

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0255-00

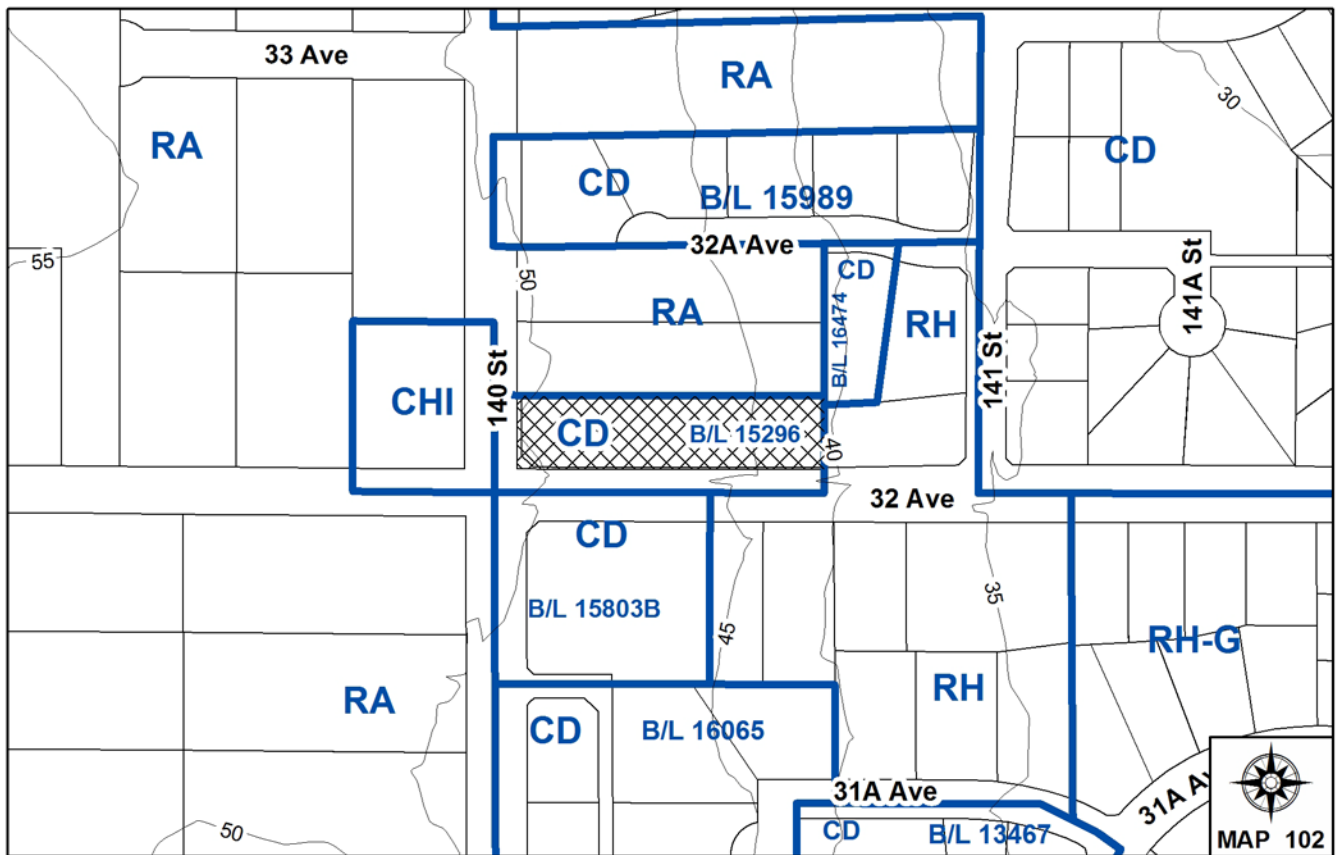
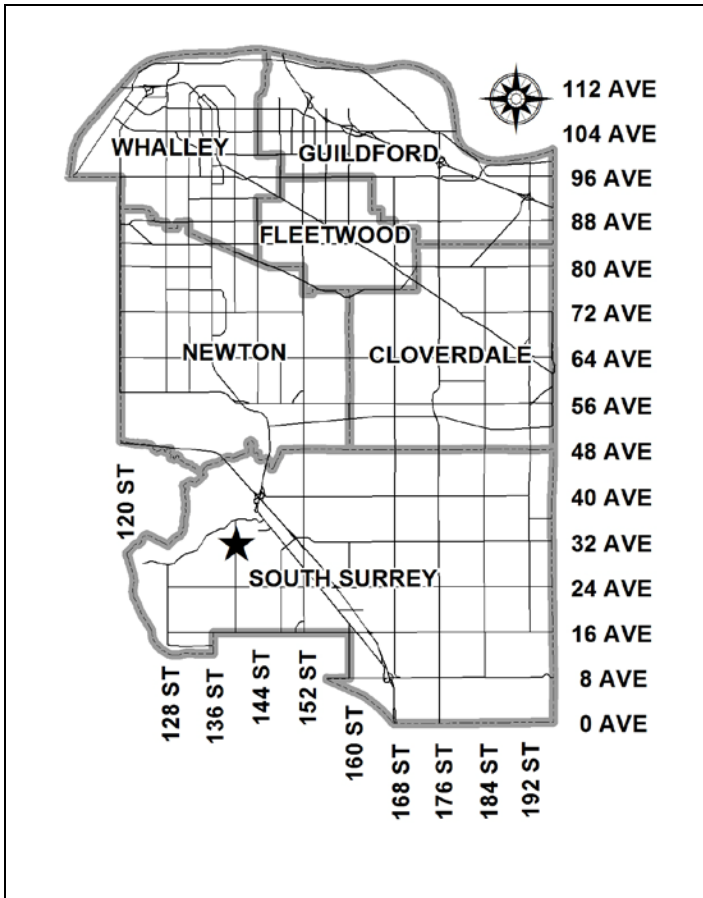
Planning Report Date: November 1, 2010

