
TO: Mayor & Council

**FROM: Acting General Manager, Planning & Development
General Manager, Parks, Recreation & Culture**

DATE: November 28, 2022 **FILE: 1300-16**

**RE: Park Comments Related to Proximity of Amenities Surrounding
Development Applications
Regular Council – Land Use – November 28, 2022
Agenda Items B.1., B.3., B.8.**

INTENT

The intent of this memo is to provide comments to Mayor & Council in advance of tonight's Regular Council – Land Use Meeting related to park proximity adjacent to Development Applications.

BACKGROUND

In July 2022, the Planning & Development Department and Parks, Recreation & Culture Department began to implement a new process where Planning and Park staff prepared comments specific to the proximity of park amenities related to some Development Applications. When prepared, these comments have been reflected in the Council package.

DISCUSSION

Since introduced, staff have been refining the process to include comments in more of the Development Application Reports that Council receives during Public Hearing.

There are a number of Development Applications that will be discussed this evening where comments were not prepared in advance. Those comments are reflected in the attached Appendix "I". Moving forward, all *new* Development Application Reports will include Park comments related to park amenity proximity.



Jeff Arason, P.Eng.
Acting General Manager,
Planning & Development



Laurie Cavan
General Manager,
Parks, Recreation & Culture

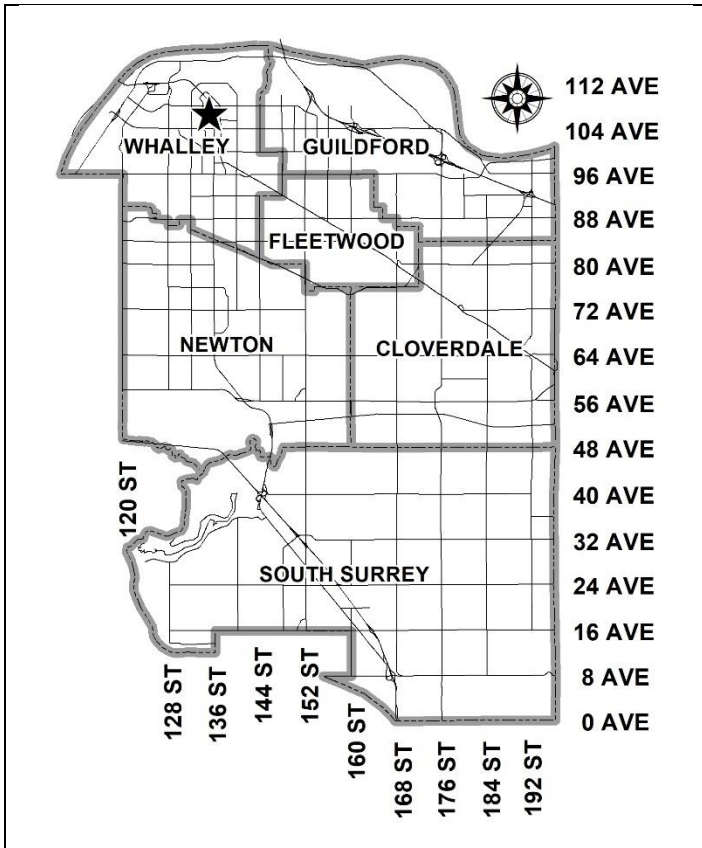
Appendix "I": Park Planning Comments

c.c City Clerk
City Manager

LAND USE: November 28, 2022

Park Planning Comments provided on November 28, 2022

ITEM #	DEVELOPMENT APPLICATION #	COMMENTS
LU B.1.	7919-0035-00	<i>Latimer Park is the closest active park, which contains a recreational trail network, and natural areas. The park is 945 metre walking distance from the development.</i>
LU B.3.	7922-0333-00	<i>Hazलगrove Park is the closest active park with amenities that include a soccer field, tennis courts, basketball court, playground, parkour, water park, and open space. The park is 550 metres walking distance from the development. Katzie Park is the closest park with natural areas and is 565 metres walking distance from the development.</i>
LU B.8.	7922-0332-00	<i>Tom Binnie Park is the closest active park with amenities that include, a skate park, a basketball court, a ball hockey court, a soccer field, and open space and is across the street from the development. Kwantlen Park is the closest park with natural area and is 1.2km from the development</i>



