

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0111-00

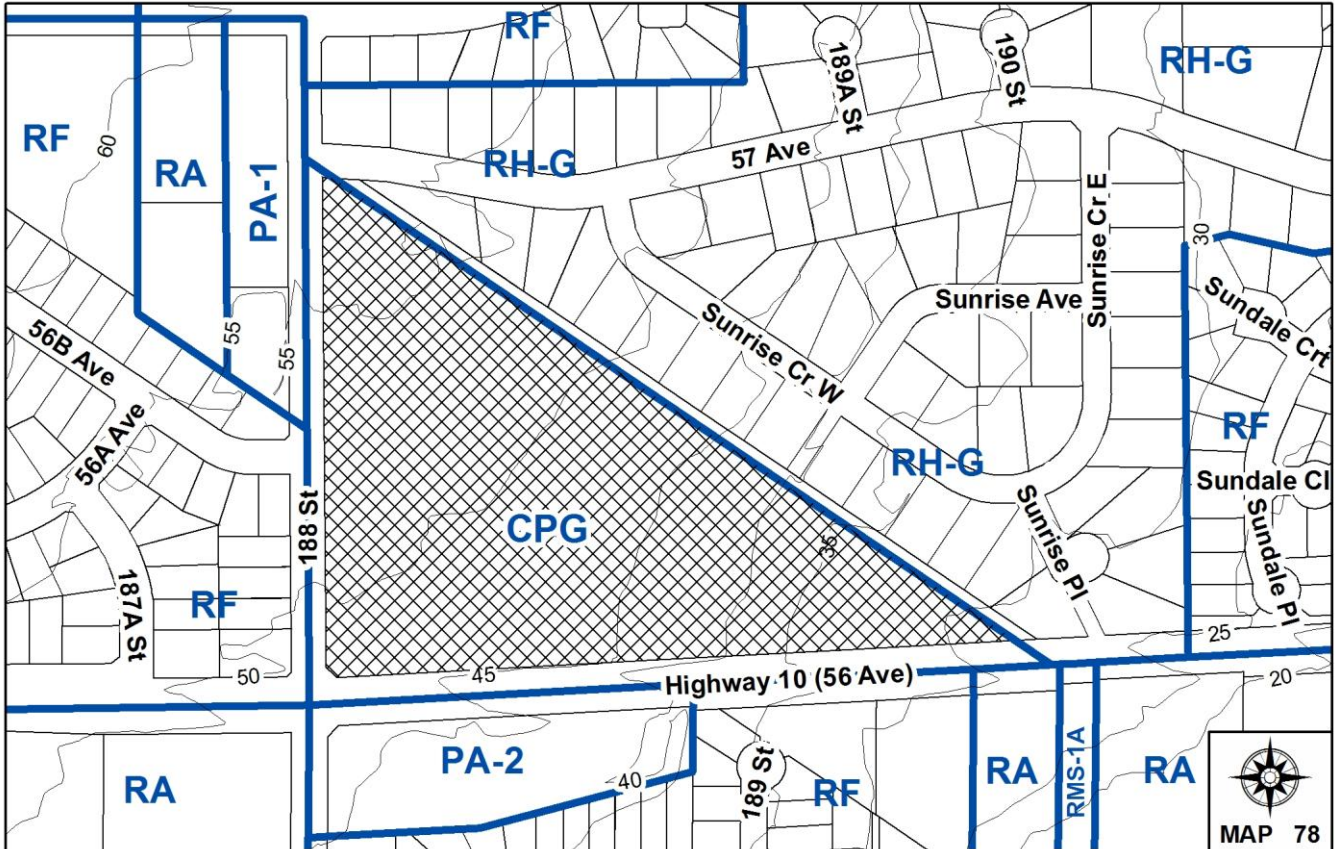
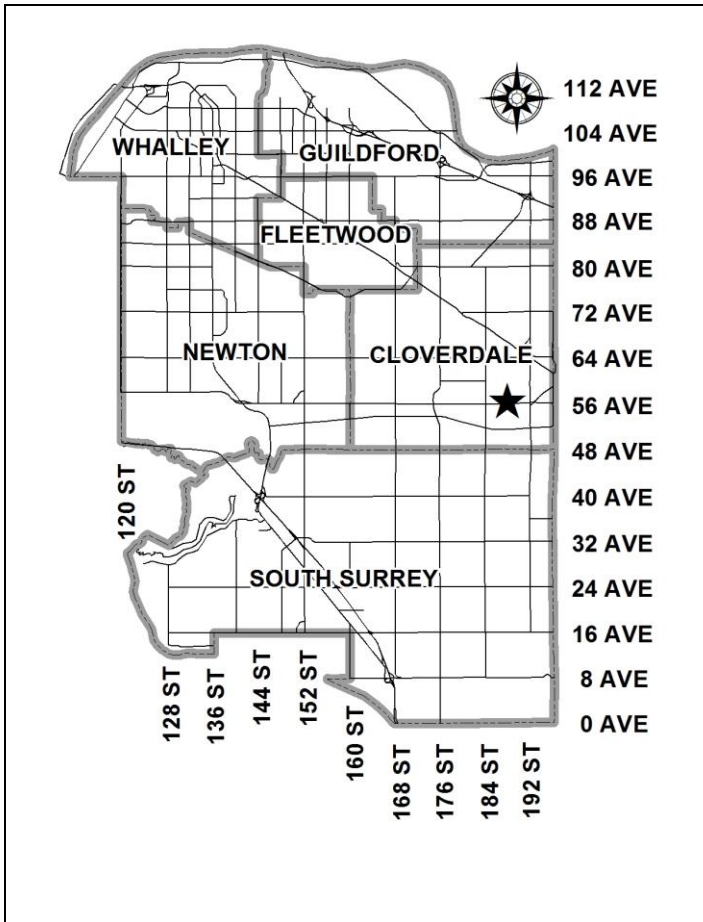
Planning Report Date: July 12, 2010

