

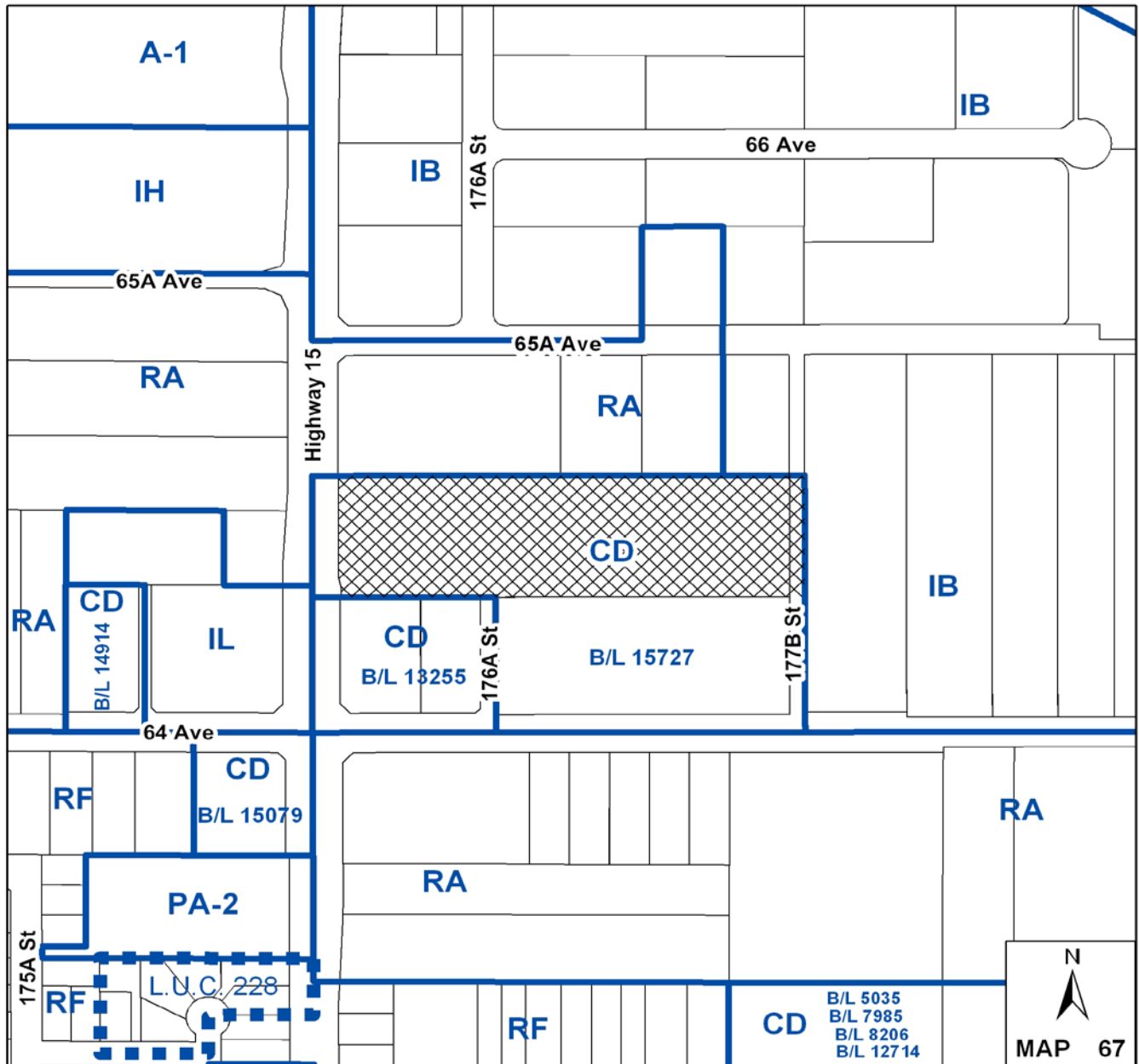
**Proposal:** Permit a food primary liquor license with hours of liquor service past midnight for a newly-approved eating establishment in Cloverdale.

**Recommendation:** Approval to Proceed

**Location:** #600, 6460 - 176 Street      **Zoning:** CD (By-law 15727)

**OCP Designation:** Commercial

**LAP Designation:** Commercial      **Owner:** Richmond Holdings Ltd.



## PROJECT TIMELINE

Completed Application Submission Date: July 27, 2006  
Application Revision & Re-submission Date: August 31, 2006  
Planning Report Date: October 16, 2006

## PROPOSAL

The applicant is proposing to a food primary liquor license with hours of liquor service past midnight for a new Boston Pizza restaurant located at 6460 - 176 Street in Cloverdale.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed Food Primary Liquor License amendment, to proceed to Public Notification:
  - (a) the extension of the hours of liquor service past midnight for the Boston Pizza Restaurant at 6460 - 176 Street as follows:
    - from 11:00 a.m. to 1:00 a.m., Sunday through Thursday; and
    - from 11:00 a.m. to 2:00 a.m., Friday and Saturday.

