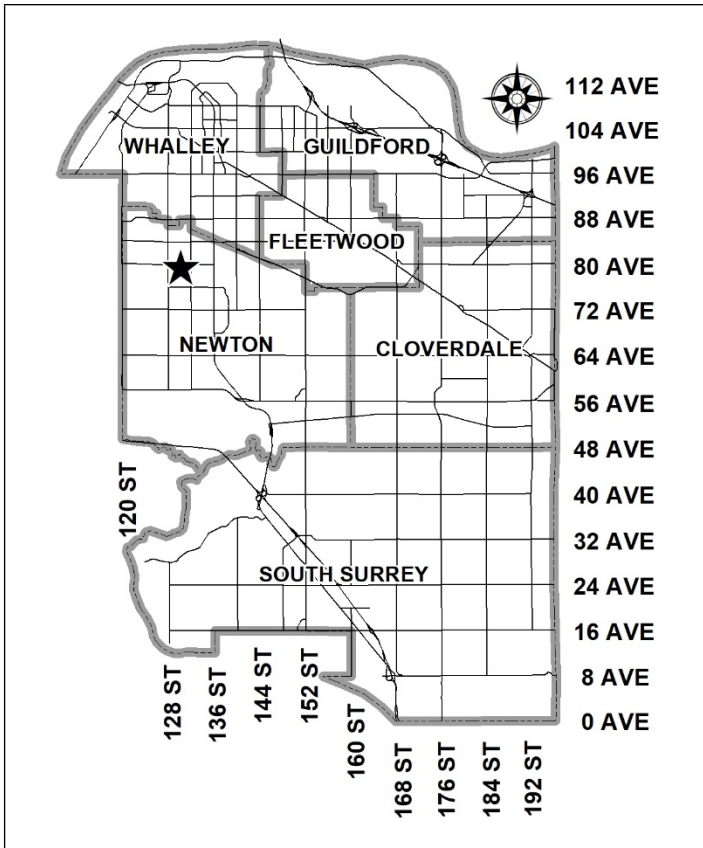


City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7923-0374-00

Planning Report Date: April 22, 2024



PROPOSAL:

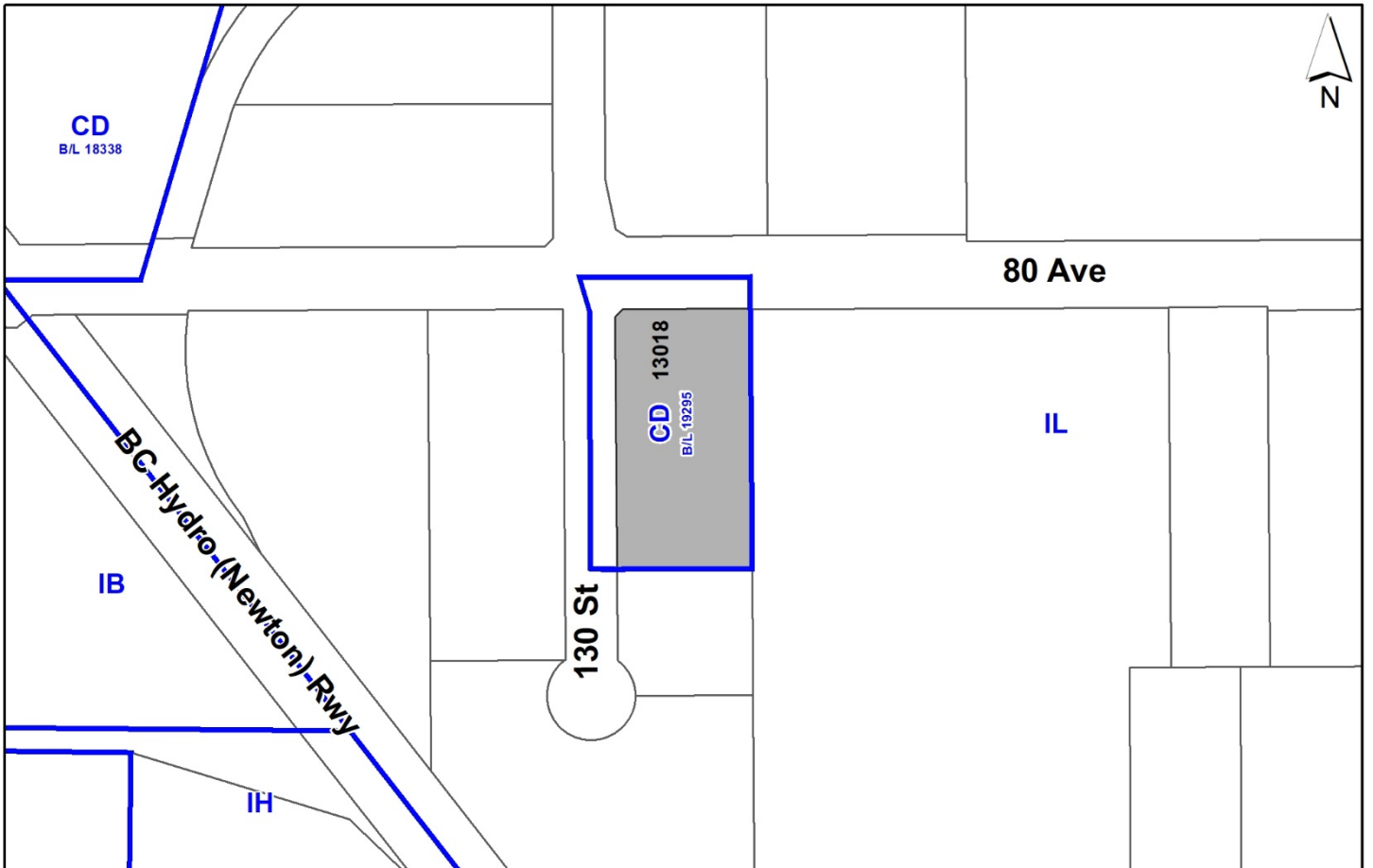
- **Rezoning** from CD (By-law No. 19295) to IL
- **Liquor License Amendment (patio addition)**

