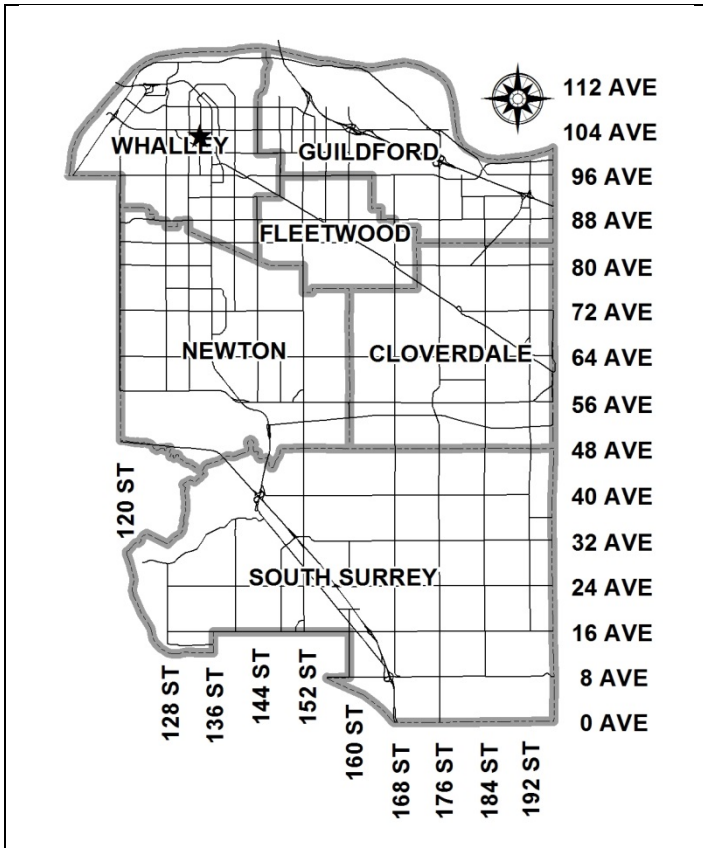


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0160-00

Planning Report Date: July 10, 2017



PROPOSAL:

- **Liquor Licence Amendment**

to permit an extension of hours past midnight and patron participation entertainment for a proposed food primary licensed establishment (Civic Hotel).

