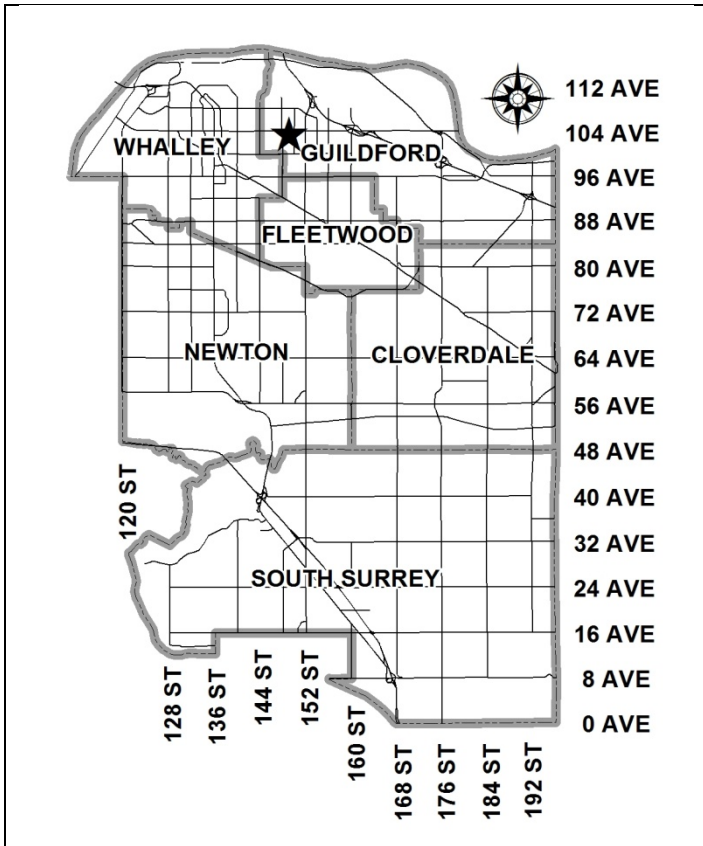


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7912-0340-00

Planning Report Date: April 8, 2013

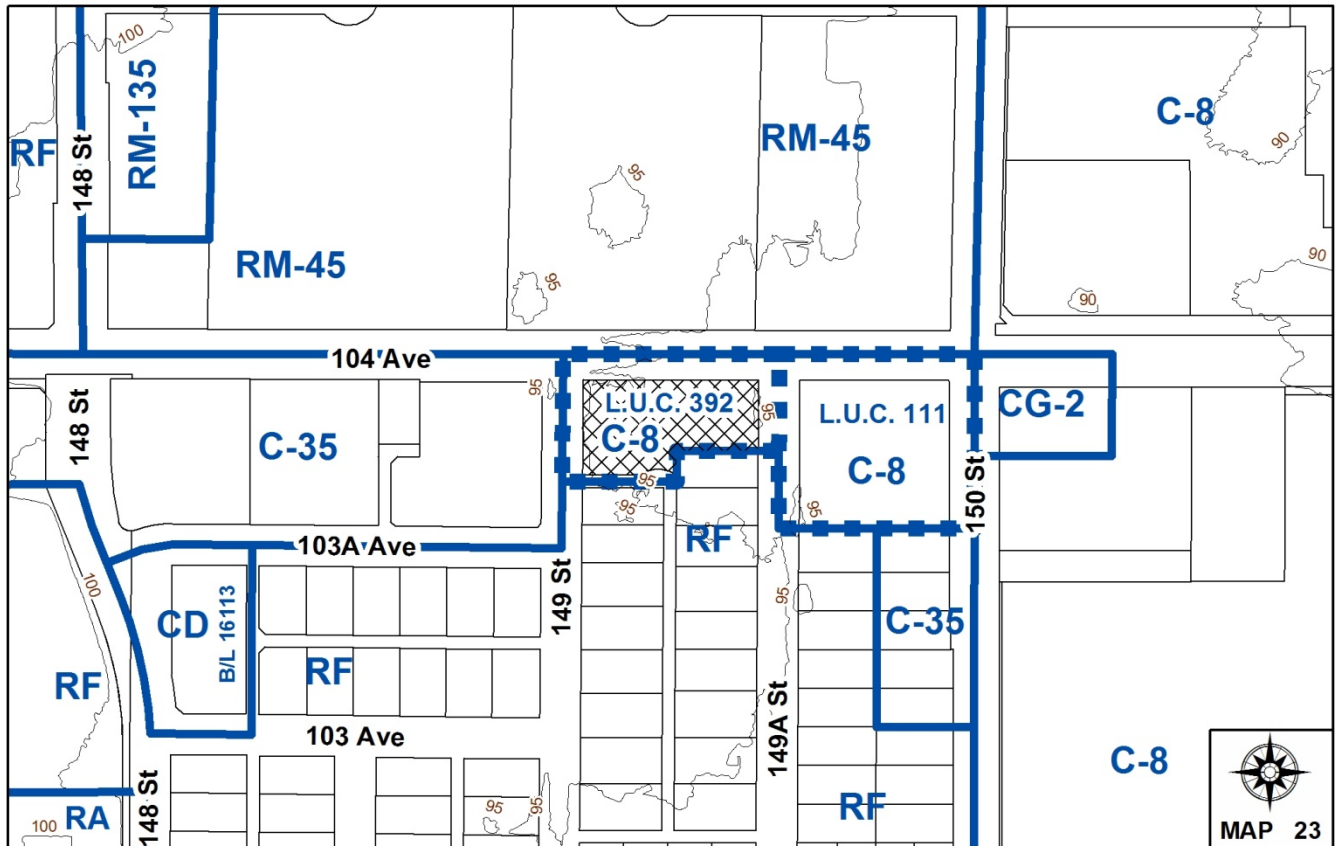


**PROPOSAL:**

- **Liquor License Amendment**

in order to permit entertainment in the form of karaoke in a restaurant and to extend the hours of operation, beyond midnight, for liquor service.

**LOCATION:** 14914 - 104 Avenue  
**OWNER:** Sung O Kong  
**ZONING:** LUC No. 392 (underlying C-8 Zone)  
**OCP DESIGNATION:** 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

- Hours of liquor service comply with City policy for liquor primary licenses (Policy No. M-7).
- There are some apartment buildings which are approximately 100 metres (300 ft.) to the north of the subject site, 150 metres (450 ft.) to the west of the site and some single family dwellings to the south of the site which are designated Multiple Residential in the OCP and have redevelopment potential. The restaurant is located in the basement of the multi-tenant commercial building, which is constructed of concrete. The subject unit does not contain any windows and therefore neighbourhood disturbance from the proposed karaoke is not anticipated.
- In accordance with City Policy No. M-25, as a condition of their business license, all businesses with a liquor primary license, food primary license with liquor service past midnight, or a food primary license with patron participation endorsement are required to enter into a Good Neighbour Agreement, and therefore any neighbourhood concerns can be addressed.
- The applicant has indicated that there is a large Philippine and Korean population in the Guildford area. The business can access foreign language songs for these ethnic communities.

RECOMMENDATION

The Planning & Development Department recommends that Council approve the following proposed amendments to the food primary liquor license to proceed to Public Notification:

- (a) The addition of patron participation entertainment in the form of karaoke; and