to permit an exterior patio addition for the lounge endorsement of an existing brewery.

LOCATION: 13018 – 80 Avenue

ZONING: CD (Bylaw No. 19295)

OCP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for rezoning.
- Approval of the proposed liquor license amendment to proceed to a Public Information meeting in the form of a Public Hearing to solicit resident and business owners' feedback on the proposed liquor license amendment.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The proposal complies with the Industrial designation in the Official Community Plan (OCP).
- The proposal complies with the Industrial designation in the Metro Vancouver Regional Growth Strategy (RGS).
- The proposed rezoning from “Comprehensive Development Zone (CD By-law No. 19295)” to “Light Impact Industrial Zone (IL)” will facilitate the addition of an exterior patio associated with the lounge endorsement (liquor tasting lounge) for an existing brewery. Under the current CD Zone, the lounge is restricted to interior only.
- The subject site was previously rezoned from IL to CD under Development Application No. 7916-0120-00 to facilitate a brewery and lounge endorsement. At that time, a lounge was not permitted as part of a liquor manufacturing use and so a rezoning was required.
- Subsequent to changes in 2022 under Corporate Report No. Ro87, the IL Zone was amended to allow for an expanded liquor tasting lounge (lounge endorsement), including both interior and exterior areas. The applicant proposes to rezone back to IL Zone to utilize the provisions that would have been available had the site not been originally rezoned in 2016. This will facilitate the addition of a 45 square metre exterior patio to expand the lounge endorsement area in support of the brewery manufacturing business.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to rezone the subject site from "Comprehensive Development Zone (CD By-law No. 19295)" to "Light Impact Industrial Zone (IL)" and a date be set for Public Hearing.
2. A Public Information Meeting in the form of a Public Hearing be set to solicit feedback from area residents and business owners' regarding the proposed liquor license amendment with the following limitations:
 - (a) The addition of a 45 square metre patio as an extension of the lounge endorsement with hours of operation from 12:00pm to 10:00pm, seven days a week.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Two one-storey multi-tenant industrial buildings	Industrial	CD (By-law No. 19295)
North (Across 80 Ave):	Industrial building	Industrial	IL
East:	Industrial buildings	Industrial	IL
South:	Industrial building	Industrial	IL
West (Across 130 Street):	Industrial buildings	Industrial	IL

Context & Background

- The 5,210 square metre subject site is located on 80 Avenue within the Newton Industrial area. The site is designated "Industrial" in the Official Community Plan (OCP) and zoned "Comprehensive Development Zone (By-law No. 19295).
- The subject site was rezoned to CD (By-law No. 19295) under Development Application No. 7916-0120-00, which was adopted on May 7, 2018. The 2016 application sought a rezoning from IL to CD to allow for the serving of liquor within a lounge (lounge endorsement/liquor tasting lounge) in conjunction with the principal brewery manufacturing business. At that time, the IL Zone only permitted manufacturing but did not permit the serving of liquor as part of a lounge.

