

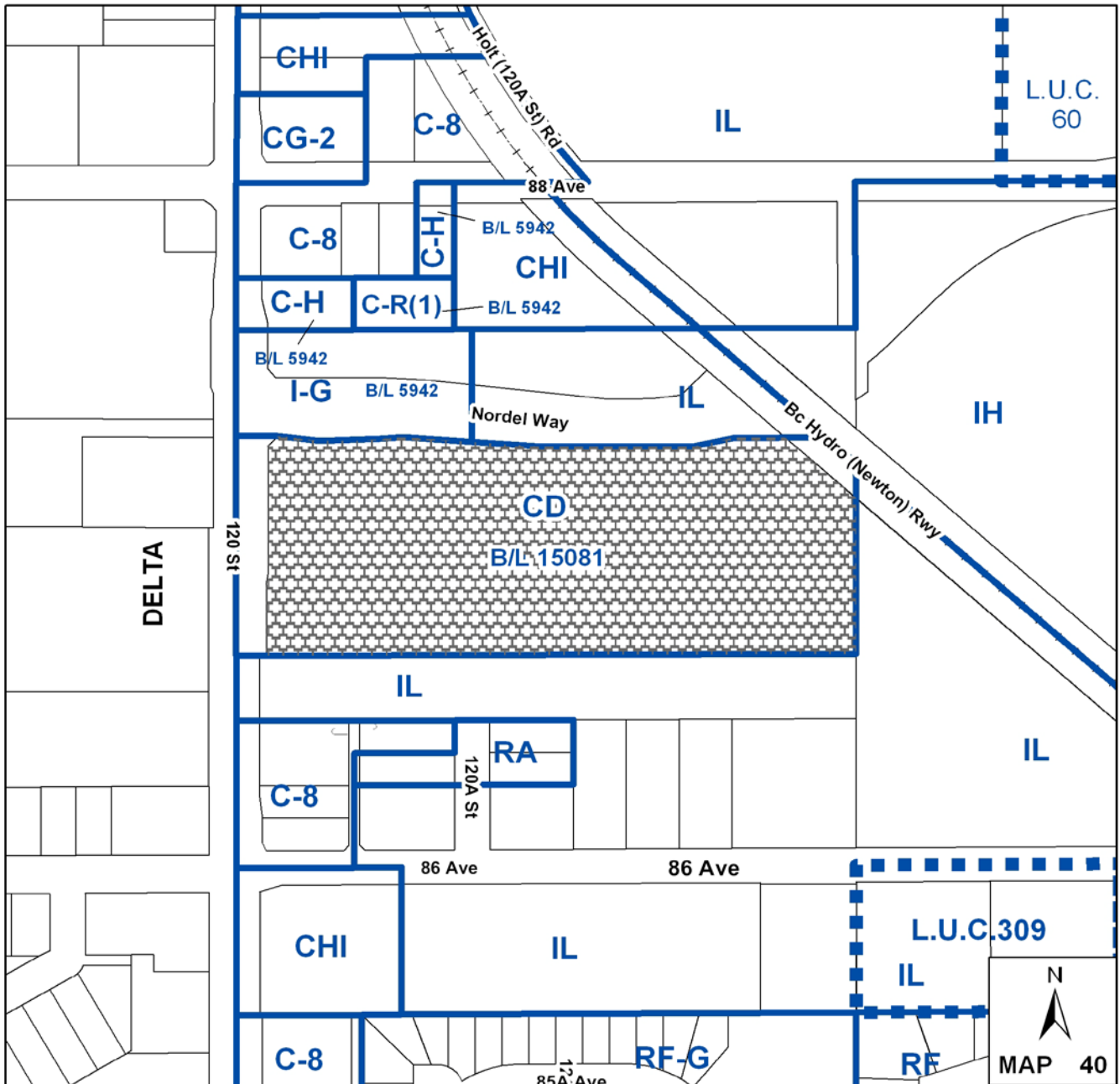
Proposal: To amend a food primary liquor license in order to extend the hours of operation.

Recommendation: Approval to Proceed

Location: 12060 Nordel Way **Zoning:** CD (By-law No. 15081)

OCP Designation: Commercial

LAP Designation: Highway Commercial **Owner:** Nordel Crossing Shopping Centre Ltd., Inc. No. 659315



PROJECT TIMELINE

Completed Application Submission Date: October 19, 2005
Planning Report Date: January 9, 2006

PROPOSAL

The applicant is proposing to amend the food primary liquor license in order to extend the hours of operation for an existing Boston Pizza restaurant at 12060 Nordel Way.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the proposed amendment to a Food Primary Liquor License to amend the hours of operation for the Boston Pizza Restaurant at 12060 Nordel Way from 11:00 a.m. to 12:00 midnight Sunday to Saturday to 11:00 a.m. to 1:00 a.m. Sunday to Thursday, and 12:00 noon to 2:00 a.m. Friday and Saturday to proceed to Public Notification.

REFERRALS

Engineering: The Engineering Department has no concerns with the proposed amendment to the food primary liquor license (Appendix III).

Parks: The Parks, Recreation & Culture Department has no concerns (Appendix IV).

By-laws & Licensing Services: No concerns (Appendix V)

Surrey RCMP: No concerns. Their records do not indicate any concerns that would preclude consideration of the proposed changes (Appendix VI).

Building Division: No concerns (Appendix VIII).

Corporation of Delta: Delta has no objection to the proposal (Appendix VII).

