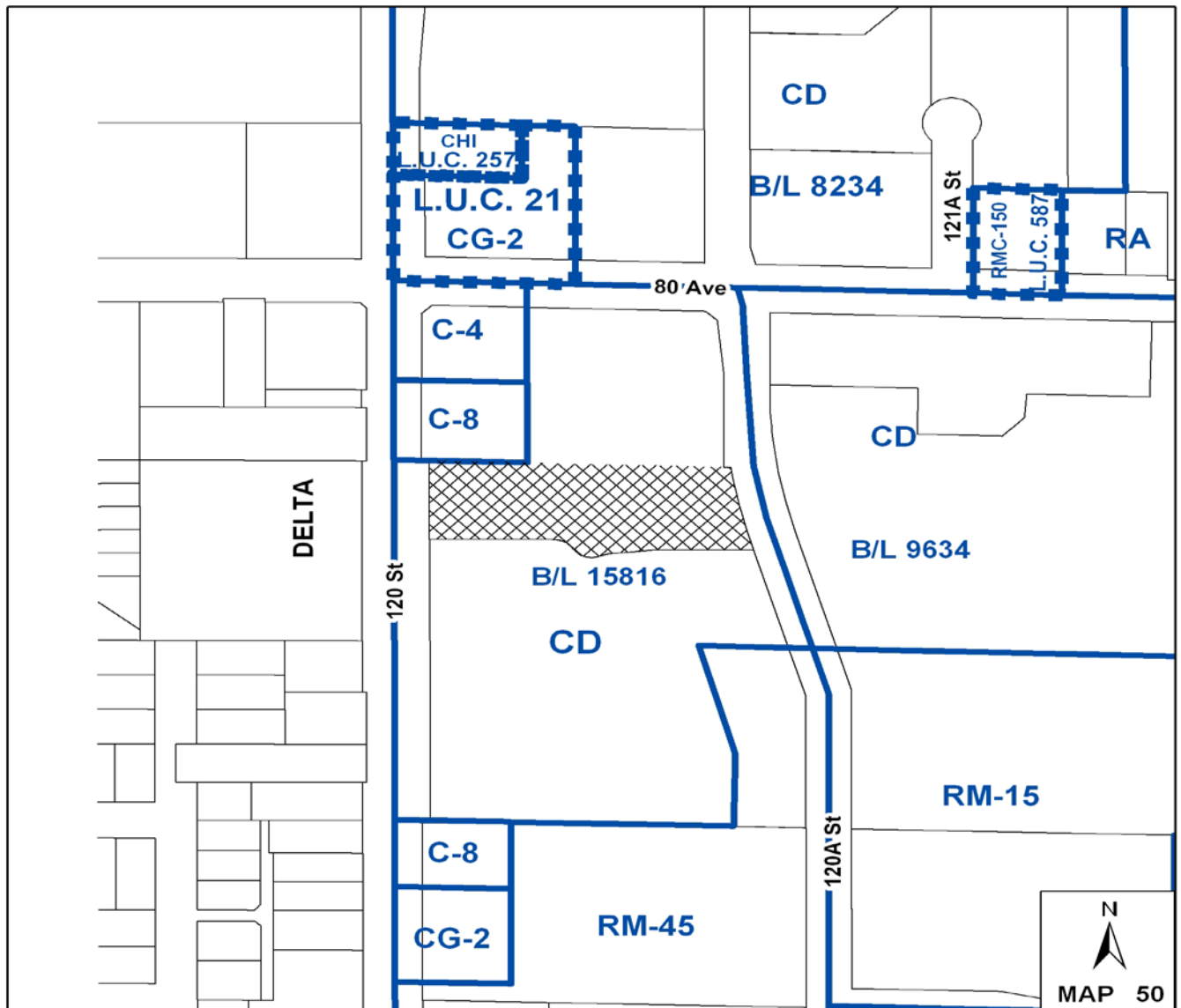


Proposal: Extend the hours of liquor service past midnight for the food primary liquor license associated with a newly relocated restaurant. Development Permit and Development Variance Permit to allow additional fascia signage.

Recommendation: Approval to Proceed.