- In 2022, Corporate Report No. Ro87 was brought forward and adopted by Council on May 9, 2022, which introduced several new definitions, including liquor tasting lounge (lounge endorsement) and amended several industrial, business park, and commercial zones to allow for liquor tasting lounges in conjunction with a principal brewery manufacturing operation, with restrictions. This included allowances for both indoor and outdoor lounges as part of a patio.

DEVELOPMENT PROPOSAL

Planning Considerations

- Russell Brewing has been brewing for over 25 years and has operated an indoor lounge (lounge endorsement) at this location since June 2022. Under the current CD By-law (No. 19295), the lounge size is restricted to 70 square metres and can only be located inside.
- The applicant wishes to add a 45 square metre outdoor patio as an extension of the lounge endorsement. This would allow Russell Brewing to serve liquor both indoors and outdoors within the lounge service area. Russell Brewing occupies Unit 100 in Building 100 in the northwest portion of the site (see Appendix I).
- Given the outdoor lounge and expansion to the lounge area is not permitted under the existing CD Zone, Russell Brewing proposes to rezone the property back to IL Zone, which regulated the property prior to the rezoning that was undertaken with Development Application No. 7916-0120-00.
- The proposed rezoning will not impact any of the existing businesses on the site other than allowing Russell Brewing to utilize the lounge provisions that would have been available had the site not been rezoned under Development Application No. 7916-0120-00.
- The proposed patio complies with the IL Zone maximum patio size for a liquor tasting lounge.
- The proposed patio was deemed to be a minor change to the existing building and therefore, is only subject to a Minor Development Permit amendment at the time of Building Permit. No Development Permit is required at this time.

Referrals

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

Surrey RCMP: No concerns.

Surrey Fire Department: No concerns.

Transportation Considerations

- The site is to be accessed via the existing driveway on 130 Street to the west.
- There are 52 existing surface parking spaces on-site, three of which will be removed to accommodate the proposed patio. The net result is 49 parking spaces on-site. The site requires 48 parking spaces, inclusive of the two required parking spaces to accommodate the patio and therefore, the parking requirements for the site will still be met.
- Alternative transportation options to and surrounding the site are currently limited. Public transportation options include a bus service via 128 Street to the west and 132 Street to the east, with the following service:
 - TransLink Route No. 323 – Newton Exchange/Surrey Central (450 metres west)
 - TransLink Route No. 324 – Newton Exchange/Surrey Central (500 metres east)
- A separated bicycle path exists on 80 Avenue with connections east and west.

POLICY & BY-LAW CONSIDERATIONS

Zoning By-law

- The applicant proposes to rezone the subject site from "Comprehensive Development Zone (CD By-law No. 19295)" to "Light Impact Industrial Zone (IL)".
- The site was previously zoned IL prior to a rezoning to the aforementioned CD under Development Application No. 7916-0120-00. The existing and proposed uses can be accommodated under the IL Zone.

Liquor License Amendment Approval Requirements – see 14-0042

- The Liquor and Cannabis Regulation Branch (LCRB) requests that the applicant secure local government endorsement before the application can be considered for approval by the LCRB.
- Additionally, the LCRB requires that Council comment on how the site satisfies specified 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 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 is located at the corner of 80 Avenue and 130 Street, in the centre of an established industrial area. Residential areas are located to the west of the subject site (approximately 585 metres away) and to the east of the subject site (approximately 330 square metres away);
- The site is located more than 700 metres from the closed park (Hunt Road Park) located in the 12600 block of 80 Avenue and more than 600 metres from the closest school (Newton Elementary School);
- The site is not located on a provincial highway; and
- Under the locational criteria established by the City, a liquor primary licensed facility should not be located within 1.6 kilometres of an existing liquor primary license. While the subject establishment holds a manufacturing license with a lounge endorsement (not a liquor primary license), the only liquor primary license that is within the vicinity of the subject site is 5 Tara Pub, located approximately 1.6 kilometres from the subject site at 8533 – 132 Street.