PROPOSAL:

- **Liquor License Amendment** patron participation

in order to permit dancing within an existing food primary licensed establishment (Belle's).

LOCATION: 14007 - 32 Avenue
OWNER: Belle's Corner Ltd., Inc. No. 575177
ZONING: CD (By-law No. 15296)
OCP DESIGNATION: Suburban
LAP DESIGNATION: Retail 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

- Currently there is no City policy established for evaluating patron participation entertainment endorsements for food primary liquor licensed establishments.
- The subject site is well-landscaped including fencing and shrubbery along the property lines that interface with adjacent residential properties.
- The operating hours of the establishment specify a closing time of 11:00 pm on Sunday to Wednesday and midnight on Thursday to Saturday. Should this proposal be endorsed, dancing would not be permitted beyond the operating hours of the establishment.
- Staff have received few comments on the proposal in response to the Development Proposal Sign erected on the site or the Pre-Notification 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 proposal to permit dancing within the establishment.

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 addition of patron participation entertainment limited to dancing.

REFERRALS

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

Surrey RCMP: No objections.

Surrey By-law & Licensing Services: No objections.

SITE CHARACTERISTICS

Existing Land Use: Belle's Restaurant.

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Single family dwellings.	Suburban/Suburban Residential	RA
East:	Single family dwellings.	Suburban/Suburban Residential	RH (By-law No. 15803B)
South (Across 32 Avenue):	Commercial retail units.	Suburban/Retail Commercial	CD
West (Across 140 Street):	Veterinary hospital.	Suburban/Retail Commercial	CHI

DEVELOPMENT CONSIDERATIONS

- The subject site is located on the northeast corner of 32 Avenue and 140 Street. The site is designated "Retail Commercial" in the Semiahmoo Peninsula Local Area Plan (LAP) and "Suburban" in the Official Community Plan (OCP). The site is zoned "Comprehensive Development Zone (CD) (By-law No. 15296) which permits a variety of neighbourhood commercial uses including licensed eating establishments.

- The site is occupied by Belle's restaurant, which has been in operation as a licensed restaurant since 2006. Belle's restaurant is licensed under a food primary liquor license. The restaurant has capacity for 149 persons and has operating hours of 9:00 am to 11:00 pm Sunday to Wednesday, and 9:00 am to midnight on Thursday to Saturday.
- The owner of Belle's restaurant seeks to become a neighbourhood venue for special occasion celebrations such as weddings, anniversaries, birthday parties, retirement parties, fundraisers, and holiday office parties. In order to fully accommodate such events the owner intends to provide musical entertainment (DJ, musician, or small band) and dancing, in addition to food and beverage service.