PROPOSAL:

- **New Liquor Primary License**

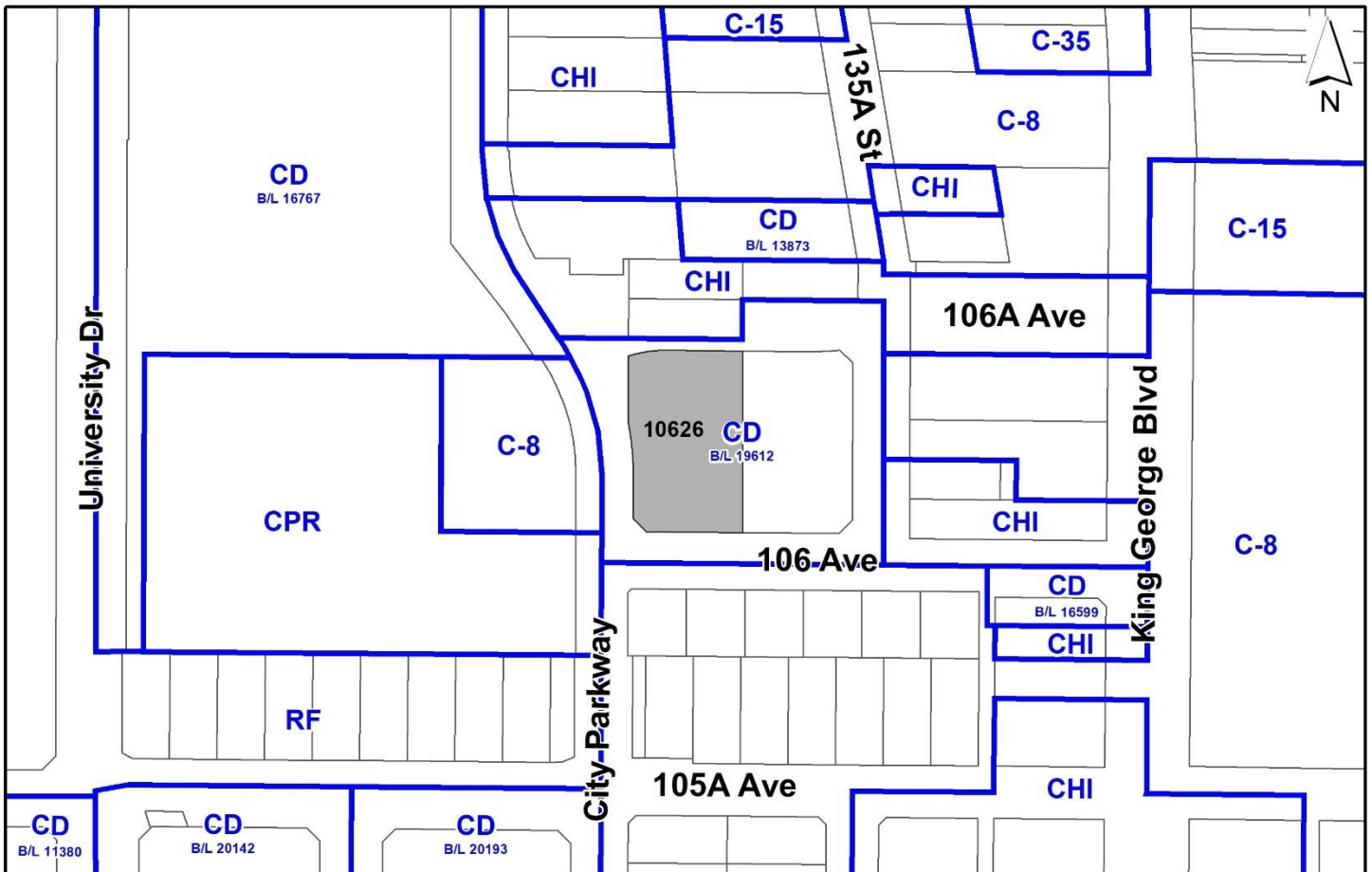
to permit a liquor license at the Royal Canadian Legion (Whalley).