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

- The site is located in an industrial area, away from residential uses;
- The site is located more than 700 metres from the closest park (Hunt Road Park) located in the 12600 block of 80 Avenue and more than 600 metres from the closest school (Newton Elementary School); and
- The proposed expansion of the lounge endorsement to an outdoor patio should not have any negative impact on the existing parks or schools in the area.

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

- The proposed hours of operation for the proposed patio are from 12:00 pm to 10:00pm, seven days a week. The proposed hours are consistent with Business License By-law for patio hours; and

(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 expansion to the lounge endorsement is to promote the products manufactured on the site. The current proposal is in keeping with the regulations for lounge endorsements and recent changes to Surrey Zoning By-law to allow for both indoor and outdoor liquor tasting lounges (lounge endorsement).

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

- The site already operates with a manufacturing license and lounge endorsement for indoor service of Russell Brewing Company beer products;

- The site is located in an industrial area, away from residential uses; and
- While some additional noise may be anticipated by the outdoor patio, the applicant has agreed to enter into a Good Neighbour Agreement in accordance with City Policy No. M-25 (Appendix II).

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

- It is expected that, if the patio addition to the existing lounge endorsement is approved, there will be no or little community impact given that Russell Brewing already operates a lounge endorsement area;
- The RCMP and Surrey Fire Services have no concerns with the proposed patio addition; and
- The applicant will enter into a Good Neighbour Agreement that will help prevent potential negative issues, including noise, litter, and untidiness.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on March 18, 2024 and the Development Proposal Sign was installed on March 21, 2024. No concerns have been expressed concerning the development proposal.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

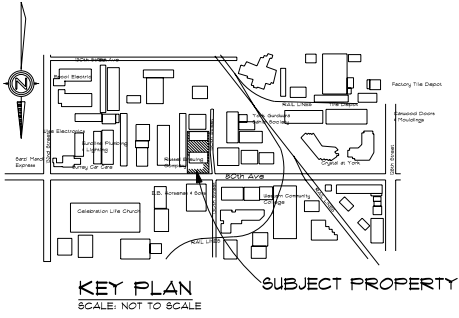
Appendix I. Site Plan
Appendix II. Good Neighbour Agreement

approved by Shawn Low

Don Luymes
General Manager
Planning and Development

KS/ar

APPENDIX I



BUILDING 100	
UNIT 100.....	RUSSELL BREWING
UNIT 101.....	RUSSELL BREWING
UNIT 102.....	BUSY BOYS ELECTRICAL
UNIT 103.....	SECURAL LOCKS AND HARDWARE
BUILDING 200	
ENTIRE BUILDING.....	RUSSELL BREWING

