

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0108-00

Planning Report Date: July 12, 2010

PROPOSAL:

- **Liquor License Amendment**

in order to allow the hours of operation for a food primary establishment to extend past midnight.

LOCATION:

17530 - 64 Avenue

OWNER:

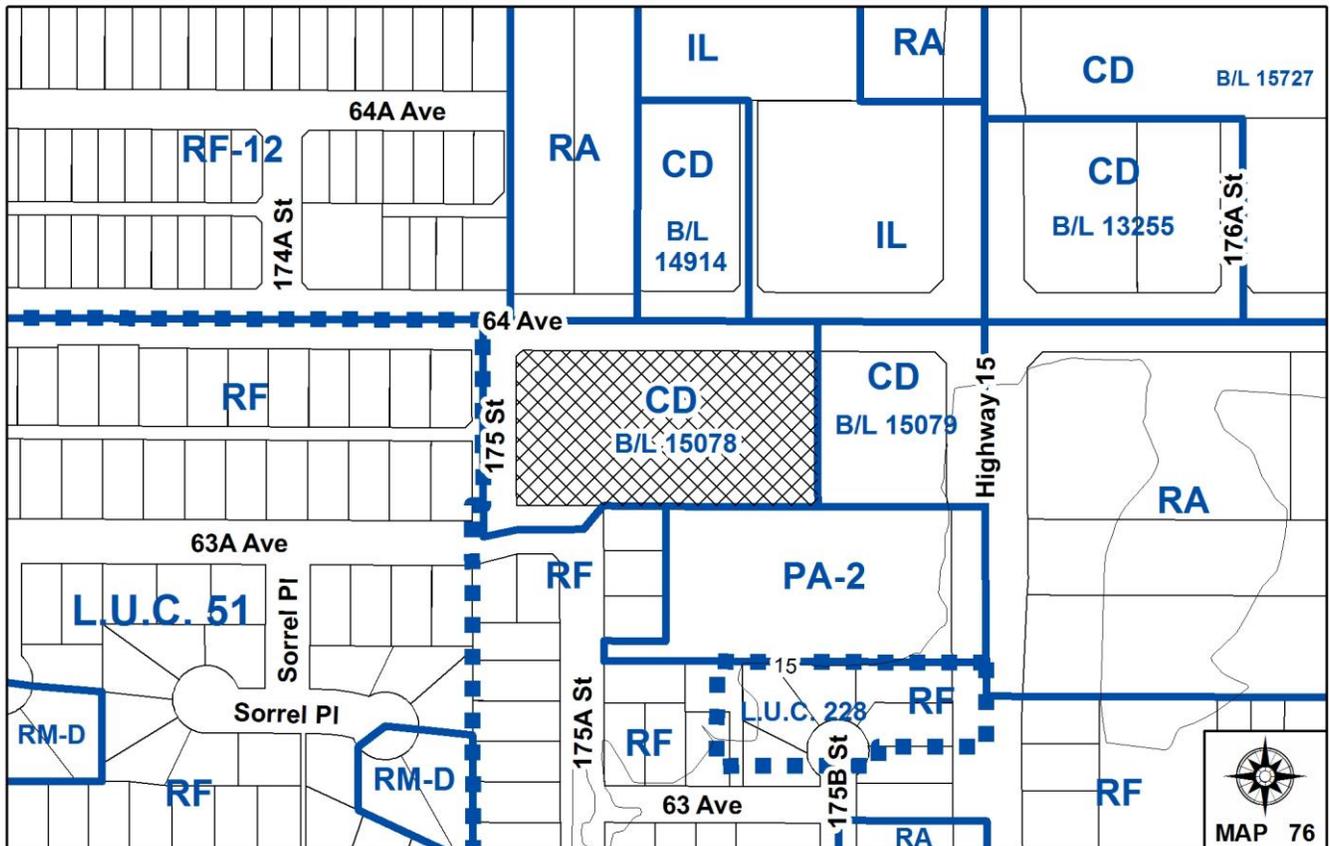
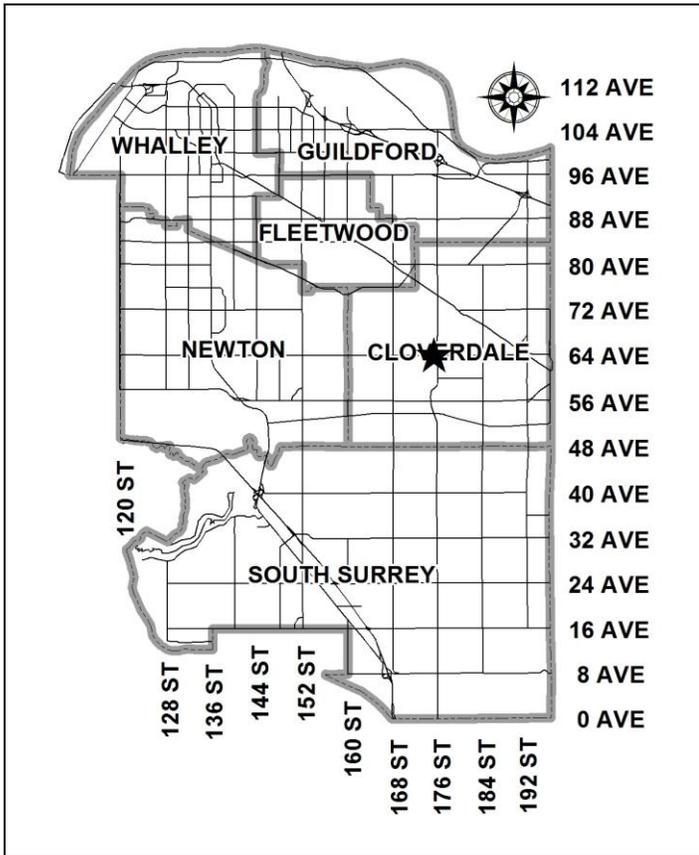
Kartar Business Operations Ltd.