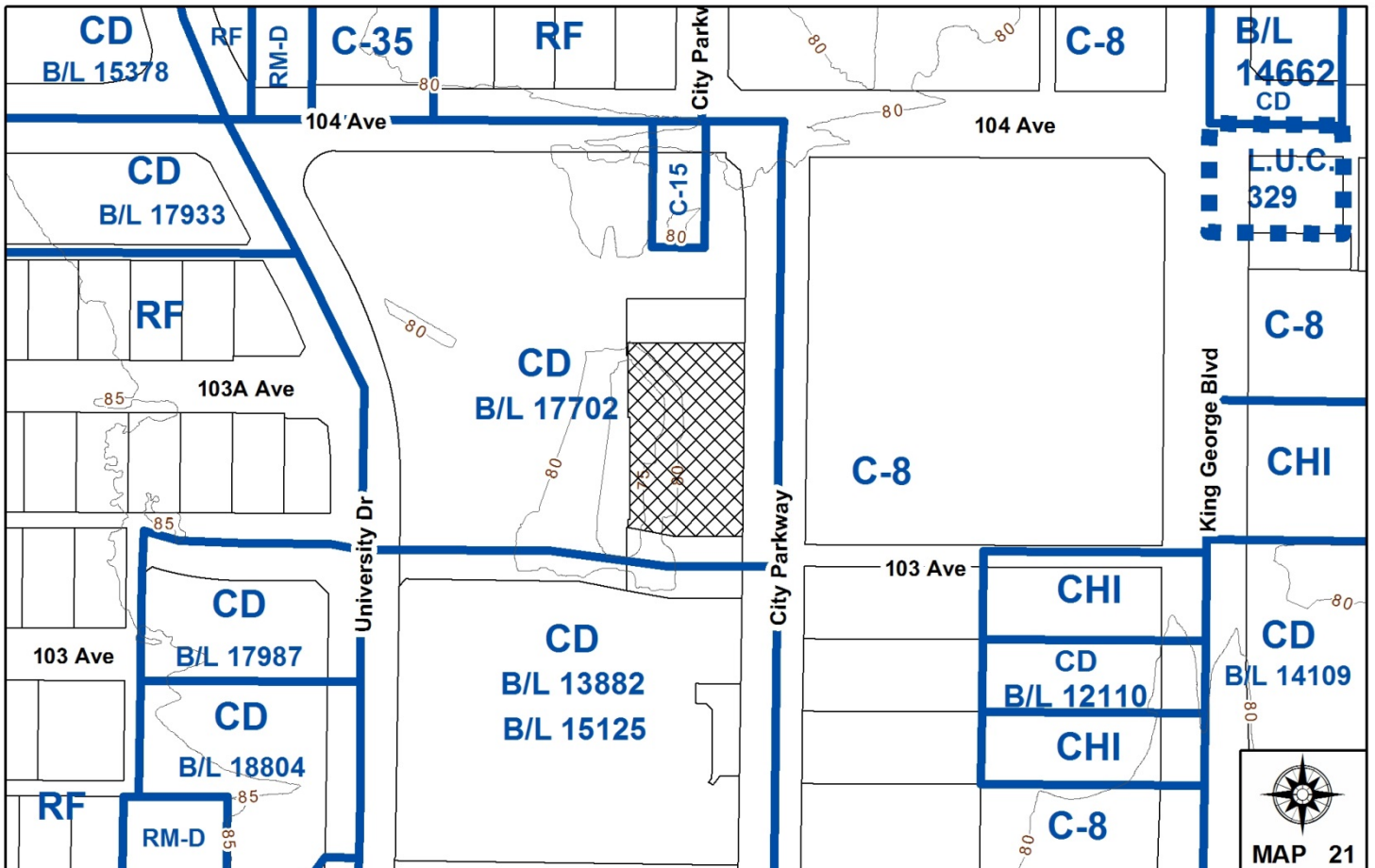
LOCATION: 13483 - 103 Avenue

OWNER: Surrey Centre Tower Holdings (Hotel #1) Ltd. et al.

ZONING: CD (By-law No. 17702)

OCP DESIGNATION: Central Business District

NCP DESIGNATION: Mixed-use 7.5 FAR



RECOMMENDATION SUMMARY

- Approval of the proposed liquor licence amendments to proceed to Public Notification

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The RCMP and By-laws and Licensing Division have expressed no concerns with the proposal.
- No comments were received in response to pre-notification letters.
- The applicant has volunteered to enter into a Good Neighbour Agreement with the City to address any potential noise, disorder, and other nuisance impacts associated directly or indirectly with the business and patrons of the business.
- Patron participation in the form of live music and dancing is consistent with typical hotel and banquet facility operations.
- The CD Zoning for the subject site (By-law No. 17702) includes eating establishments and neighbourhood pubs as permitted uses.
- The restaurant and its associated outdoor seating area will help to animate the ground floor of the building and will enhance the pedestrian entry into City Hall Plaza from City Parkway.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed amendments to a proposed food primary liquor licence to proceed to Public Notification:
 - (a) The addition of Patron Participation Entertainment (live music and dancing); and
 - (b) The extension of hours past midnight, to permit a closing time of 1:00 a.m. every day of the week.
2. Council instruct staff to resolve the following issue prior to approval:
 - (a) Execution of a Good Neighbour Agreement with the City.

REFERRALS

Engineering:	The Engineering Department has no objection to the proposal.
Parks, Recreation & Culture:	No concerns.
Surrey School District	No concerns.
Surrey RCMP:	No concerns.
Surrey Fire Department:	No concerns.
Building Division	The Building Division has no concerns provided final occupancy is granted for the tenant improvement Building Permit.

SITE CHARACTERISTICS

Existing Land Use: 3 Civic Plaza Tower (currently under construction.)

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Medical Office and Surrey City Hall	Central Business District	C-15 and CD (By-law No. 17702)
East (Across City Parkway):	Large Format Grocery Store	Central Business District	C-8
South (Across 103 Avenue):	Surrey Central Skytrain Station and North Surrey Recreation Centre	Central Business District	CD (By-law No. 13882 and By-law No. 15125)
West (Across Civic Plaza):	City Centre Library	Central Business District	Cd (By-law No. 17702)

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located on the northwest corner of City Parkway and 103 Avenue and is designated “Central Business District” in the Official Community Plan (OCP).
- The property is zoned “Comprehensive Development Zone (CD)” (By-law No. 17702), which permits multiple unit residential buildings, tourist accommodations (hotel), eating establishments, neighbourhood pubs, and a mixture of other retail, service, and office uses.
- The site is occupied by the 3 Civic Plaza development, currently under construction, which is a mixed-use, high-rise, multiple-residential, hotel, office, and retail development.

Current Proposal

- The future operators of The Civic Hotel have applied to the Liquor Control and Licensing Branch (LCLB) for a Food Primary Liquor Licence and are concurrently applying for amendments to this licence to allow for extended hours of operation past midnight and a patron participation entertainment endorsement which require endorsement by local government.
- The Food Primary Liquor Licence will cover all licensed areas including the main restaurant and patio on the main floor, the banquet and boardrooms on the second floor, the pool deck on the third floor as well as the rooftop deck. Room service will also be accommodated under the Food Primary Liquor Licence.
- At present, a Food Primary Liquor Licence allows liquor to be served between the hours of 9 a.m. to 12 a.m., 7 days per week. The applicant proposes to operate from 11 a.m. to 1 a.m., 7 days per week.