Location: 7948 - 120 Street	Zoning: CD (By-law No. 15816)
OCP Designation: Commercial	
LAP Designation: Retail Commercial	Owner: Siddoo Kashmir Holdings Ltd.



PROJECT TIMELINE

Completed Application Submission Date: December 18, 2006
Revised Application Submission Date: January 12, 2007
Planning Report Date: February 26, 2007

PROPOSAL

The applicant is proposing:

- a food primary liquor license amendment for an extension of hours for liquor service past midnight;
- a Development Permit to allow additional signage, including the relocation of the sign on the west elevation of the building approved under Development Application No. 7905-0012-00; and
- a Development Variance Permit to relax the following by-law regulations:
 - allow for one (1) fascia sign on the north elevation, and one (1) canopy sign on the south elevation of the building

in order to permit changes to The Keg restaurant building within the shopping centre (Appendix III).

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 hours from 11:30 a.m. to 1:00 a.m. Sunday to Thursday and from 11:30 a.m. to 1:30 a.m. Friday and Saturday.
2. Council authorize staff to draft Development Permit No. 7906-0501-00 which amends Development Permit No. 7905-0012-00 in accordance with the attached drawings (Appendix II).
3. Council approve Development Variance Permit No. 7906-0501-00, (Appendix VI) varying the following, to proceed to Public Notification:
 - (a) Part 5, Section 27, Sub-Section 2(a) of the Sign By-law to allow the maximum number of fascia signs to be increased to **two (2)** for The Keg restaurant building at 7948 - 120 Street; and

- (b) Part 5, Section 27 Sub-Section 10(b) of the Sign By-law to allow a canopy sign to be located on the canopy roof on the premise frontage (south elevation) of The Keg restaurant building.

REFERRALS

Engineering:	The Engineering Department has no objection to the project (Appendices VI and VIII). All servicing requirements for the site were completed under the rezoning application (No. 7905-0112-00).
Surrey RCMP:	No concerns (Appendix IX).
Surrey By-laws & Licensing Services:	No concerns.

SITE CHARACTERISTICS

- **Existing Land Use** The site was rezoned CD (By-law No. 15816) on February 13, 2006, under Development Application No. 7905-0012-00 for a new, multi-unit shopping centre, including a Canadian Tire store. The site is presently under construction..
- **East:** Across 120A Street there is medium to high residential, zoned RM-15 and CD No. 9634, designated Multiple Residential in the OCP.
- **South:** South of the subject site is a commercial development fronting 120 Street, zoned C-8, and a townhouse development, zoned RM-45, designated Multiple Residential and Urban in the OCP.
- **West:** Across 120 Street, there are both commercial and residential developments located within the Corporation of Delta.
- **North:** North of the subject site, at the southeast corner of the intersection at 80 Avenue and 120 Street, is a 7-11 convenience store, zoned C-4, designated Commercial in the OCP. Across 80 Avenue to the north is a gas station under Land Use Contract No. 21, zoned CG-2, and a commercial building zoned CD (By-law No. 8234).

PLAN AND POLICY COMPLIANCE

OCP Designation:	Commercial. Complies.
LAP Designation:	Complies.

DEVELOPMENT CONSIDERATIONS

Background and Proposal

- In February 2006, Council approved a Rezoning and Development Permit (No. 7905-0012-00) to allow development of a commercial shopping centre consisting of five buildings for commercial retail units near the southeast corner of 120 Street and 80 Avenue. The site is zoned CD (By-law No. 15816) (Appendix V).
- The Keg Restaurant proposes to relocate its existing restaurant and Food Primary Liquor License from Delta (formerly located at 6913 -120th Street), is presently being constructed on the subject site. The Keg Restaurants operate across Canada with some locations in the United States. This will be their only Newton location, and their third restaurant in Surrey. The applicant also proposes to extend hours of permitted liquor service beyond that permitted by the Liquor Control and Licensing Branch.
- Food Primary Liquor License relocations and extension of hours past midnight are considered an amendment to an existing license, and are reviewed and issued by the Liquor Control and Licensing Branch of British Columbia (LCLB) for those establishments whose primary focus is the serving of food (i.e. restaurants). The application proposal also requires input from Local Government.
- The applicant has also requested a Development Permit amendment and Development Variance Permit for signage on The Keg restaurant. The approved Development Permit (No. 7905-0012-00) authorized specific signage for the subject building. The applicant now seeks a DVP for additional signs, and an amendment to the original Development Permit for changes in the approved signage.
- If Council approves the application to proceed, notification will be sent to property owners within 100 metres (328 feet) of the site to provide an opportunity for owners and residents to express comments and/or concerns on the proposed Food Primary license amendment and a Development Variance Permit.