ZONING:

CD (By-law No. 15078)

OCP DESIGNATION:

Urban



RECOMMENDATION SUMMARY

- Approval of the proposed liquor license amendment to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with City Policy for hours of operation for liquor primary establishments.

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 of operation on Sunday to Thursday from 11:00 a.m. to 1:00 a.m. and on Friday and Saturday from 11:00 a.m. to 2:00 a.m.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

Surrey RCMP: No concerns with the proposed extension of hours.

Surrey By-laws & Licensing Services: Since it is a new establishment there are no issues with the proposed change. It is noted however, the proximity to residential use and possible conflict with extended hours.

SITE CHARACTERISTICS

Existing Land Use: Holiday Inn Hotel and Rockwell's Bar & Grill.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 64 Avenue):	Single family dwellings on acreage parcels, business park and self storage warehouse.	Urban/Suburban and Industrial	RA, CD (By-law No. 14914) and IL
East:	Gas station.	Urban	CD (By-law No. 15079)
South:	Single family dwellings and West Winds Community Church.	Urban	RF and PA-2
West (Across 175 Street):	Single family dwellings.	Urban	LUC No. 51 (underlying RF Zone)

DEVELOPMENT CONSIDERATIONS

Background

- The subject site is located on the south side of 64 Avenue west of Highway No. 15 at 17530 - 64 Avenue in Cloverdale. The site is zoned Comprehensive Development (CD) By-law No. 15078 and is designated Urban in the Official Community Plan (OCP).
- The subject site was rezoned to Comprehensive Development (CD) By-law No. 15078 and a Development Permit was issued on June 26, 2007 under File No. 7901-0348-00 to allow for the development of an 82-room hotel with restaurant.
- A stand alone drive-through restaurant was also approved as part of the application. To date the second building, planned for the eastern portion of the site, has not been constructed.
- The Holiday Inn Cloverdale has subsequently been constructed and Rockwell's Bar & Grill has been operating in the hotel since February 2010 when the hotel opened.
- The hours of operation for Rockwell's Bar & Grill are currently 9:00 a.m. to 12:00 a.m. Monday through Sunday.
- 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 primary establishment follows a process similar to that of a Development Variance Permit application. A Development Proposal sign is required to be installed on the property to identify the proposed changes to the operating hours.
- As previously noted, although the subject establishment is a restaurant (i.e. food primary with liquor license), the City's policy regarding maximum hours of operation for liquor primary establishments has been used as a guide to evaluate the proposed extension of hours. The hours of operation policy for liquor primary establishments was adopted by Council through Corporate Report No. L003 (February 2004) and stipulates the following hours:

- Sunday through Thursday 11:00 am – 1:00 am
- Friday and Saturday 11:00 am – 2:00 am

Current Proposal

- The operator of Rockwell's Bar & Grill, has applied to the Liquor Control and Licensing Branch (LCLB) of the Provincial government for a Food Primary Liquor License Amendment that would amend the standard permitted hours of 9:00 am to 12:00 am to the following:
 - Sunday through Thursday 11:00 am to 1:00 am
 - Friday and Saturday 11:00 am to 2:00 am
- The hours proposed by the applicant for Rockwell's Bar & Grill comply with City policy.
- As per the procedural requirements of the LCLB, the approval of operating hours past midnight requires Council endorsement, through a Liquor License Amendment application.

