separating the developed portion of the site from any residentially zoned property.
4. Loading areas or trucking yards shall be screened from adjacent residentially zoned property to a height of at least two decimal five (2.5) metres by buildings, a landscaping screen, a solid decorative fence, or a combination thereof.
5. The boulevard areas of highways abutting the site shall be seeded or sodded with grass on the side of the road abutting the site except at driveways.

J. GENERAL PROVISIONS

The provisions of Parts I, II, III, IV, V, VI, VII, VIII and IX of "Surrey Zoning By-law, 1979, No. 5942," as amended, shall apply to the development of this site, as are relevant and non-contradictory with the specific provision of this by-law.

K. DEVELOPMENT COST CHARGES

All building construction and/or subdivision under this zone shall be subject to "Surrey Development Cost Charge By-law No. 7996," and amendments thereto, based on the C-L Zone.

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1993, No. 11659."

READ A FIRST AND SECOND TIME on the 18th day of January, 1993.

PUBLIC HEARING HELD thereon on the 15th day of February, 1993.

READ A THIRD TIME on the 22nd day of February, 1993.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 25th day of May, 1993.

_____MAYOR

_____CLERK

CITY OF SURREY

BY-LAW NO. 14851

A by-law to amend Surrey Zoning By-law, 1979, No. 5942,
Amendment By-law, 1993, No. 11659

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THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. Surrey Zoning By-law, 1979, No. 5942, Amendment By-law 1993, No. 11659, is hereby amended as follows:

Amend Sub-section 2.B.(a) by:

deleting "Restaurants, Cafes and Delicatessens" and replacing with "Restaurants, cafés and delicatessens, provided that the said businesses are not licensed by the Liquor Control and Licensing Act, R.S.B.C. 1996, chapter 267, as amended".

- 2. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1979, No. 5942, Amendment By-law, 1993, No. 11659, Amendment By-law, 2002, No. 14851."

PASSED FIRST AND SECOND READING on the 4th day of November, 2002.

PUBLIC HEARING HELD thereon on the 18th day of November, 2002.

PASSED THIRD READING on the 18th day of November, 2002.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 18th day of November, 2002.

_____ MAYOR

_____ CLERK

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City of Surrey Policy

No. O-59

Policy Title:	Locational Guidelines for Private Liquor Stores (Licensee Retail Stores)
Approval Date:	2013 SEP 09 (RES. 13-1895)
History:	NEW
Department:	PLANNING & DEVELOPMENT

Policy Guidelines

The following locational guidelines for private liquor stores (licensee retail stores) will be used as part of the analysis of determining the suitability of a site for a private liquor store when such a use is pursued through a rezoning application process.

1. Private liquor stores should not be located:
 - 1.1 Within 1 kilometre (0.6 mile) of another private liquor store; or
 - 1.2 Within 400 metres (1/4 mile) of a school, a public children's park, a public children's playground, a public library or a public recreation centre;
2. Where a private liquor store is proposed to be relocated within 400 metres of its current location, the new location for the private liquor store should be no closer to a school, a public children's park, a public children's playground, a public library or a public recreation centre than it was at its former location.

This policy is subject to any specific provisions of the Local Government Act, or other relevant legislation or Union agreement.