SITE CHARACTERISTICS

- **Existing Land Use** Existing Boston Pizza Restaurant within the Nordel Crossing Shopping Centre.
- **East:** An industrial building, zoned IL, designated Industrial in the OCP.

- **South:** An industrial building, zoned IL, designated Industrial in the OCP.
- **West:** A commercial complex on the Delta side of 120 Street.
- **North:** Across Nordel Way is undeveloped land, zoned I-G (By-law No. 5942) and IL (By-law No. 12000), designated Industrial in the OCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

LAP Newton: Complies.

DEVELOPMENT CONSIDERATIONS

- The subject site is the Boston Pizza located within the Nordel Crossing Shopping Centre, which is located along the south side of Nordel Way just east of 120 Street.
- The applicant proposes to amend the food primary liquor license from the current hours of operation (11:00 a.m. to midnight Sunday to Saturday) to 11:00 a.m. to 1:00 a.m. Sunday to Thursday, and 12:00 noon to 2:00 a.m. Friday and Saturday.
- In accordance with the process adopted by Council on September 29, 2003 (Corporate Report No. R209), all proposals to amend the hours of operation for all establishments with a Liquor License (Liquor Primary or Food Primary) are required to proceed through a process similar to a Development Variance Permit application, which involves direct notice to surrounding properties. In addition, installation of a development proposal sign on the property is required to identify the proposed changes to the current food primary liquor license.
- If Council approves the application to proceed, notification will be sent to property owners within 100 metres (328 ft.) of the site to provide an opportunity for owners and residents to express comments and/or concerns.

Proposed Amendments to the Existing Food Primary Liquor License

- On February 23, 2004, Council adopted the following as a policy for consideration of maximum operating hours for *liquor* primary establishments within the City; although, where special circumstances exist, operating hours may be further restricted (Corporate Report No. L003 (Appendix IX)):
 - 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 application is for an amendment to an existing *food* primary liquor license; however, the policy for the operation of a *liquor* primary license can serve as a guide.

- A survey of the existing food primary liquor licenses within the City of Surrey establishes that approximately 90% of establishments discontinue alcohol sales by 1 a.m. Monday to Saturday, and by midnight on Sunday. Therefore, the Friday, Saturday and Sunday closing hours requested by the applicant exceed those that are typical within the City.
- Establishments within a 1.6 km (one mile) radius of the subject site within Surrey include fifteen (15) food primary licensed establishments. With one exception (a billiards café), the food primary licensed establishments do not operate beyond 1:00 a.m. on any day of the week.
- There are twenty (20) food primary licensed establishments in Delta that are within 1.6 km (1 mile) of the subject site. Eighteen (18) of the food primary licenses do not serve alcohol later than 1 a.m. on any day of the week.
- The applicant is seeking an amendment to the existing food primary license in order to have licensed hours that are more similar to that of other Boston Pizzas. The three other Boston Pizzas located in Surrey and the Boston Pizza in Delta operate from noon to 2 a.m. every day of the week, with the exception of the Boston Pizza located on Fraser Highway, which closes at midnight on Sunday evenings.
- Operational hours are affected by clientele demand. In this case, the applicant believes there is interest within the neighbourhood for an extension of hours. City staff have not received any telephone calls or written submissions regarding the proposed amendment to the hours of operation as a result of the Development Sign posted on the site.
- None of the departments/agencies to which the application was referred had concerns associated with the application.
- The Liquor Control and Licensing Branch requires that Council consider a specific list of criteria when an amendment to an existing license is proposed, which includes the following:

Potential for Noise

- The requested amendment to the hours of operation is not expected to be an issue because the restaurant is located within an existing shopping centre, and is not within proximity of residential neighbourhoods.

Impact on the Community

- Due to the subject site's location within an existing shopping centre, it is not expected that the proposed amendment to hours of operation will impact the community.
- The applicant does not propose structural changes or an increase in the capacity. As only the hours of operation are proposed to change, the market focus and the manner in which the establishment is operated will remain unchanged.
- Although the proposed hours of operation comply with City Policy for liquor primary establishments, 90% of food primary licenses in Surrey have more restrictive hours of operation. However, no impact on the community as a result of the proposed amendment is expected.

- The Surrey By-law Enforcement and the Surrey RCMP have no opposition to the proposed amended hours of operation. Their records do not indicate any concerns that would preclude consideration of the proposed changes.
- Based on the issues discussed above, the Planning and Development Department recommends that Council approve the proposed food primary license amendment proceed to Public Notification.

PUBLIC CONSULTATION

A development proposal sign was erected on the property. Staff have not received any telephone calls or written submissions regarding the proposed amendment to the hours of operation.

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.	Engineering Summary
Appendix IV.	Parks Comments
Appendix V.	By-law Enforcement Comments
Appendix VI.	RCMP Comments
Appendix VII.	Comments from the Corporation of Delta
Appendix VIII.	Building Comments
Appendix IX.	Corporate Report No. L003

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated November 28, 2005.

Murray Dinwoodie
General Manager
Planning and Development

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: John Hope-Ross
 Address: 12060 Nordel Way
 Surrey, B.C.
 Tel: 604-596-6455

2. Properties involved in the Application
 - (a) Civic Address: 12060 Nordel Way

 - (b) Civic Address: 12060 Nordel Way
 Owner: Nordel Crossing Shopping Centre Ltd., Inc. No. 659315
 PID: 025-786-351
 Lot 1 Section 30 Township 2 New Westminster District Plan BCP8123

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification to solicit public opinion with respect to a food primary liquor license amendment.

CONTOUR MAP FOR SUBJECT SITE