PROPOSAL:

- **Liquor License Amendment**

in order to allow the hours of operation to extend past midnight and to allow patron participation entertainment (limited to dancing) for a new food primary licensed establishment.

LOCATION: 5640 - 188 Street
OWNER: Southview Holdings Ltd.
ZONING: CPG
OCP DESIGNATION: Urban
LAP DESIGNATION: Golf Course



RECOMMENDATION SUMMARY

- Approval of the proposed food primary liquor license to extend past midnight and to permit patron participation entertainment, limited to dancing, to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Complies with the City Policy for hours of operation for a liquor primary establishment.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed new food primary liquor license to proceed to Public Notification:
 - (a) The addition of patron participation entertainment limited to dancing; and
 - (b) The extension of hours Sunday through Saturday from 11:00 a.m. to 1:00 a.m.

REFERRALS

Parks, Recreation & Culture: No concerns.

Surrey RCMP: Verbally advised they have no concerns.

Surrey By-laws & Licensing Section: No concern.

Building Division: No concerns.

SITE CHARACTERISTICS

Existing Land Use: Sunrise Golf and Banquet Facility.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Single family residential.	Suburban	RH-G
East:	Single family residential.	Suburban	RH-G
South (Across Highway No. 10):	Church, single family residential and park	Suburban and Urban	PA-2 and RF
West (Across 188 Street):	Single family residential and church.	Urban	RF and PA-1

DEVELOPMENT CONSIDERATIONS

- The subject site is located on the north side of Highway No. 10 east of 188 Street, and is currently a par three golf course with restaurant and banquet facility.

- The Sunrise Banquet Facility has held a food primary license and liquor primary license since October 1984. The current licensed occupant loads for these liquor licenses are 720 and 24 respectively.
- The current hours of operation are 11:00 a.m. to 1:00 a.m. Monday through Saturday and 11:00 a.m. to 12:00 a.m. on Sunday for both licenses.
- In 2009, the building was subject to a fire and the businesses have been temporarily closed while construction continues to repair the damage.
- Previously, one operator held the licenses to operate the banquet rooms, restaurant and pub. The owner would like to separate the licenses, and have one manager operating the banquet facilities, and a second manager operating the restaurant and pub. As a result of the change in operators, a new food primary license is required to allow for a separate operator of the banquet facility, and the applicant has requested similar hours of operation as the current licenses as well as a patron participation endorsement.
- A comparison of the hours of operation and person capacity for the proposed food primary and liquor primary licenses are as follows:

	Person Capacity	Current Hours of Operation	Proposed Hours of Operation
Restaurant and Patio	146 persons	11:00 am – 12:00 am Sunday and 11:00 am to 1:00 am Monday to Saturday for restaurant 11:00 am – 10:00 pm for the patio	11:00 am to 1:00 am seven days per week for the restaurant 11:00 am to 10:00 pm for the patio
Pub	35 persons	11:00 am – 12:00 am Sunday and 11:00 am to 1:00 am Monday to Saturday	11:00 am to 1:00 am seven days per week
Banquet Facilities and Lower Floor Patio	526 persons	11:00 am – 12:00 am Sunday and 11:00 am to 1:00 am Monday to Saturday 11:00 am to 10:00 pm for the patio	11:00 am to 1:00 am seven days per week 11:00 am to 10:00 pm for the patio

Liquor Control Requirements and Standard Hours of Operation

- The Liquor Control and Licensing Branch (LCLB) has established procedures for Food Primary Liquor Licenses including maximum operating hours. Any proposal to extend hours beyond midnight must be endorsed by local government.
- The subject establishment, Sunrise Golf and Banquet Facility, has applied to the LCLB for a new Food Primary Liquor License that:
 - Amends the standard permitted hours Sunday through Saturday from 11:00 am to 1:00 am; and