LOCATION: 10626 City Parkway

ZONING: CD (By-law No. 19612)

OCP DESIGNATION: Downtown

TCP DESIGNATION: High Rise Mixed-Use – Type I



RECOMMENDATION SUMMARY

- Set date for a Public Information Meeting in the form of a Public Hearing to solicit resident opinions on the proposed liquor primary licensed establishment (Whalley Legion).

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with the OCP Designation.
- Complies with the City Centre Plan Designation.
- The proposed liquor primary license will permit liquor to be sold and consumed at the new permanent location for the Whalley Legion. The license is being relocated from their temporary location at 10767 King George Boulevard (approximately 300 metres to the northeast).
- The Whalley Legion had been in operation since 1948 at the subject site and in 2019 was relocated to a temporary location at 10767 King George Boulevard for approximately 3 years while the current site was under construction.
- A liquor primary license is required for businesses that want to offer liquor service as an additional service to patrons or have a liquor-focused area (e.g., bars, pubs and night clubs).
- A liquor primary licensed establishment is a permitted use under the current CD Zone (Bylaw No. 19612).
- The proposed operating hours are compliant with Council's policy on hours of operation for liquor primary licensed establishments.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A Public Information Meeting in the form of a Public Hearing be scheduled to solicit opinions from area residents regarding the proposed liquor primary license (Whalley Legion), with the following limitations:
 - (a) A proposed maximum occupant load of 410 persons; and
 - (b) The proposed hours of operation for the liquor primary establishment are as follows:
 - 11:00 a.m. to no later than 1:00 a.m. Sunday through Thursday; and
 - 11:00 a.m. to no later than 2:00 a.m. Friday and Saturday.
2. Council instruct staff to resolve the following issue prior to final approval:
 - (a) The applicant to enter into a Good Neighbour Agreement with the City (Appendix III).

SITE CONTEXT & BACKGROUND

Direction	Existing Use	City Centre Plan Designation	Existing Zone
Subject Site	Finishing stages of a 20-storey high-rise development.	High Rise Mixed-Use - Type I	CD (By-law No. 19612)
North:	Small-scale commercial lots.22-0332	Mid to High Rise Residential and future 106A Avenue	CHI
East:	Approved for a 26-storey high rise residential building.	High Rise Mixed-Use - Type I	CD (By-law No. 19612)
South (Across 106 Avenue):	Small-scale commercial lots.	Mid to High Rise Residential	C-8
West (Across City Parkway):	Tom Binnie Park, BC Lions Training Facility	Park	C-8 and CPR

DEVELOPMENT PROPOSAL

Planning Considerations

- The subject property is located on the northeast corner of 106 Avenue and City. The property is designated "Downtown" in the Official Community Plan (OCP) and " High Rise Mixed-Use - Type I " in the City Centre Plan and zoned "Comprehensive Development (CD)" (Bylaw No. 19612).

- The Whalley Legion had been in operation since 1948 at the subject site and in 2019 was relocated to a temporary location at 10767 King George Boulevard for approximately 3 years while the current site was under construction.
- Construction of the Veterans' Village residential tower and Legion (approved by Council on June 11, 2018, under Development Application 7917-0517-00) is in the finishing stages and the Whalley Legion is proposing to relocate the liquor license from the temporary location (approximately 300 metres to the northeast).
- A liquor primary licensed establishment is a permitted use under the current CD Zone (Bylaw No. 19612).

Referrals

Engineering:	The Engineering Department has no objection to the project.
Surrey RCMP:	No concerns.
Surrey Fire Department:	No concerns.
Surrey Bylaws & Licensing Services:	No concerns.
Building Division:	No concerns.

