

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0216-00

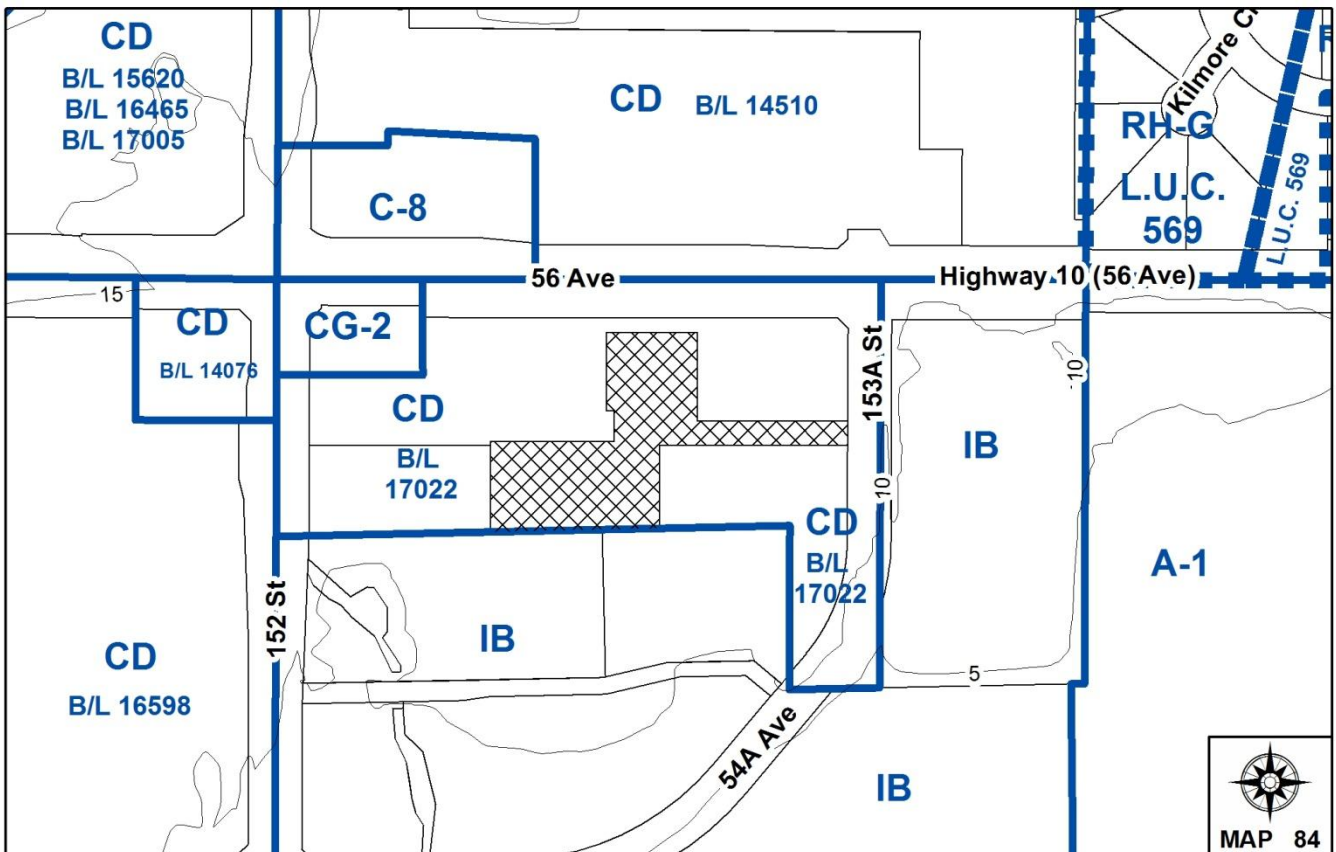
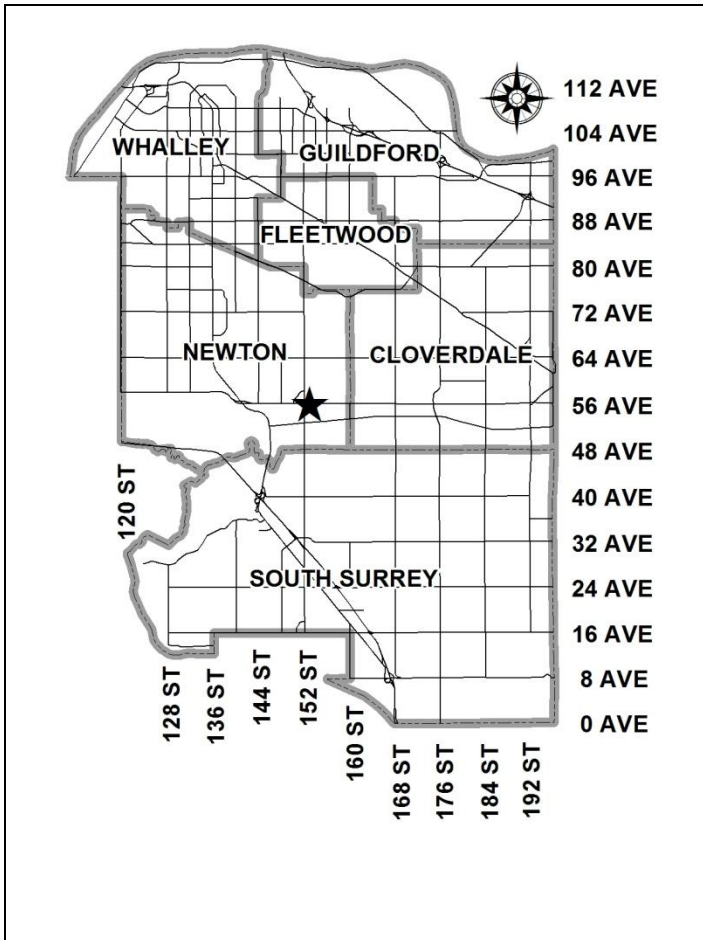
Planning Report Date: October 18, 2010