- The LCLB requests that Council 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:

- Rockwell's Bar & Grill is currently open until midnight seven days a week and is located in the north eastern corner of the building fronting 64 Avenue. The patio is located on the east side of the building, away from the residential area to the south and west and is limited to permitted hours of operation between 11:00 a.m. and 10:00 p.m. every day of the week. The applicant is not requesting extended hours for the patio.
- Although the establishment has only been operating for a short time, there have been no documented complaints from residents within the neighbourhood.

The impact on the community:

- The premise has only operated for a short period of time and there have been no complaints to date. The offering of later closing hours on the weekend will coincide with customer demand and limit the movement of patrons to other locations with 2:00 a.m. closing times. The extended hours will also allow for staggered leaving times allowing patrons to leave on their own accord rather than requiring patrons to leave the premise all at once with an earlier closing time.

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 business is to provide liquor service in conjunction with food service. The applicant has confirmed that the proposed amendment to the hours of operation 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.
- One other food primary establishment in the area, Boston Pizza at #600, 6486 -176 Street, received support from Council, on November 20, 2006, for extended hours (application no. 7906-0362-00). LCLB subsequently approved the following hours of operation:
 - Sunday through Thursday from 11:00 am to 1:00 am
 - Friday and Saturday from 11:00 am to 2:00 am

PRE-NOTIFICATION

In accordance with Council Policy, pre-notification letters were sent on May 20, 2010 and a development proposal sign was erected on the property. To date, staff received one (1) phone call, one (1) e-mail and an in-person inquiry from residents within the pre-notification area. The property owners expressed the following comments:

- One resident explained they have no problem with the proposed extension of hours as they have never had any issues with the current operation. However, they hope that the extended hours do not cause problems in the future.

(Staff indicated that the applicant is looking to accommodate hotel guests and locals by allowing patrons to leave on their own accord rather than being asked to leave. The applicant also indicated that their clientele will remain the same.)

- One resident indicated they are concerned that there is no fence along the southern property line of the subject site. This has created a situation wherein individuals are walking through the front yards of the single family dwellings to the south.

(Staff explained that there is another in-stream development application, File No. 7909-0197-00, on the subject site proposing a rezoning and Development Permit to allow the construction of the second free-standing building that is different than that approved under the original development application, File No. 7901-0348-00.

As part of the in-stream application, a fence along the south property line of the subject site will be required to address the existing situation.)

- One resident expressed their concern with the proposed extension of hours of operation with respect to noise from the operation of the kitchen fans as well as additional patrons being in the immediate area consuming alcohol for longer hours.

(The applicant explained that the ventilation system for the kitchen, referred to as an Eco box, is located on the roof of the low building. The fan is operational while the kitchen is open.

Following the installation of the ventilation system the fan was required to run at its maximum capacity for the first three months of operation. Following the initial three months, the filters were to be changed and the entire ventilation power was to be adjusted accordingly.

The ventilation system has been scheduled to be serviced the week of July 12, 2010. In response to the concern raised, the applicant has confirmed with the technician that once the system has been serviced there will be a considerable reduction in noise generated by the fan.

The applicant has also indicated that there are a number of hotel guest rooms located immediately adjacent the fan. The hotel intends to have the noise from the fan reduced to the minimum possible in order to mitigate any impacts on guest rooms and neighbouring residents. To date, the guest rooms adjacent to the fan have been occupied and hotel management has not received any complaints.

The applicant has indicated that their intention is to accommodate hotel guests and existing local clientele. Most of the evening customers tend to be primarily hotel guests.

They do not intend to change the current operation of the establishment and will continue to ensure the potential for noise is monitored. Rockwell's Bar & Grill is located beside the main lobby of the Holiday Inn Hotel and below guestrooms so noise is monitored by staff at all times.)

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary

Jean Lamontagne
General Manager
Planning and Development

JLM/kms

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