Proposed Liquor Primary License

- The applicant is proposing a liquor primary license to permit the Whalley Legion to operate as a liquor primary establishment in the subject proposed permanent location, relocated from their temporary location of the past 3 years at 10767 King George Boulevard. A new Liquor Primary License is required for a new location under Provincial regulations.
- The applicant proposes the following hours of operation for the liquor primary establishment:
 - 11:00 a.m. to no later than 1:00 a.m. Sunday through Thursday; and
 - 11:00 a.m. to no later than 2:00 a.m. Friday and Saturday.
- The hours of operation proposed by the applicant are compliant with the hours endorsed by Council through Corporate Report No. L003 on February 23, 2004, which provide parameters for the operation of a liquor primary establishment in the City of Surrey. In the report, the following hours of operation are identified for a liquor primary license establishment:
 - 11:00 a.m. to no later than 1:00 a.m. Sunday through Thursday; and
 - 11:00 a.m. to no later than 2:00 a.m. Friday and Saturday.
- In accordance with Good Neighbour Agreement Policy No. M-25, the City of Surrey requires that proprietors of liquor establishments sign a Good Neighbour Agreement in order to allow proprietors a more formal and defined role in the prevention of, and response to, any negative issues that may arise from the operation of their business.

- As part of the Liquor Primary License application, the applicant has agreed to enter into a Good Neighbour Agreement with the City, prior to Council consideration of support of the proposed license.

On-site Parking

- The new site for the Whalley Legion is proposed to occupy a total floor area of 483 square metres (335 square metres for Legion, and 148 square metres for the banquet area) as well as a patio area. Under the Zoning By-law, a parking rate of 10 spaces per 100 square metres of gross floor area is required for a Liquor Primary Licensed business (neighbourhood pub) of this size.
- The building has 108 parking spaces which will be shared between the offices, visitor parking, medical office uses, and the Whalley Legion which comply with this provision in the Zoning By-law.

Liquor Licensing Approval Procedure

- The Liquor and Cannabis Regulation Branch (LCRB) requires that the applicant secure local government endorsement before a liquor primary application can be considered for approval by the LCRB.
- The LCRB requires that Council comment on how the site satisfies a specified list of criteria to ensure that adequate consideration has been given to the application by the local government. The analysis of the criteria for this site is provided as follows:

(a) The location of the establishment

- The City's long-standing locational guidelines for liquor primary establishments are as follows:
 - Select a site close to a residential area but not surrounded by a residential area;
 - Select a site that is adjacent to or in a local commercial node;
 - Do not select a site on a provincial highway; and
 - Locate further than 400 metres from a school, children's park or playground.
- The subject site for the Whalley Legion is located in an area designated as a future downtown area with mixed-use buildings (comprising commercial, office and residential units). Uses such as the Legion are anticipated to add to the future vitality of the area.
- The subject site is located within a mixed-use node in the City Centre and is not located on a provincial highway.
- The subject property is located within approximately 120 metres from Chuck Bailey Recreation Centre and is across the street from Tom Binnie Park and 240 metres from Whalley Athletic Park, which is less than the guidelines suggest but is the location of the original Legion location where it has operated since 1948.

- According to the locational criteria established by the City, a new liquor primary license should not be located within 1.6 kilometres (1 mile) of an existing liquor primary license. There are no other liquor primary licenses within 1.6 kilometres (1 mile) of the subject site.

(b) The proximity of the establishment to social or recreational facilities and public buildings

- The subject property is located within approximately 120 metres from Chuck Bailey Recreation Centre and is across the street from Tom Binnie Park and 240 metres from Whalley Athletic Park, which is less than the guidelines suggest but is the location of the original Legion location where it has operated since 1948.

(c) The person capacity and hours of liquor service of the establishment

- The applicant is proposing the following hours of operation for the liquor primary licensed establishment:
 - 11:00 a.m. to no later than 1:00 a.m. Sunday through Thursday; and
 - 11:00 a.m. to no later than 2:00 a.m. Friday and Saturday.