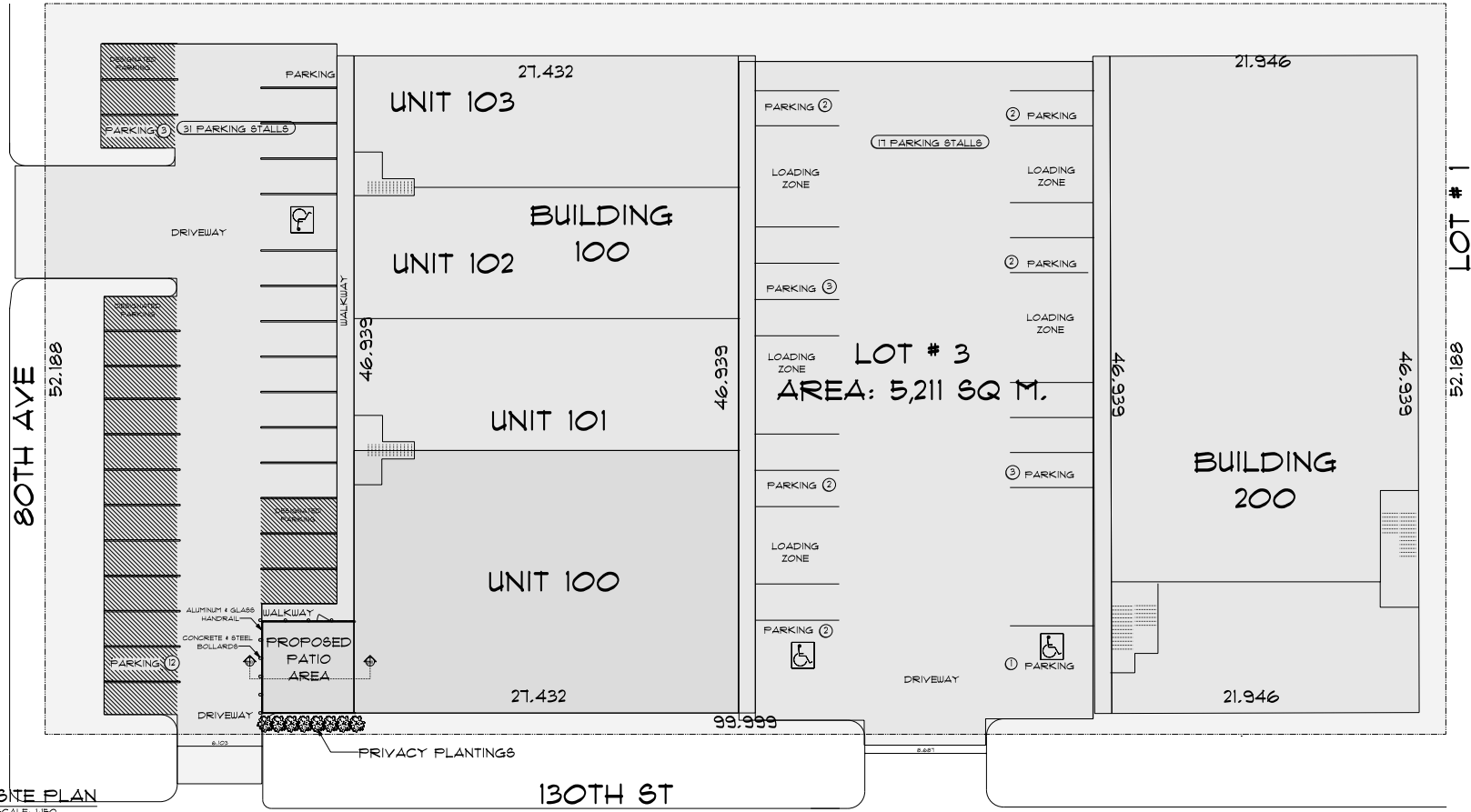
DRAWING SCHEDULE	
SITE PLAN.....	1
OCCUPANCY ANALYSIS.....	2
PROPOSED 1ST FLOOR.....	3
CROSS SECTIONS.....	4
ELEVATIONS.....	5
PART 3.....	6
EXISTING FLOOR PLANS.....	7

DAVE NICOL DESIGN

3876-204a Street
Langley B.C.
CANADA V3A4X2
PHONE:
(604) 810-2867
EMAIL:
davenicoldesign@gmail.com

THIS DOCUMENT IS NOT
A LEGAL SURVEY AND
IS NOT INTENDED AS ONE

LOT # A 99.999



UNIT 100

13018-80 Ave.
Surrey
BC

PHONE:

LEGAL DESCRIPTION:
LOT 3
SECTION 20
TOWNSHIP 2
PLAN NUP76694 NUD
ZONING:
CD 100
LOT AREA:
8,211 m²

CONTRACTOR:
Russell Brewing Company
13018-80 Ave.
Surrey
BC

ON SITE CONTACT:

BUILDING CODE:
These plans conform to the 2018
British Columbia Building Code
VERS. 2018.

WRITTEN DIMENSIONS SHALL
HAVE PRECEDENCE OVER
SCALED DIMENSIONS.
CONTRACTORS SHALL VERIFY
AND BE RESPONSIBLE FOR
ALL DIMENSIONS AND
CONDITIONS ON THE JOB AND
THIS OFFICE SHALL BE INFORMED
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SHOWN ON THE DRAWINGS.

