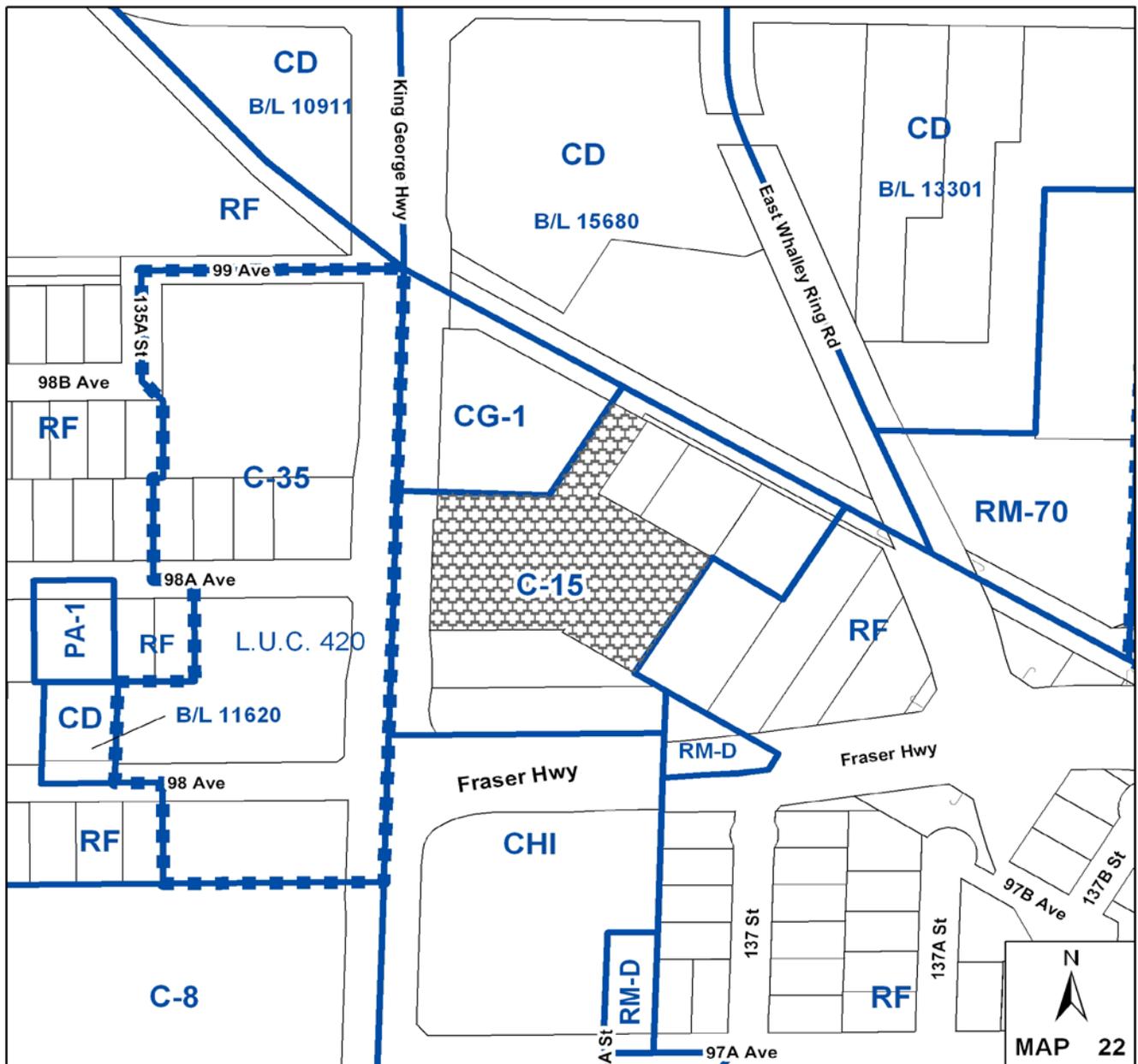


<b>Proposal:</b>	Liquor primary license to extend liquor service to the existing patio adjacent the liquor primary establishment in the Days Inn hotel.		
<b>Recommendation:</b>	Approval to Proceed		
<b>Location:</b>	9850 King George Highway	<b>Zoning:</b>	C-15
<b>OCP Designation:</b>	City Centre	<b>Owner:</b>	Oakway Holdings Ltd.



## PROJECT TIMELINE

Completed Application Submission Date: September 28, 2005  
Planning Report Date: January 9, 2006

## PROPOSAL

The applicant is proposing:

- liquor primary license amendment application

in order to extend liquor service to the existing patio adjacent to an existing liquor primary establishment in the Days Inn hotel.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed liquor primary license amendment to proceed to Public Notification:
  - (a) the addition of a patio with a person capacity of 48.

## REFERRALS

Surrey RCMP: No objections to the proposal (Appendix V).

By-laws & Licensing Services: No objections to the proposal (Appendix VI).

## SITE CHARACTERISTICS

- **Existing Land Use** Days Inn Hotel.
- **East:** Surface parking lot, zoned RF, designated City Centre.
- **South:** Surface parking lot, zoned C-15, designated City Centre.
- **West:** Across King George Highway, vacant lot and high-rise apartment building with ground level commercial space, regulated under Land Use Contract No. 420 (underlying C-35 zoning), designated City Centre.
- **North:** Surface parking lot, zoned CG-1, designated City Centre.

## PLAN AND POLICY COMPLIANCE

OCP Designation:                      Complies.