The proposed hours of operation are compliant with the hours endorsed by Council through Corporate Report No. L003, as noted above.

- The applicant contends that the proposed hours of operation are consistent with other liquor primary licenses in the City Centre area.
- The establishment is proposing a maximum occupant load of 410 persons, which will be confirmed through a building permit application with the Building Division.

(d) The number and market focus or clientele of liquor primary licensed establishments within a reasonable distance of the proposed location

- The intent of the proposed liquor primary license is to provide liquor service and patron participation to members as well as nearby residents, tourists and regular customers.
- The applicant advises that the Whalley Legion is known within the community as an established liquor service provider.

(e) The impact of noise on the community in the immediate vicinity of the establishment

- There are several other businesses operating within the vicinity including eating establishments with customers coming and going throughout the day and evening.
- It is anticipated that there will be minimal impact from the proposed liquor primary licensed establishment on the surrounding neighbourhood given the establishment has been operating since 1948 in the nearby area with similar operating hours.

(f) The impact on the community if the application is approved

- The Whalley Legion is an established business in the community. It is expected that, if the liquor primary license application is approved, there will be little community impact as the license is returning to the original Legion location. In addition, the City of Surrey's By-laws and Licensing Division has indicated that staff have no files of concern for this premise.
- The applicant has agreed to enter into a Good Neighbour Agreement that will help to prevent negative issues, including litter and untidiness, which may arise from the operation.

PRE-NOTIFICATION

The applicant installed the development proposal sign on November 7, 2022, and pre-notification letters were mailed out on November 3, 2022. To date, staff have received no responses.

INFORMATION ATTACHED TO THIS REPORT

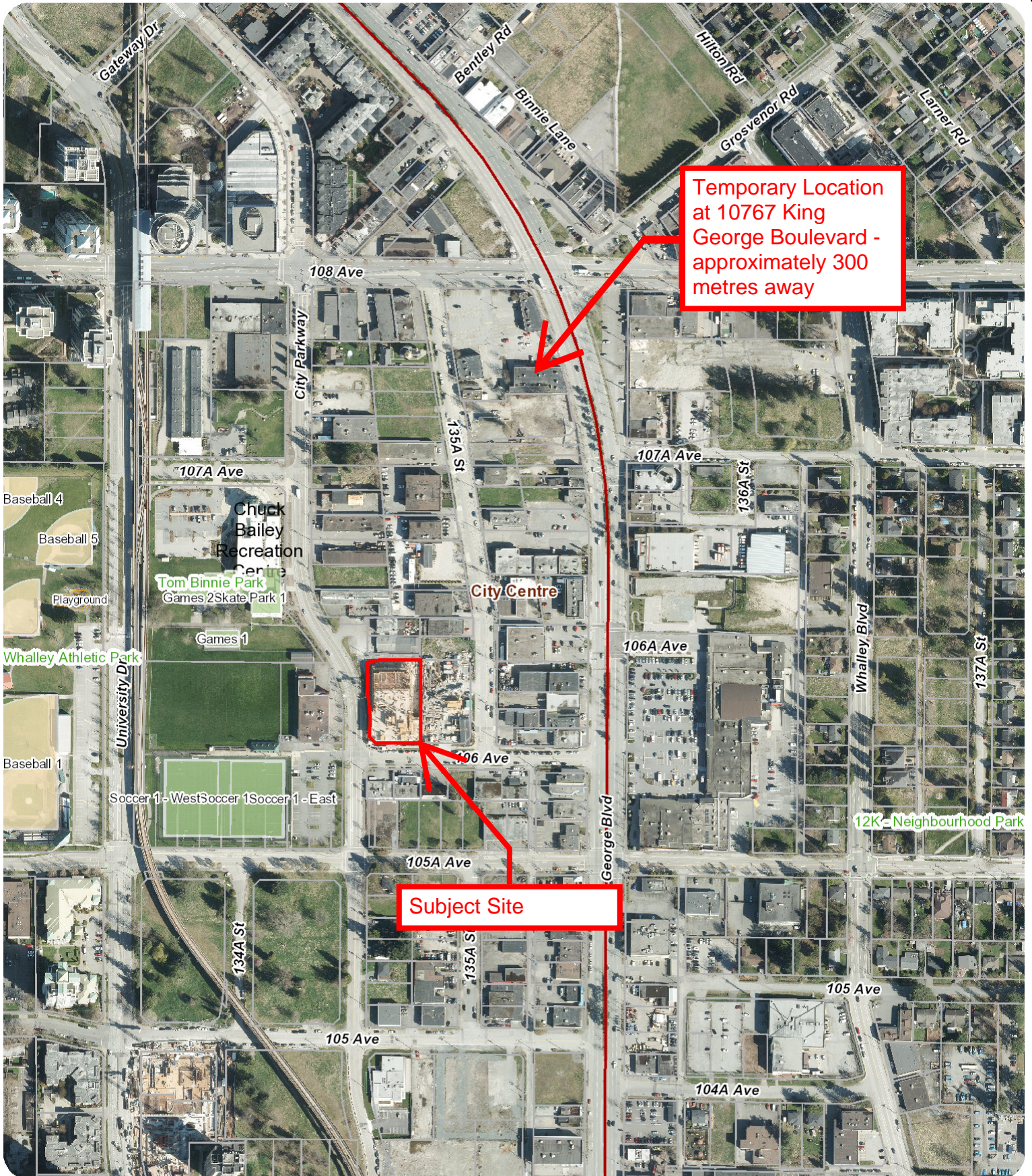
The following information is attached to this Report:

- | | |
|---------------|----------------------------------------------------------|
| Appendix I. | Aerial Context |
| Appendix II. | Proposed Floor Plan for the Liquor Primary Establishment |
| Appendix III. | Good Neighbour Agreement |

approved by Ron Gill

Jeff Arason
Acting General Manager
Planning and Development

JKS/ar



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CITY OF SURREY
GOOD NEIGHBOUR AGREEMENT

BETWEEN:

WHALLEY LEGION
(the "Owner")

AND:

CITY OF SURREY
(the "City")

WHEREAS the City and the Owner of the liquor primary license located at 10626 City Parkway (the "Licensed Establishment") (collectively the "Parties"), recognize that all liquor primary license establishments have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons;

AND WHEREAS the Owner wishes to demonstrate to the citizens of Surrey its desire to be a responsible corporate citizen;

AND WHEREAS the Parties wish to promote Surrey as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers.

NOW THEREFORE the Owner agrees with the City to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

1. **Noise and Disorder**

- (a) The Owner acknowledges its responsibility not to violate Surrey Noise Control Bylaw, 1982, No. 7044, as amended;
- (b) The Owner shall train and assign staff to monitor the activity of patrons in areas outside of the Licensed Establishment to promote the orderly dispersal of patrons, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood;
- (c) The Owner endeavors to ensure that all exterior doors are closed at 1:00 am from Sunday to Thursday and 2:00 am on Friday and Saturday;
- (d) The Owner undertakes to take commercially reasonable measures to ensure disturbances are prevented. Examples of reasonable measures include installing adequate lighting outside the Licensed Establishment and in the parking lot, supervising parking areas, making structural changes to allow indoor line-up areas, and posting signs at the exit doors asking the patrons not to disturb the neighbours;

- (e) In those instances where patrons are lining up on the public sidewalks the Owner shall ensure that the patrons are lined up in an orderly fashion allowing for the free flow of pedestrians along the sidewalk, not blocking laneways or driveways and not spilling onto the roadway; and
- (f) In cases where the presence of employees does not facilitate an orderly dispersal of patrons, the Owner shall contact the RCMP to request assistance in dealing with any persons or crowds.