PROPOSAL:

- **Liquor License Amendment** (extension of hours)

in order to permit an extension of hours past midnight for a food primary licensed establishment (Brown's Social House).

LOCATION: 15260 Highway No. 10
OWNER: Panorama Park Investments Ltd., Inc. No. 0806551
ZONING: CD (By-law No. 17022)
OCP DESIGNATION: Industrial
LAP DESIGNATION: Business Park/Commercial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- There is no formal Council Policy on the extension of hours for liquor service in food primary establishments. Instead, it is City practise to use the City's policy regarding maximum hours of operation for liquor primary establishments as a guide to evaluate extension of hours proposals (past midnight) for food primary establishments. The subject proposal is to allow for a 1:00 am closing time for the restaurant on Monday to Saturday. The closing time on Sunday will be midnight. These proposed hours satisfy the policy established by Council for liquor primary establishments.
- Staff received no comments in response to the development proposal sign or pre-notification letters.
- The proposed restaurant is within an industrial business park area. The closest residential units are approximately 240 metres (787 ft.) away and across a major highway from the proposed restaurant. As such, community impacts are expected to be negligible.
- The RCMP and the City's By-laws and Licensing Services Department have no concerns with the proposed extension of hours.

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 past midnight, to permit a closing time of 1:00 a.m. Monday to Saturday.

REFERRALS

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

Surrey RCMP: No concerns.

Surrey By-laws & Licensing Services: No concerns.

Building Division: No concerns.

SITE CHARACTERISTICS

Existing Land Use: Industrial business park.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North (Across Highway No. 10):	Office building and eating establishments.	Commercial	C-8 and CD (By-law No. 14510)
East (Across 153A Street):	Warehouse.	Industrial/Business Park	IB
South:	Office buildings.	Industrial/Business Park	IB
West (Across 152 Street):	Office buildings and gas station.	Industrial/Business Park & Highway Commercial	CD (By-law Nos. 16598 & 14076)

DEVELOPMENT CONSIDERATIONS

- The subject site is located on the south side of Highway No. 10, east of 152 Street. The site is designated "Business Park/Commercial" in the East Panorama Ridge Local Area Plan (LAP) and "Industrial" in the Official Community Plan (OCP). The site is zoned "Comprehensive Development Zone (CD) (By-law No. 17022) which permits development of an industrial business

park including light impact industrial uses, offices, general service uses and limited commercial uses.

- The subject site is one of 3 lots which form a larger business park development, which was originally approved by Council in 2007 (File No. 7907-0013-00). Adjustments to the design and permitted uses were later approved by Council in 2008 and 2009 (File No. 7908-181-00 and File No. 7909-0106-00). The business park is still partially under construction and once completed will consist of a combination of offices, retail commercial units, restaurants, a bank, a neighbourhood pub with liquor store, and a car dealership.
- The applicant for the subject proposal intends to open a restaurant on the subject site, with a food primary liquor license (Brown's Social House). The proposed restaurant is 279 square metres (3000 sq.ft.) in floor area and will have capacity for 116 persons indoors and 34 on the outdoor patio. The proposed hours of operation of the restaurant are 11:00 am to 1:00 am Monday to Saturday, and 11:00 am to midnight on Sunday.