Liquor Control and Licensing Branch (LCLB) Requirements

- The Liquor Control and Licensing Branch (LCLB) has established procedures for Food Primary liquor licensed establishments seeking to provide entertainment in addition to food and beverage service. The LCLB distinguishes between two types of entertainment; patron non-participation entertainment, including DJ's, musicians, small bands etc., and patron participation entertainment, including karaoke and dancing etc. Both patron non- participation entertainment and patron participation entertainment require LCLB approval of an entertainment endorsement to the Food Primary liquor license. Patron non-participation entertainment can be approved by the LCLB without local government endorsement. Patron participation entertainment must be endorsed by the local government.
- The subject proposal is only to permit dancing within the establishment. No other types of patron participation entertainment (e.g. karaoke) are proposed.

Liquor License Amendment Procedural Requirements

- In accordance with the process adopted by Council on September 29, 2003 (Corporate Report No. R209), liquor license amendment applications, including applications to add patron participation entertainment to a Food Primary liquor licensed establishment, are processed in a similar manner as 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.
- Currently there is no City policy established for evaluating patron participation entertainment endorsements for food primary liquor licensed establishments. Standard criteria, as specified by LCLB, are utilized to evaluate whether an application to add patron participation entertainment to a particular food primary licensed establishment has merits. This evaluation is summarized below:

Evaluation

Potential for Noise Impact

- The proposal to permit dancing within the establishment is not expected to generate noise impact on the adjacent area. The subject site is part of a neighbourhood commercial node surrounded by suburban residential properties. The neighbouring residential homes are on large properties (minimum 1,120 square metres/12,000 sq.ft.). The subject site is well-landscaped including fencing and shrubbery along the property lines that interface with adjacent residential properties.
- The operating hours of the establishment specify a closing time of 11:00 pm on Sunday to Wednesday and midnight on Thursday to Saturday. Should this proposal be endorsed, dancing would not be permitted beyond the operating hours of the establishment.

Impact on the Community

- It is not expected that the proposal to permit dancing within the establishment will have any adverse impact on the community due to the site's location in a neighbourhood commercial node surrounded by suburban residential properties.
- The subject establishment will remain licensed as a food primary establishment where the primary focus is the service of food. The provision of musical entertainment and dancing is an ancillary service to better accommodate special occasion celebrations.
- Staff have received few comments on the proposal in response to the Development Proposal Sign erected on the site or the Pre-Notification 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 proposal to permit dancing within the establishment.

Operation of the Establishment

- The primary purpose of the proposed restaurant is food service. There is no indication that the proposal to permit dancing 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 October 13, 2010 to solicit the opinions of residents within 100 metres of the subject site. Letters were sent to a total of 59 property owners. Staff received two (2) comments in response to the sign and pre-notification letters.

- Staff received a letter from a neighbouring property owner who was concerned about parking and noise impacts that could be generated by this proposal. Staff also received a phone call from a neighbour who was concerned about community impact.

(There are 33 on-site parking stalls to serve the existing restaurant which meets the Zoning By-law requirements. Permitting patrons to dance is not expected to generate additional parking demand. Dancing is not permitted beyond the operating hours of the establishment and the property is well-landscaped to assist with sound attenuation. The establishment will remain a food primary establishment, where the primary focus is food service.)

CONCLUSION

- Planning and Development staff have no concerns with the proposal to permit patron participation entertainment, limited to dancing only, within the existing food primary licensed establishment on the subject site (Belle's).
- 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

Jean Lamontagne
General Manager
Planning and Development

RG/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: Leslee Kerfoot
 Address: 14007 – 32 Avenue
 Surrey, BC
 V4P 2A7
 Tel: 604-542-7037

2. Properties involved in the Application
 - (a) Civic Address: 14007 – 32 Avenue

 - (b) Civic Address: 14007 – 32 Avenue
 Owner: Belle's Corner Ltd., Inc. No. 575177
 PID: 009-457-453
 Lot 7 District Lot 166 Group 2 New Westminster District Plan 11131

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

Existing Zoning: CD (By-law No. 15296)

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		
Road Widening area		
Undevelopable area		
Net Total	4,044 m ²	
LOT COVERAGE (in % of net lot area)		
Buildings & Structures	40%	
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front	7.5 m	
Rear	7.5 m	
Side #1 (North)	6.0 m	
Side #2 (South)	7.5 m	
BUILDING HEIGHT (in metres/storeys)		
Principal	9.0 m	
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential	1,617 m ²	
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA	1,617 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)		
FAR (net)	0.40	
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	33	
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	33	
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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