- (b) To extend the hours of operation for a food primary liquor license as follows:

11:00 am to 1:00 am Monday through Thursday;  
11:00 am to 2:00 am Friday and Saturday; and  
11:00 am to 12:00 am Sunday.

REFERRALS

Building Division                      No concerns provided final occupancy is granted for the tenant improvement building permit.

Surrey RCMP:                              No concerns provided there is ease of access to inspect for compliance. There needs to be easy viewing into the rooms to ensure illegal activities are not occurring.

SITE CHARACTERISTICS

Existing Land Use:      Multi-tenant commercial building.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 104 Avenue):	Apartment buildings	Multiple Residential	RM-45
East (Across 149A Street):	Mixed use commercial building	Commercial	LUC 111 (underlying zoning C-8)
South	Single family dwellings	Multiple Residential	RF
West (Across 149 Street):	Mixed use commercial 2-storey building and high rise apartment building	Commercial and Multiple Residential	C-35

## DEVELOPMENT CONSIDERATIONS

### Background:

- The subject lot, at 14914-104 Avenue in Guildford, encompasses an area of 3,476 square metres (0.86 acre), is designated Commercial under the Official Community Plan (OCP) and is currently governed by Land Use Contract (LUC) No. 392, with an underlying zoning of Community Commercial (C-8) Zone.
- The subject site is currently occupied by a two-storey, multi-tenant commercial building, with continuous retail frontage along 104 Avenue and surface parking at the rear (south side) of the building.
- Land Use Contract No. 392 limits the uses on the subject site to restaurants, retail stores, and offices.
- The applicant originally submitted a business license inquiry about operating a karaoke business on the site. However, LUC No. 392 does not permit karaoke as a principal use within a commercial retail unit (CRU). The applicant subsequently applied for, and obtained a Tenant Improvement Permit to construct a restaurant, which is a permitted use under LUC No. 392, in one of the CRUs within the building.