## DEVELOPMENT CONSIDERATIONS

### Background

- On April 22, 2002, City Council issued Development Permit No. 7901-0303-00 to permit the construction of an outdoor patio on the north side of the Days Inn hotel at 9850 King George Highway in Surrey City Centre.
- Although there was a delay in the construction of the patio, construction was finally completed in 2004.
- Between the time the applicant applied for the patio in 2001 and completion of the patio in 2004, the Provincial Government adopted new liquor licensing regulations under the *Liquor Control and Licensing Act* which radically changed the liquor licensing process in British Columbia.
- As a result, the owner of the Days Inn is now required to submit a Liquor License Amendment application to the Liquor Control and Licensing Branch (LCLB) in order to extend liquor service to the existing outdoor patio. Prior to rendering a final decision on whether or not to issue a Liquor License Amendment, the LCLB requires that City Council provide the LCLB with a resolution outlining Council's position with respect to the application.

### Current Application

- The Days Inn site is currently zoned "Town Centre Commercial Zone (C-15)" which permits hotels and neighbourhood pubs.
- The Days Inn already contains an existing neighbourhood pub (liquor-primary operation), which has an occupant load of 385, as well as a second floor outdoor patio, that has an occupant load of 40.
- The existing ground floor patio is located on the north side of the Days Inn Hotel, on either side of the entry to the existing pub (Appendix III).
- The outdoor patio is a 105-square metre (1,134 sq. ft.) area enclosed by a 1.0-metre (3 ft.) high brick wall topped by a 200 mm (2 ft.) high metal picket fence painted black.
- The applicant proposes to install 12 tables on the patio, which will accommodate a total of 48 patrons (Appendix IV).
- The applicant proposes to operate liquor service on the patio from 11:00 a.m. to 1:00 a.m. Monday through Saturday and from 11:00 a.m. to Midnight on Sunday which are the same hours of operation as the existing neighbourhood pub on the site.

- Council has adopted a policy (Council Resolution R04-0386) that liquor primary establishments are to operate from 11:00 a.m. to no later than 1:00 a.m. Sunday through Thursday, and from 11:00 a.m. to not later than 2:00 p.m. Friday and Saturday. The existing neighbourhood pub, therefore, operates within the hours of operation set by Council policy.
- The Surrey Business License By-law indicates that outdoor patios are permitted to operate only between the hours of 11:00 a.m. and 10:00 p.m. seven days a week, if they are within 100 metres (330 ft.) of a residential area.
- The existing patio is tucked into an "indentation" of the building on the north side of the Days Inn Hotel, facing the King George SkyTrain Station. The patio is not visible from, or within 100 metres (330 ft.) of, the residential portion of Surrey Village, which is the closest residential building to the patio and which is located directly across from the Days Inn on the west side of King George Highway. As a result, the restrictions on the hours of operation of the outdoor patio do not apply to the subject application.
- The existing uses (hotel, restaurants, pub, banquet and meeting rooms) on the Days Inn site, including the proposed patio seating, require a total of 210 on-site parking spaces. There are currently 336 on-site parking spaces available, far in excess of the 210 parking stalls required.

#### LCLB Criteria

- The LCLB requires that Council, in providing a response to the LCLB with respect to the application, comment on how the subject site satisfies a specific list of criteria. The analysis of the criteria for this site is provided as follows:
  - Potential for noise
    - The proposed ground floor patio is tucked into a niche on the north side of the Days Inn building, facing large surface parking lots and the King George SkyTrain station, neither of which will be affected by any noise generated by the patio operation.
    - The closest residential development to the proposed patio is the residential portion of Surrey Village, which is located more than 100 metres (330 ft.) to the west of the patio location, across King George Highway. As well, Surrey Village is screened from the patio by the six-storey Days Inn building and should not, therefore, be affected by any noise generated by the operation of the patio.
  - The impact on the community
    - The Days Inn neighborhood pub currently operates from 11:00 a.m. to 1:00 a.m. Monday through Saturday and from 11:00 a.m. to Midnight on Sunday, as does the existing second floor patio.
    - The Days Inn neighborhood pub has operated at this location for over fifteen years. Both the RCMP and Surrey's By-laws and Licensing Services have indicated that the Days Inn is a responsible and cooperative business and indicate that they have no objection to the proposal to extend liquor service to the existing patio.

- Will the amendment result in the establishment being operated in a manner that is contrary to its primary purpose?
  - The main purpose of the existing neighborhood pub (liquor primary license) at the Days Inn is to provide liquor service. The extension of liquor service to the existing outdoor patio will not change the overall market focus, and therefore will not result in the establishment being operated in a manner that is contrary to its primary purpose.
- In response to the new Provincial liquor licensing regulations that came into effect in 2002 under the *Liquor Control and Licensing Act*, Council approved Corporate Report No. R209 on September 29, 2003. The Corporate Report sets out the public consultation procedures for various types of liquor permit applications. In accordance with procedures adopted by Council, an application to amend an existing liquor license for the purpose of providing liquor service on a patio is processed in a manner similar to the process for a Development Variance Permit.

### PRE-NOTIFICATION

- In accordance with Corporate Report No. R209, the applicant has installed a Development Proposal Sign on the property to identify the proposed extension of liquor service to the existing patio. Planning & Development Department staff have not received any telephone calls or correspondence in response to this sign.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Contour Map
Appendix III.	Approved Patio Enclosure (Development Permit No. 7901-0303-00)
Appendix IV.	Proposed Patio Seating Layout
Appendix V.	RCMP Comments
Appendix VI.	By-laws & Licensing Services Comments

Murray Dinwoodie  
General Manager  
Planning and Development

GAG/kms

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CONTOUR MAP FOR SUBJECT SITE