Proposed Amendments to the Food Primary Liquor License

- The proposed hours of operation, as per the application with the LCLB, indicates the owner's intent to serve liquor daily from 11 a.m. through beyond midnight. The LCLB requires a resolution from a local government where an application for a Food Primary license seeks to permit hours of operation past midnight.
- In accordance with the process adopted by Council on September 29, 2003 (Corporate Report No. R209), an application to amend the hours of operation for a liquor licensed establishment proceeds through a process similar to a DVP application. Although there is no formal Council Policy on extension of hours for liquor service in Food Primary establishments, the same requirements are applied as with a Liquor Primary establishment.
- A Development Proposal sign is required to be installed on the property to identify the proposed changes to operating hours and has been posted since January 17, 2007.

- The subject establishment, The Keg Restaurant, has applied to the LCLB for a Food Primary Liquor License that would permit the establishment to operate during the standard permitted hours (between 10:00 a.m. and 12:00 a.m. Monday through Sunday) and additionally to amend the standard permitted hours to the following:

Sunday to Thursday 11:30 a.m. to 1:00 a.m.

Friday and Saturday 11:30 a.m. to 1:30 a.m.

- This application differs from the standard amendment to the food primary license in that this is a new location (under construction and scheduled to open in April 2007) which replaces a nearby location that is closing, and as such the transfer of a Food Primary Liquor License and approval for an extension of hours for liquor service are being considered concurrently by the LCLB.
- As noted above, although the subject establishment is a restaurant, (i.e. Food Primary), it is reasonable to consider the City policy for permitted maximum hours of operation for liquor primary establishments in the City of Surrey as a guide to evaluate extension of hours of liquor service for Food Primary establishments. The policy was adopted by Council on February 23, 2004 under Corporate Report No. L003, and stipulates the following hours:

Sunday to Thursday 11:00 a.m. to 1:00 a.m.

Friday and Saturday 11:00 a.m. to 2:00 a.m.

Current Proposal

- The hours proposed by the Keg Restaurant are in keeping with City policy.
- A survey of the existing food primary liquor licenses was undertaken as a basis for the evaluation of this request. As of 2006 there were 33 food primary liquor licenses within a radius of 1 mile (1.6 km.) of the proposed location at 7948 120 Street, (16 on the Surrey side of 120th Street, 17 on the Delta side of 120th Street).
- Of the 33 food primary liquor licenses in the area, only four establishments currently have licenses that permit liquor service beyond 1:00 a.m. any day of the week. These are: Earl's Restaurant at 7236 120th Street, Original Tandoori King at 7548 120th Street, Cactus Club Restaurant at 7907 120th Street, and the Choice Billiards & Cafe at 7728 128th Street.
- The Earl's and Cactus Club licenses permit liquor service until 1:30 a.m. Monday through Saturday, and 12:00 a.m. on Sunday. The Tandoori King license permits service until at 1:30 a.m. daily. Choice Billiards & Café's license permits service until 2:00 a.m. every day except Sunday, when it may serve alcohol until 12:00 a.m.
- Of the 33 food primary liquor licenses in the area, 17 are permitted to serve liquor until 1:00 a.m. on Fridays, and 16 are permitted to serve until 1:00 a.m. on Saturday. Permitted late night service hours during the week vary, and range from 10 p.m. to 1 a.m.

- The proposed Keg closing hours are in keeping with most of the other restaurants in the area.
- Operational hours are affected by clientele demand. In this case, the applicant believes there is interest in the Newton area for an extension of hours past midnight.