2. **Criminal Activity**

- (a) The Owner shall not tolerate any criminal activity within the Licensed Establishment; and
- (b) The Owner shall make commercially reasonable effort to scrutinize patrons as they enter the building to ensure that no items of contraband, including weapons and controlled substances, are brought onto the premises.

3. **Minors**

- (a) The Owner shall not serve alcohol to any person under the age of 19 years of age; and
- (b) The Owner shall check two pieces of identification when verifying that a customer is at least 19 years of age, one piece of which must be picture identification and may be a driver's licence, a government identification card or a passport.

4. **Sale and Consumption of Alcohol**

- (a) While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Owner shall offer no deep discounts (i.e., "cheap drinks") or across-the-board discounts;
- (b) When offering price reductions and promotions, the Owner shall be particularly mindful of its legal obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated; and
- (c) The Owner shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Licensed Establishment.

5. **Hours of Operation and Liquor Service**

- (a) The Owner shall not allow the service of alcohol to extend beyond 1:00 am from Sunday to Thursday and 2:00 am on Friday and Saturday and the service of liquor must at all times be done in accordance with the terms and conditions of the Liquor Control and Licensing Branch;

- (b) The Owner shall be permitted an extra 30 minutes to clear the Licensed Establishment at the time of closing in order to facilitate the orderly dispersal of patrons; and
- (c) The Owner shall not allow patrons to enter the Licensed Establishment after liquor service ceases under any circumstances.

6. **On-Duty Employees**

- (a) The Owner shall ensure that each on-duty employee of the Licensed Establishment is clearly identified; and
- (b) The Owner shall ensure that the on-duty manager of the Licensed Establishment maintains a list showing the full identification of each on-duty employee and shall make the list available to the Officer In Charge of the RCMP on request.

7. **Cleanliness**

- (a) The Owner shall assign staff to inspect the outside of the Licensed Establishment to ensure that there is no litter, garbage, broken glass or other foreign objects; and
- (b) The Owner shall undertake to remove, as soon as is practical, any graffiti from the building's exterior.

8. **Safety**

- (a) The Owner shall ensure the occupant load sign is visibly posted near the entrance to ensure overcrowding does not take place.

9. **Other Agencies and Programs**

- (a) The Owner agrees to work with the City and its departments, including the RCMP and Fire Department, to resolve any concerns that arise with respect to the operation of the Licensed Establishment;
- (b) The Owner agrees to attend a formal meeting, as and when required by the City, with the City and the RCMP to discuss issues and concerns;
- (c) The Owner shall demonstrate complete support for the RCMP and its members;
- (d) When incidents occur which require RCMP involvement, the Owner shall ensure that all personnel of the Licensed Establishment cooperate fully with RCMP members and do not impede or obstruct members in performing their duties;
- (e) The Owner shall accommodate programs which aim to eliminate occurrences of drinking and driving;

- (f) The Owner shall make a free telephone available to patrons for the purpose of contacting a taxi or arranging other transportation from the Licensed Establishment; and
- (g) The Owner shall provide non-alcoholic beverages at prices which are below those set for alcoholic beverages.

10. **Amendment and Transferability**

- (a) Any proposed changes to the terms of this Good Neighbour Agreement shall be discussed and resolved among the Parties; and
- (b) The Owner shall make the continuation of this Good Neighbour Agreement a condition of any sale, lease or transfer of all or part of the Licensed Establishment.

11. **Enforcement**

- (a) Any failure on the part of the Owner to comply with the terms outlined herein may be brought to the attention of City Council and Council may suspend the owner's business license for the Licensed Establishment, prohibit "patron participation" otherwise permitted under the liquor licence, or impose additional terms and conditions; and
- (b) Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the City's rights and authorities in the exercise of its functions pursuant to the *Community Charter* and *Local Government Act*, as amended, and the rights and powers of the City and the RCMP under provincial and federal statutes and regulations, and City bylaws.

Executed the _____ day of _____, 20____ in Surrey, British Columbia,

Owner

Signature

Name (*please print*)

City of Surrey

Brenda Locke