Liquor Control and Licensing Branch (LCLB) Requirements

- 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. Since the applicant is proposing to extend operating hours for the subject establishment to 1:00 am on Monday to Saturday, local government endorsement is required.

Liquor License Amendment Procedural 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 licensed establishment is processed in a similar manner to that of a Development Variance Permit (DVP) application. A Development Proposal sign is erected on the site and Public Notification is required to seek public input on the proposal.
- Unlike DVP applications, staff also send pre-notification letters to all property owners within 100 metres (300 ft.) of the subject site for Liquor License Amendment applications.

Standard Hours of Operation for Food Primary Establishments

- There is no formal Council Policy on the extension of hours for liquor service in food primary establishments. Instead, it is City practice to use the City's policy regarding maximum hours of operation for liquor primary establishments are typically used as a guide to evaluate extension of hours proposals (past midnight) 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; and
 - Friday and Saturday 11:00 am – 2:00 am.
- The subject proposal is to allow for a 1:00 am closing time for the restaurant on Monday to Saturday. The closing time on Sunday will be midnight. These proposed hours satisfy the policy established by Council for liquor primary establishments.

- In addition, standard criteria, as specified by the LCLB, are utilized to evaluate whether a proposed extension of hours past midnight for a particular food primary licensed establishment has merits. This evaluation is summarized below:

Evaluation

Potential for Noise Impact

- The requested extension of hours past midnight is not expected to generate noise impact on the adjacent area. The proposed restaurant is within an industrial business park area. The closest residential units are approximately 240 metres (787 ft.) away and across a major highway from the proposed restaurant.

Impact on the Community

- It is not expected that the proposed extension of hours will have any adverse impact on the community due to the proposed location within an industrial business park across a major highway from the nearest residential units.
- Staff have received no comments on the proposal in response to the Development Proposal Sign erected on the site or the Pre-Notifications letters that were mailed to surrounding property owners.
- The RCMP and the City's By-laws and Licensing Services Department have no concerns with the proposed extension of hours.

Operation of the Establishment

- The primary purpose of the proposed restaurant is food service. There is no indication that the proposed extension of hours past midnight will result in the establishment being operated in a manner that is contrary to its primary purpose of serving food.

PRE-NOTIFICATION

- A Development Proposal Sign was erected on the property and Pre-Notification letters were sent on September 1, 2010 to solicit the opinions of residents within 100 metres of the subject site. Letters were sent to a total of 185 property owners. Staff received no comments in response to the sign or pre-notification letters.

CONCLUSION

- Planning and Development staff have no concerns with the proposal to extend the hours of operation of the proposed restaurant (Brown's Social House) past midnight to permit a 1:00 am closing time on Monday to Saturday.
- It is recommended that this proposal proceed to Public Notification to solicit public opinion.

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. Site Plan and Proposed Floor Plan

Jean Lamontagne
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: Stephen Baron, H.O.S.T. Consulting Ltd.
 Address: #205 – 2602 Mount Lehman Road
 Abbotsford, BC
 V4X 2N3
 Tel: 604-851-2571

2. Properties involved in the Application

- (a) Civic Address: 15260 Highway No. 10
- (b) Civic Address: 15260 Highway No. 10
 Owner: Panorama Park Investments Ltd., Inc. No. 0806551
 PID: 028-045-050
 Lot C Section 2 Township 2 New Westminster District Plan BCP42333 Except
 Phases One, Two, Three and Four Strata Plan BCS3598

3. Summary of Actions for City Clerk's Office

Liquor Applications

- (a) Proceed with Public Notification to solicit public opinion with respect to a liquor license amendment.

**DEVELOPMENT DATA SHEET
(For Business Park)**

Existing Zoning: CD (By-law No. 17022)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total		28,767 m ²
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage	45%	25%
SETBACKS (in metres)	per CD By-law	per CD By-law
Front		
Rear		
Side #1 (N,S,E, or W)		
Side #2 (N,S,E, or W)		
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)		
Principal	12 m	12 m
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Eating Establishments		1,553 m ²
Retail		4,936 m ²
Total		5,093 m ²
FLOOR AREA: Industrial (Warehouse)		795 m ²
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		12,377 m ²

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)	0.75	0.48
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	429	433
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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