Analysis

- The LCLB requires that Council consider a specific list of criteria when an amendment to an existing (or pending, in this case) license is proposed, when considering an application for liquor service past midnight. The analysis of the criteria for this food primary establishment is as follows:

(a) Potential for Noise

- The requested amendment to the hours of operation is not expected to result in noise due to the location of the building within a shopping centre and immediately adjacent to 120th Street. This is a busy and growing commercial area.
- The building site is relatively distant from the closest residential uses, which are located east of 120A Street, on the far side of the commercial project that surrounds this site to the east and south. These are multi-family dwellings located approximately 150 metres (490 feet) from the restaurant building.
- There are also residential areas located to the west of this project, in the Corporation of Delta, however, these are also distant. The nearest is a single family home approximately 160 metres (524 feet) to the south west of the restaurant building, and fronting 120th Street.
- The outdoor patio that was approved as part of the Development Permit for this site is located at the southwest corner of the building, fronting 120th Street.

(b) Impact on the Community

- The subject site is part of a large shopping centre.
- The building fronts onto a major road with considerable traffic volumes.
- The building site is relatively distant from residential uses.
- None of the departments/agencies, to which the application was reviewed, had concerns.
- It is not expected that the proposed amendment will have any impact on the community due to the proposed location on a busy arterial road in a commercial setting.

Proposed Signage

- The permitted signage for The Keg restaurant, approved under Development Permit (No. 7905-0012-00), authorizes two (2) canopy signs—one on the lot frontage (west) building elevation and one on the premise frontage (south) building elevation (Appendix III).
- The applicant has requested amendments to the original Development Permit (No. 7905-0012-00) to allow one (1) canopy sign to be relocated above the canopy roof on the south building elevation and one (1) additional fascia sign to be installed on the north elevation of the building (Appendix III). A total of 4 signs are proposed - two (2) fascia signs and two (2) canopy signs. No signage is proposed for the east elevation of the building.
- An amendment is also required to relocate the sign on the west elevation. The original Development Permit (No. 7905-0012-00) shows ‘The Keg’ sign located on the canopy. The sign is now to be installed on the building face, remaining on the west elevation. (Appendix III – Drawing E).
- Two (2) canopy signs are proposed on the premise frontage (south building elevation). One is to be located directly on the canopy, which was approved under the previous Development Permit (No. 7905-0012-00). The second canopy sign is new and is to be located above the canopy roof (Appendix III – Drawing B).
- The four (4) proposed signs are of high quality and are illuminated halo-lit signs (Appendix III). The signs consist of individual raised channel letters mounted on an aluminum panel raceway. The raceway will match the colour of the exterior wall building face.
- The proposed signs will utilize subtle colours that will not produce obtrusive light or glare. The proposed colours are black letters with silver returns, white interiors and a kumquat orange outline for three of the signs. The "Steakhouse & Bar" canopy sign, located on the south building elevation, is comprised of plain, white channel letters. (Appendix III – Drawing B). The proposed colours of the signs are identical to the signage from The Keg at Morgan Creek (Appendix IV).
- The additional signage and modifications will require a Development Variance Permit, as relaxations to the Sign By-law (No. 13656) are required to accommodate these proposals.

PRE-NOTIFICATION/DEVELOPMENT PROPOSAL SIGN

Pre-notification was not sent as part of the review of these applications. However, a Development Proposal sign was erected on the site.

- Staff received no comments or concerns from the public as a result of the two Development Proposal signs posted on site respecting the Development Permit amendment and increased hours of liquor service.
- Public Notification regarding the proposed extension of hours will take place after this application is considered by Council.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- Part 5, Section 27, Subsection 2(a) of the Sign By-law (No. 13656) to allow the maximum number of fascia signs to be increased from one (1) to two (2) for The Keg building located at 7948 – 120 Street.

Applicant's Reason:

- The proposed "The Keg" sign, located on the north building elevation, is required to give a stronger presence to the restaurant and provide better signage for patrons traveling south along 120 Street. The additional signage is to provide further business identification.