### Current Proposal:

- The applicant has now submitted a Liquor License Amendment Application to allow for patron participation, in the form of karaoke, with the food primary liquor license. The applicant is proposing to have nine (9) individual private rooms and a central open dining room to allow for patrons to perform karaoke while having a meal.
- Interior construction on Unit B, which is located in the basement, has commenced in accordance with the tenant improvement building permit, which allows for an occupant load of 73.
- The applicant has also requested an extension of hours beyond midnight for a food primary liquor license as follows:
  - 11:00 am to 1:00 am Monday through Thursday;
  - 11:00 am to 2:00 am Friday and Saturday; and
  - 11:00 am to 12:00 am Sunday.
- There are currently no specific policies concerning the hours of operation for food primary liquor license operations. However, City staff have been using the Council-endorsed hours of operation for liquor primary licenses in City Policy No. M-7 when reviewing requests for extension of hours for food primary license. The hours of operation proposed by the applicant are in keeping with the hours specified in the policy for liquor primary licenses, other than the Sunday closing hour which is one hour earlier than City policy. Currently, City Policy No. M-7 for the hours of operation of a liquor primary license are:
  - 11:00 am to no later than 1:00 am Sunday through Thursday; and
  - 11:00 am to no later than 2:00 am Friday and Saturday.

- The Surrey RCMP was requested to comment on the proposed patron participation and extension of hours for a food primary license. While there have been some historic concerns with calls for policing service for this type of business, the RCMP requested that if the proposal is supported, that the proponent provide ease of access by police to inspect the premises for compliance and to ensure that the rooms are not being used for illegal activities.

#### LCLB Criteria:

- The Liquor Control and Licensing Branch (LCLB) requires that Council, in providing a response to the LCLB with respect to the application, comment on how the subject site satisfies a specific list of criteria. The analysis of the criteria for this site is provided as follows:
  - (a) Potential for noise
    - The proposed restaurant is located in the basement of a multi-tenant commercial building, with the other tenants operating principally during the day. The applicant has requested hours of operation for liquor service in a restaurant which are similar to the hours of operation for a liquor primary license.
    - The subject site is flanked on the east and west by commercial buildings, and faces multiple residential buildings across 104 Avenue to the north, none of which should be impacted by any noise generated by the proposed karaoke facility. The restaurant is located in the basement of the building, and does not have any windows. Access to the restaurant is via a stairwell descending to this level.
    - Although the subject site is adjoined by single family residences to the south, the restaurant is located in the basement and individual karaoke rooms are closed-off and separated from the main open area of the restaurant.
    - It is not anticipated that the neighbouring properties will be adversely impacted by any noise that may be generated by the karaoke singers.
  - (b) The impact on the community
    - The subject restaurant is located in a multi-tenant building, on the edge of Guildford's commercial area. The proposed unit is located in the basement of the building, with stairwell access closest to 104 Avenue.
    - The addition of karaoke machines at the subject restaurant will likely not have any negative impact on the adjoining properties or on the larger Guildford area.
  - (c) Will the amendment result in the establishment being operated in a manner that is contrary to its primary purpose?
    - The main purpose of the restaurant (food primary license) is to provide food service. The addition of patron participation in the form of karaoke is not expected to 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.

## PRE-NOTIFICATION

The pre-notification letters were sent on January 14, 2013. Five telephone calls and one letter were received from surrounding land owners and from other tenants in the subject building. The main concerns expressed are as follows:

- There is insufficient parking for the existing commercial tenants at this time.

*(The land is regulated by Land Use Contract No. 392, which requires a total of 55 parking spaces on the property. A total of 55 parking spaces are, in fact, provided on the subject site, in accordance with this requirement.)*

*The site does front a major transportation corridor (104 Avenue) with frequent bus service, and is close to multiple residential uses, which may reduce the need for patrons to drive to this establishment.)*

- There is a potential for noise from the establishment.

*(The focus of the business is a restaurant, with private rooms for singing. These private rooms are closed off from the main central dining area, and as such, will help to regulate the noise generated by the patrons.)*

*The Business License By-law and City Policy No. M-25 requires all new food primary licenses involving patron participation to enter into a Good Neighbour Agreement to assist in mediation between the proprietor and the residents should issues arise as a result of the business operation.)*

- A church operates on this site, and the church office is visited by young children and youth. The presence of karaoke is likely to increase the number of people under the influence of alcohol in the evening when our weekly services occur.

*(There is currently a liquor primary (Moose Pub) located across the street, at 14979-104 Avenue. This liquor primary license has been in operation since the 1970's and although not located in the same building, there are no known complaints from the church office about the clientele leaving the Moose Pub)*

## INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary  
Appendix II Proposed Floor Plan

*original signed by Judith Robertson*  
Jean Lamontagne  
General Manager  
Planning and Development

LAP/da