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PRINT ON 24 X 36

SITE PLAN

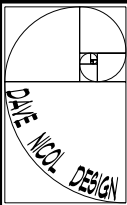
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DATE:
December 1, 2022

PAGE:
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Drawing #
1902-19CD-A

SITE PLAN
SCALE: 1:50



3816-204a Street
Langley B.C.
CANADA V3A4X2
PHONE:
(604) 910-2861
EMAIL:
davenicoldesign@gmail.com

UNIT 100

13018-80 Ave.
Surrey
BC

PHONE:

LEGAL DESCRIPTION:
LOT 3
SECTION 20
TOWNSHIP 2
PLAN NUP16694 NUD
ZONING:
CD 100
LOT AREA:
8211 m²

CONTRACTOR:
Russell Brewing Company
13018-80 Ave.
Surrey
BC

ON SITE CONTACT:

BUILDING CODE:
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British Columbia Building Code
VERS. 2018

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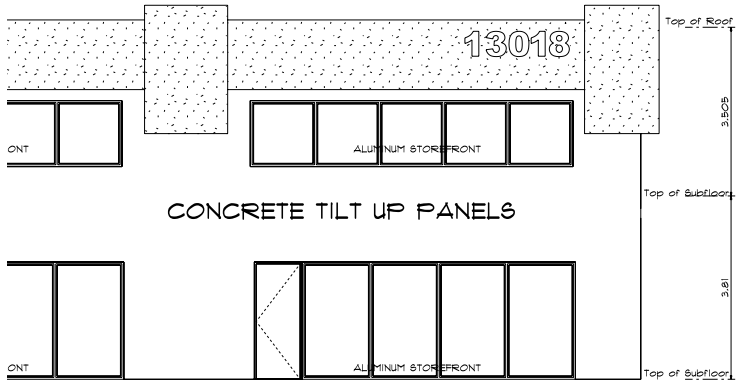
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ELEVATIONS**

SCALE: AS NOTED

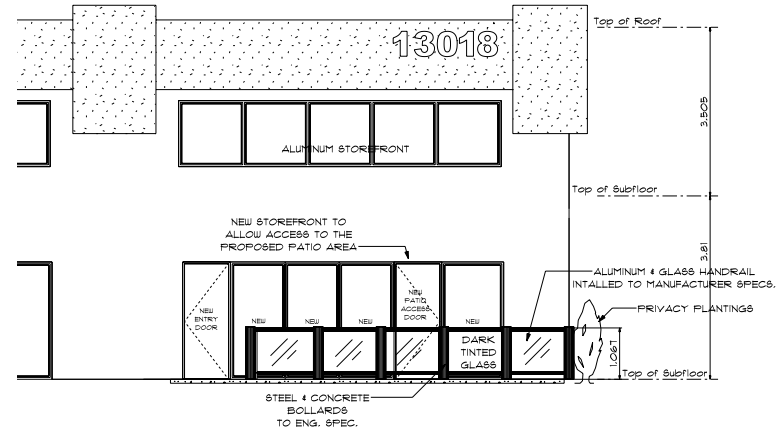
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December 1, 2022

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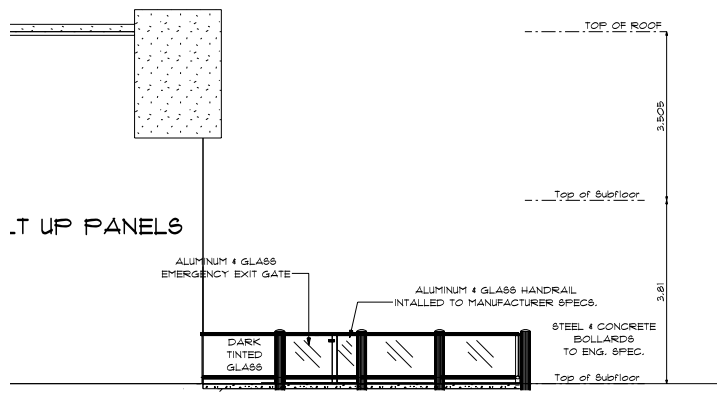
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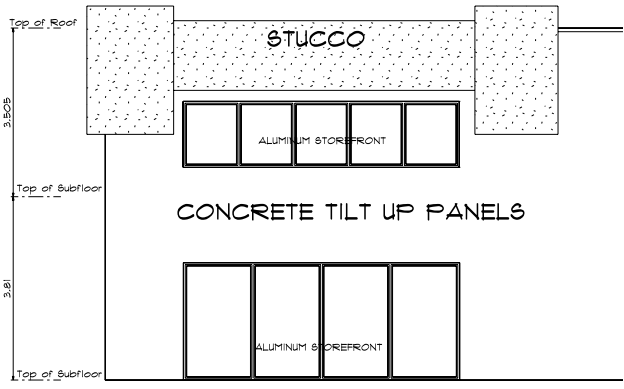
EXISTING FRONT (NORTH)
SCALE: 1:48