## REFERRALS

Parks: No concerns (Appendix III).  
Surrey RCMP: No concerns (Appendix IV).  
Surrey By-laws & Licensing: No concerns (Appendix V)  
Services:

## SITE CHARACTERISTICS

- **Existing Land Use** New shopping centre with 5 separate buildings under different stages of construction, one of which is the Boston Pizza Restaurant.
- **East:** Across 177B Street is a multi-tenant industrial building, zoned IB, designated Industrial.
- **South:** Drive-in restaurant and gas station, zoned CD (By-law No. 13255), designated Industrial.
- **West:** Across 176 Street are acreage parcels zoned RA and split-designated Agricultural and Industrial.

- **North:** Acreage parcels, all of which are designated Industrial. A vacant parcel at the corner of 176 Street and 65A Avenue and 2 adjacent lots with existing homes are zoned RA; the parcel at 17740 – 65A Avenue is vacant, zoned IB.

### DEVELOPMENT CONSIDERATIONS

- The subject site forms part of the newly-approved shopping centre in Cloverdale under File No. 7904-0318-00 and is regulated by CD By-law No. 15727. This CD By-law received Final Adoption on November 7, 2005. The associated Development Permit was approved at the same Council meeting.
- The subject site accommodates five (5) stand-alone buildings that are currently under various stages of construction.
- The Boston Pizza Restaurant, located at the northwest corner of the subject site (fronting 176 Street) is one of the five (5) buildings currently under construction. The franchise holder is seeking a food primary liquor license from the provincial Liquor Control and Licensing Branch (LCLB).
- Food primary liquor licenses are issued by LCLB for those establishments whose primary focus is the serving of food (i.e. restaurants).
- The proposed hours of operation, as per the application with LCLB, indicates the franchise holder's intent to serve liquor daily from 9:00 a.m. through beyond midnight. The LCLB requests a resolution from a local government when an applicant for a food primary license applies for hours of liquor service past midnight.

### The City's Approval Process for Liquor License Applications

- Council, on September 29, 2003 approved Corporate Report No. R209, stipulating the approval process involving liquor license applications. For food primary licensees seeking extended hours of liquor service past midnight, Council has directed staff to proceed through a process similar to a Development Variance Permit (DVP) application. The process also requires the applicant to post a Development Proposal sign on the subject site.
- Following the same procedure for DVP applications, should Council approve the application to proceed, the property owners and residents within a 100-metre (300-ft.) radius of the site will be advised about the proposed extended hours of liquor service past midnight and given an opportunity to express, in writing, any concerns.
- Further, on February 23, 2004, Council adopted the following as a policy for considering operating hours for liquor primary establishments such as neighbourhood pubs in the City (Corporate Report No. L003):
  - Sunday through Thursday 11:00 a.m. to 1:00 a.m. and
  - Friday and Saturday 11:00 a.m. to 2:00 a.m.

- The same policy governing hours of operation has been adopted for food primary license applications, i.e., for restaurants serving liquor along with meals.

### Current Proposal

- The applicant had initially requested extended hours of liquor service past midnight as follows:
  - Monday through Sunday            11:00 a.m. to 2:00 a.m.
- Staff advised the applicant that the proposed hours are not consistent with the City's established policy, i.e.,
  - Sunday through Thursday        11:00 a.m. to 1:00 a.m. and
  - Friday and Saturday            11:00 a.m. to 2:00 a.m.
- Consequently, the applicant amended the application to reflect the hours of operation that are in line with Council policy. The applicant has also posted a Development Proposal Sign, reflecting the proposed hours of operation.
- The building that is earmarked for Boston Pizza Restaurant is a one-storey structure, with a floor area of approximately 534 sq. m. (5,750 sq. ft.) and an occupant load of 227 (patrons and staff). A patio area along the west side of the building fronting 176 Street is indicated in the approved plans and is expected to accommodate a maximum of 50 seats (included in the total occupant load).
- An informal survey of existing liquor licenses (food primary and liquor primary) in Cloverdale indicate the following:

Type of License	Name of Establishment	Existing Hours of Operation
Food Primary	Nikko Sushi	11:00 a.m. to 1:00 a.m., Monday through Sunday
	New Cloverdale Chinese	10:00 a.m. to 12:00 midnight, Monday through Sunday
	Ricky's	11:00 a.m. to 12:00 midnight, Monday through Sunday
Liquor Primary	Fraser Downs	11:00 a.m. to 12:00 midnight, Monday through Sunday
	Cloverdale Station Pub	10:00 a.m. to 12:00 midnight, Monday through Saturday 11:00 a.m. to 12:00 midnight, Sunday
	Royal Canadian Legion	11:00 a.m. to 12:00 midnight, Monday through Sunday
	Rusty Spur	11:00 a.m. to 12:00 midnight, Monday, Tuesday, Wednesday & Sunday 11:00 a.m. to 1:00 a.m., Thursday, Friday & Saturday

- Based on this informal survey, the Cloverdale-based establishments with liquor licenses discontinue alcohol sales by 12:00 midnight, Monday through Sunday with the exception of the Rusty Spur. Therefore, the Friday, Saturday and Sunday closing hours requested by the applicant exceed those that are typical in this community.

- The Boston Pizza Restaurant on the subject site is part of the national franchise chain, with 5 existing branches in Surrey, as follows:
  - Nordel Way and Scott Road;
  - King George Highway in Surrey City Centre;
  - Fraser Highway in Fleetwood;
  - 100 Avenue in Guildford; and
  - King George Highway in Newton.
- These restaurants offer a variety of standard food selection, including pizza, burgers, pasta, ribs and salad. Four of these restaurants serve liquor from 11:00 a.m. to 2:00 a.m. every day of the week. However, the Fleetwood Town Centre branch discontinues alcohol sales at midnight on Sunday evenings.
- The applicant is seeking a food primary liquor license in order to have licensed hours that are more similar to that of other Boston Pizza restaurants.
- Operational hours are affected by clientele demand. In this case, the applicant believes there is interest within the neighbourhood for an extension of hours.
- None of the departments/agencies to which the application was referred had concerns associated with the application.
- The Liquor Control and Licensing Branch (LCLB) requires that Council consider a specific list of criteria when considering an application for liquor service past midnight. The analysis of the criteria for this site is as follows for a food primary establishment:
  - (a) 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.
  - (b) Impact on the Community
    - The restaurant is located in a newly-approved shopping centre bounded by a provincial highway (176 Street) to the west, commercial establishments (McDonalds and Chevron Gas Station) to the south and industrial lands to the north. Due to the subject site's location within an existing shopping centre, it is not expected that the proposed hours of operation will negatively impact the community.
    - The applicant does not propose structural changes to the building 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.
    - Staff have not received any negative feedback resulting from late closing hours with respect to the other Boston Pizza restaurants in the City. Therefore, no impact on the community as a result of the proposed amendment is expected.

- Comments from Surrey By-law Enforcement and Licensing Services, Parks, Recreation and Culture and the Surrey RCMP indicate no opposition to the proposed hours of operation.
- (c) *Possibility of the Restaurant Operating Contrary to its Primary Purpose*
- The applicant has confirmed that this establishment will be operated and managed strictly as a food primary establishment.

### PUBLIC NOTIFICATION

- The applicant posted a development proposal sign on the subject site. Staff received a copy of an e-mail from a pub operator who contends that since Boston Pizza will operate similar to a liquor primary, a liquor store should be permitted.

*(The CD By-law governing the shopping centre (By-law No. 15727) permits a liquor store only in conjunction with the "liquor primary" licensed establishment use.)*

- Staff have not received any additional feedback from the neighbourhood.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Contour Map
Appendix III.	Parks Comments
Appendix IV.	RCMP Comments
Appendix V.	By-law Enforcement Comments

### INFORMATION AVAILABLE ON FILE

- Corporate Report No. L003.
- Corporate Report No. R209.

How Yin Leung  
Acting General Manager  
Planning and Development

Information for City Clerk

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

1. (a) Agent:      Name:                  Dave Allen  
                         Address:                13326 - 87B Avenue  
   Surrey, B.C.  
                         Tel:                      604-501-2875
  
2.      Property involved in the Application
  - (a)      Civic Address:                  6460 - 176 Street
  
  - (b)      Civic Address:                  6460 - 176 Street  
                 Owner:                          Richmond Holdings Ltd.  
                 PID:                                      000-857-742  
                 Block "K" Except: Firstly: Part of Plan BCP14245; Secondly: Part Dedicated  
                 Road on Plan BCP21570 Section 17 Township 8 New Westminster District  
                 Plan 15472
  
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 application.

CONTOUR MAP FOR SUBJECT SITE