- The applicant is also seeking a Patron Participation Entertainment Endorsement to permit any activity that involves participation of the patrons at an event such as live music or dancing during a special event such as a fund raiser, gala, wedding, or other celebratory event. The LCLB requires hotels to obtain specific approval from the local government for these types of activities that typically occur in banquet facilities.

Liquor Licence Amendment Procedural Requirements

- In accordance with the process adopted by Council on February 20, 2017 (Corporate Report No. R043), an application to amend an *existing* Food Primary Liquor Licence to allow for a Patron Participation Entertainment Endorsement and a maximum 1-hour extension of liquor service past midnight may be approved by staff, in accordance with City Policy No. M-7.
- Currently, there is no existing Food Primary Liquor Licence on the site. Therefore, the liquor licence amendment application is presented to Council for approval.
- There are currently no specific policies concerning the hours of operation for Food Primary Liquor Licence operations. However, City staff have been using the Council-endorsed policy on hours of operations for Liquor Primary Licences (Policy No. M-7) when reviewing requests for extension of hours (past midnight) for food primary establishments. This policy was adopted through Corporate Report No. L003 (February 2004) and stipulates the following hours:
 - Sunday through Thursday 11:00 a.m. to 1:00 a.m.
 - Friday and Saturday 11:00 a.m. to 2:00 a.m.
- The subject proposal is for a 1:00 a.m. closing time for the restaurant every day of the week. These proposed hours satisfy the policy established by Council for liquor primary establishments.

Liquor Licence Approval Procedure

- The LCLB requires the applicant to secure local government endorsement before an application for extended hours past midnight or a Patron Participation Entertainment Endorsement 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 proposed food primary liquor licensed restaurant and hotel is located within the Civic Centre campus. The adjacent buildings are primarily occupied by offices, community uses (library and community centre) and retail.
- In addition to the Civic Hotel, there are residential, office, and post-secondary education components within the 3 Civic Plaza tower. The tower's residences and hotel will share an entry; however, the residential lobby will be partially buffered from the licenced restaurant and there will be a clearly distinguishable entrance to the

- apartment portion of the building. Additionally, the Good Neighbour Agreement and the City's Noise Control By-law will ensure that any noise associated with the licensed areas of the hotel are kept to a minimum and managed appropriately.
- There are several examples of hotels, restaurants, and residences all existing in the same building in the region (e.g. the Shangri-La Tower and the Trump International Hotel and Tower in Downtown Vancouver) illustrating that these uses can effectively co-exist within a single structure.
 - There are also a number of existing licenced food service businesses in the City Centre area such as the Central City Brewpub, Boston Pizza, White Spot, and Ricky's All Day Grill which operate with minimal nuisance impacts to the surrounding neighbourhood.
 - Due to the nature of the business and the type of liquor licence being applied for, in addition to the requirement for a Good Neighbour Agreement, it is not anticipated that the proposed extended hours or Patron Participation Entertainment Endorsement will result in significant noise complaints from the surrounding neighbourhood.

The impact on the community if the application is approved

- The proposed development will ensure more activity in the City Centre, especially outside of standard work hours providing more "eyes on the street" to enhance the area's passive surveillance and will also help to achieve the goals of the City Centre Plan by contributing to the creation of a vibrant urban core.

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

- The primary purpose of the Civic Hotel is to provide accommodation for guests in addition to other ancillary uses such as a restaurant and banquet facilities. The Food Primary Liquor Licence and its associated amendments are integral to the normal functioning of this type of business.

Good Neighbour Agreement (Policy No. M-25)

- In accordance with Good Neighbour Agreement Policy (No. M-25), City staff require operators of food-primary establishments that offer patron participation entertainment, or liquor service past midnight, 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 LCLB, the applicant is required to enter into a Good Neighbour Agreement that is attached to the Business Licence and ensures that potential impacts on the surrounding community are mitigated.

PRE-NOTIFICATION

A Development Proposal Sign was installed on-site on June 9, 2017 and Pre-notification Letters were mailed on June 5, 2017 to solicit the opinions of residents within 100 metres (300 ft.) of the property. Staff did not receive any emails or phone calls expressing any concerns.

CONCLUSION

- The application is consistent with existing City Policy on operating hours for licensed establishments.
- The subject site is located in the City Centre where vibrant activities and uses are encouraged.
- No concerns were expressed as a result of pre-notification.
- The subject site is located away from schools and low-density residential neighbourhoods.
- The applicant has volunteered to enter into a Good Neighbour Agreement with the City of Surrey.
- City staff recommend the application proceed to Public Notification to solicit additional public opinion.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary

original signed by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