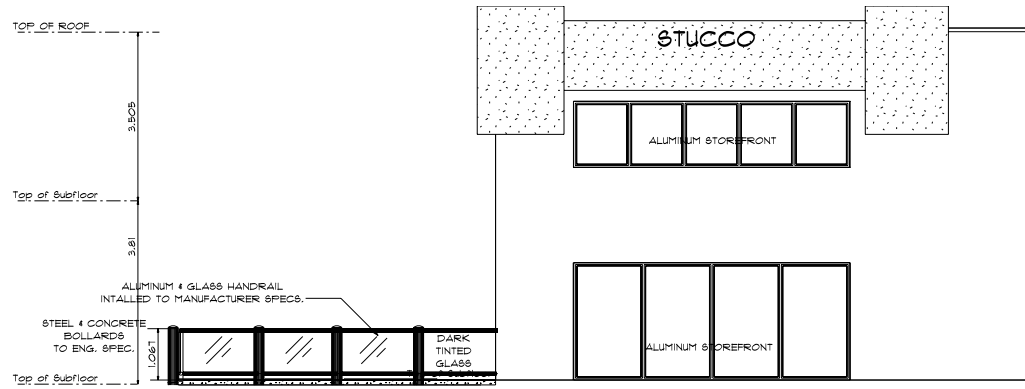
PROPOSED NORTH ELEVATION
SCALE: 1:48



PROPOSED EAST ELEVATION
SCALE: 1:48



EXISTING RIGHT (WEST)
SCALE: 1:48



PROPOSED WEST ELEVATION
SCALE: 1:48

**CITY OF SURREY
GOOD NEIGHBOUR
AGREEMENT**

BETWEEN:

(the "Owner")

AND: CITY OF SURREY
13450 - 104 Avenue
Surrey, BC V3T 1V8

(the "City")

WHEREAS the Owner of the brewery and lounge area at 13018 - 80 Avenue (the "Lounge Endorsement") and the City (collectively the "Parties"), recognize that all establishments with a Lounge Endorsement, enter into this agreement in addition to 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 undertakes to ensure that noise emissions from the Lounge Endorsement do not disturb surrounding residential developments and neighbourhoods, and do not 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 Lounge Endorsement 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 undertakes to take commercially reasonable measures to ensure disturbances are prevented. The Owner must take reasonable measures to make sure the Lounge Endorsement is not operating contrary to the public interest and does not disturb people near the establishment. Examples of reasonable measures include installing adequate lighting outside the 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;
- (d) 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
- (e) 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 Lounge Endorsement; 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 license, 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 Lounge Endorsement.

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

- (a) The Owner shall not allow the service of alcohol to extend beyond 12:00 am, and 10:00 pm for the exterior patio, Monday through Sunday 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; and
- (b) The Owner shall be permitted an extra 30 minutes to clear the Lounge Endorsement at the time of closing in order to facilitate the orderly dispersal of patrons.

6. **On-Duty Employees**

- (a) The Owner shall ensure that each on-duty employee of the Lounge Endorsement is clearly identified; and
- (b) The Owner shall ensure that the on-duty manager of the Lounge Endorsement 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 Lounge Endorsement 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 Lounge Endorsement;

- (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 Lounge Endorsement cooperate fully with RCMP members and do not impede or obstruct members in performing their duties;
- (e) If the Lounge Endorsement is located within a Business Improvement area, the Owner shall participate in any Business Improvement Area Watch Program, if such a program is created;
- (f) The Owner shall accommodate programs which aim to eliminate occurrences of drinking and driving;
- (g) The Owner shall make a free telephone available to patrons for the purpose of contacting a taxi or arranging other transportation from the Lounge Endorsement; and
- (h) The Owner shall provide non-alcoholic beverages at prices which are below those set for alcoholic beverages.

10. **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 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 or Surrey Police under provincial and federal statutes and regulations, and City bylaws.

Executed the ____ day of _____, 2024 in Surrey, British Columbia,

Russell Brewing Company Ltd.

Authorized Signatory

Name (*please print*)

City of Surrey

Ron Gill, Chief Development Approvals Officer