Staff Comments:

- The original Development Permit (No. 7905-0012-00) approved two (2) canopy signs on The Keg restaurant building— one on the premise frontage (south elevation) and one on the lot frontage (west) elevation (Appendix V).
- The canopy sign on the west elevation is proposed to be removed from the canopy and installed on the building face as a fascia sign (Appendix III - Drawing E). The applicant has also proposed to install a second fascia sign on the north building elevation (Appendix III - Drawing D).
- The premise frontage of The Keg building is 31.4 metres (103 ft) in length. Under the City of Surrey Sign By-law (No. 13656), this building is permitted to have one (1) fascia sign with a maximum allowable sign area of 30.9 m² (332.7 ft²).
- The proposed fascia sign ("The Keg"), located on the north elevation of the restaurant, is situated on the building face and will provide better identification for the restaurant. The sign is approximately 0.45 metres (1.5 ft) in height and 3.0 metres (9.8 ft) in length Appendix III – Drawing D).
- The sign on the west elevation, to be relocated from the canopy and onto the building face, is approximately 0.53 metres (1.7 ft) in height and 3.6 metres (12.0 ft) in length (Appendix III – Drawing E).
- A Development Variance Permit (No. 7902-0155-00) was granted in June 2003 for similar signage at The Keg near Morgan Creek at 152nd Street and 32nd Avenue (Appendix IV). The variance was to allow additional fascia signage.
- The new signage is in keeping with the scale of the building, and is an integral part of the architecture, expressed by the three dimensional forms of the signs. For these reasons of articulation and high quality, the proposed variance may be supported.

(b) Requested Variance:

- Part 5, Section 27, Subsection 10(b) (No. 13656) to allow a canopy sign to be installed on the canopy roof of the premise frontage (south elevation) of The Keg building (Appendix VI).

Applicant's Reason:

- The canopy sign is mounted on a decorative entrance canopy, and the applicant maintains this is the best location for the sign. The canopy is not large enough to fit all of the signage on the canopy face. The applicant experimented with a number of positions, but has identified the proposed location as the best solution given the constraints of the Sign By-law.

Staff Comments:

- City of Surrey Sign By-law No. 13656 allows one (1) canopy sign for each premise frontage, provided it shall not be located on or above the canopy roof.
- Two signs are to be installed on the canopy on the premise frontage (south elevation) of the building. One canopy was approved under the original Development Permit (No. 7905-0012-00). The second canopy sign ("The Keg") will be mounted on the canopy roof and will require a variance. The proposed sign is approximately 0.40 metres (1.3 ft) in height and 3.2 metres (10.5 ft) in length.
- The approved canopy sign ("Steakhouse & Bar") is to be installed directly on the canopy. The sign is approximately 0.23 metres (0.75 ft) in height and 3.2 metres (10.5 ft) in length.
- The two (2) signs have a total sign area that is significantly less than the maximum allowed under the Sign By-law.
- The two (2) signs are well coordinated and can be read as one sign.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners
- Appendix II. Contour Map
- Appendix III. Development Permit No. 7906-0501-00 Drawings (Signage)
- Appendix IV. Photo Examples
- Appendix V. Original Development Permit (No. 7905-0012-00)
- Appendix VI. Development Variance Permit (No. 7906-0501-00)
- Appendix VII. Engineering Comments (Signage)
- Appendix VIII. Engineering Comments (Liquor)
- Appendix IX. RCMP Comments

How Yin Leung
Acting General Manager
Planning and Development

DN/kms

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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: Diana Meakin (Keg Restaurants)
 Address: 10100 Shellbridge Way, Richmond, BC V6X 2W7
 Tel: 604-821-6457

- (b) Agent: Name: Mr. Llewellyn Fonseca (Knight Signs)
 Address: 7462 Progress Way, Delta, BC V4G 1E1
 Tel: 604-940-2211

2. Properties involved in the Application

- (a) Civic Address: 7948 - 120 Street

- (b) Civic Address: 7948 - 120 Street
 Owner: Siddoo Kashmir Holdings Ltd.
 PID: 026-633-639
 Lot 2 Section 19 Township 2 New Westminster District Plan BCP 22892

3. Summary of Actions for City Clerks Office

- (a) Proceed with Public Notification to solicit public opinion with respect to a food primary license application.

- (b) Proceed with Public Notification for Development Variance Permit No. 7906-0501-00.

CONTOUR MAP FOR SUBJECT SITE