- Permits patron participation entertainment limited to allow dancing in a food primary establishment

Proposed Liquor License Amendment Requirements

- 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 license establishment is processed 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. Although there is no formal Council Policy on the extension of hours for liquor service in food primary establishments, for consistency, the Liquor Primary establishment requirements are applied.
- As previously noted, although the subject establishment is a restaurant (i.e. food primary), the City's policy regarding maximum hours of operation for liquor primary establishments is used as a guide to evaluate the extension of hours for food primary establishments. This policy was adopted 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
- The current proposal to allow for a 1:00 am closing time for the banquet facility seven days per week satisfies the policy established by Council for liquor primary establishments.
- The LCLB further requires that food primary licenses have endorsement from City Council if the premises include patron participation. The new food primary license is for the banquet rooms. These rooms are often leased for wedding receptions and events where the patrons would like to dance. Currently there is no policy established for evaluating patron participation endorsements with a food primary license.

Evaluation

- The LCLB requires that Council consider a specific list of criteria when an amendment to an existing, or pending, license is proposed. This includes the following:

Potential for Noise Impact

- The requested amendment to the hours of operation is not expected to generate noise impact for the adjacent area. There are existing single family houses located on the west side of 188 Street, which were developed after the construction of the Sunrise Golf and Banquet Facility. Both the RCMP and By-law Enforcement and Licensing have advised that they have not received any complaints about the operation of the existing operation.
- Staff received three (3) telephone calls in response to the pre-notification letter and each caller expressed noise concerns (see Pre-Notification section of the report).

Impact on the Community

- It is not expected that the proposed amendment will have any adverse impact on the community due to the proposed location, design and existing and future surrounding development.

Operation of the Establishment

- The proposed manager for this license operates a banquet facility, in which food is the primary purpose of the business.
- There is no indication that the amendment to the hours of operation will result in the establishment being operated in a manner that is contrary to its primary purpose of serving food.
- The requested hours of operation are in compliance with Council's policy regarding this issue.

PRE-NOTIFICATION

A development proposal sign was erected on the property and a Pre-Notification letter was sent on May 26, 2010 to solicit the opinions of residents within 100 metres of the subject site.

Staff have received three telephone calls from the pre-notification process identifying the following concerns:

- The patios are open until 1:00 am and during the summer months; the noise from the music and, karaoke is disruptive. The caller had previously spoken to the proprietor about this, but his concern was reportedly not addressed.

(Planning staff advised that under the Business License By-law, all patios associated with restaurants or liquor primary license are required to be closed at 10:00 pm. This restriction can be further endorsed with the Council recommendation on the proposed change. The caller was satisfied with staff's response, and the applicant has been advised accordingly.)

- The other two callers advised that there have been problems with foul language, squealing tires, noise, fighting and drug dealing in the parking lot, and on the streets. There have been no problems while the business has been under repair for the fire damage, as the site is fenced off, and there is a security guard watching the site. The callers recommended the use of locked gates after the premises were closed, to reduce access for people looking for a quiet place to deal drugs.

(Planning staff advised the applicant of this concern. The applicant has responded with the following steps to address the concerns:

- *The owner has reminded the operators of the facility of the City By-laws in place regarding the closure of patios at 10:00 pm;*
- *There will be signage put in place inside the facility reminding patrons to respect the neighbours and to be quiet when they leave the site;*
- *Staff will be advising patrons to leave the establishment quietly to prevent disturbances to the neighbours;*
- *The operators will ensure that patrons who are outside smoking will do so in a location away from 188th Street to minimize the sound of people talking;*
- *The gate that has been installed in front of the parking lot will remain and will be closed and locked when the facility is not open.*
- *The management is committed to ensuring that the operation of this facility does not impact the neighbourhood in a negative manner; and.*

- *Should there be instances when neighbours have issues with the facility, contact numbers for management will be provided so these matters can be discussed directly with them at the time of the issue.*

Planning staff contacted the callers and advised of the commitment made by the owner.)

CONCLUSION

- The Planning and Development staff have no concerns with the proposal to extend the hours of operation of the banquet rooms at the Sunrise Golf and Banquet Facility Sunday to Saturday from 11:00 am – 1:00 am and to permit patron participation entertainment limited to dancing.
- It is recommended that this proposal proceed with Public Notification to solicit public opinion.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Proposed Floor Layout

Jean Lamontagne
General Manager
Planning and Development

LAP/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: H.O.S.T. Consulting Ltd.
 Address: #205, 2602 Mt. Lehman Road
 Abbotsford, BC
 V4X 2N3
 Tel: 604-851-2571

2. Properties involved in the Application
 - (a) Civic Address: 5640 – 180 Street

 - (b) Civic Address: 5640 – 180 Street
 Owner: Southview Holdings Ltd., Inc. No. 709356
 PID: 003-765-695
 Lot 132 Section 9 Township 8 New Westminster District Plan 66407

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