

City of Surrey ADDITIONAL PLANNING COMMENTS File: 7919-0310-00

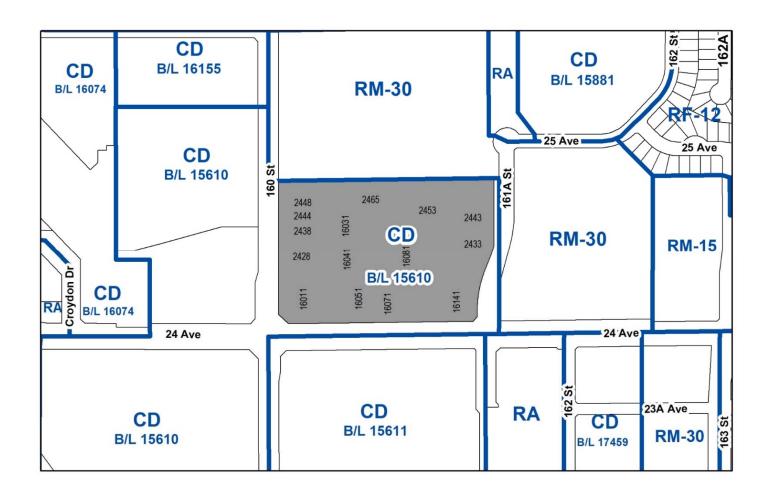
Planning Report Date: April 20, 2020

PROPOSAL:

Liquor License Amendment (extension of hours).

to permit an extension to the hours of operation for a food primary licensed establishment (Earl's Restaurant)

LOCATION:	16071 - 24 Avenue
	(2444 - 160 Street)
ZONING:	CD (By-law No. 15610)
OCP DESIGNATION:	Commercial
LAP DESIGNATION:	Commercial and Buffers
LOCATION:	16071 - 24 Avenue
	(2444 - 160 Street)



RECOMMENDATION SUMMARY

Council pass a resolution directing staff to forward a resolution to the to the Liquor and Cannabis Regulation Branch (LCRB) recommending issuance of the license with conditions for hours of operation and for the term of the license.

RATIONALE OF RECOMMENDATION

• At the Regular Council – Public Hearing meeting of March 9, 2020 Council passed the following resolution (RES. R20-362):

That Food Primary Liquor License Amendment No. 7919-0310-00 be referred back to staff to determine if the license can be provided on a temporary six-month basis to allow for community feedback to be received following the issuance of the license and to report back on how many other restaurants are in close proximity to this one.

- The LCRB has confirmed that there are precedents for local government issuing recommendations with a six-month time limit. Normally, once a local government endorses the recommendation to approve an amendment to the LCRB, the applicant is no longer required to apply for a liquor license amendment from local government when the LCRB issued liquor license is up for renewal. The duration for a liquor license is typically one year.
- The LCRB has advised that should Council place a condition on the amendment requiring the applicant to re-apply to the local government for a liquor license amendment if a complaint is received within the six-month period, the City will be required to report to the LCRB within the six month period. The liquor license would be automatically renewed by the LCRB if the City does not report any issues.
- There are no existing food primary establishments operating beyond midnight in close proximity to the subject site with the exception of one liquor primary establishment adjacent to the subject site (S+L Kitchen and Bar). City records show that none of these establishments have received complaints.
- The applicant has entered into a Good Neighbor Agreement with the City which requires this establishment to control the conduct of its patrons beyond the requirements of the Liquor Control and Licensing Act. This can also help mitigate the potential impact of noise and other nuisance that may arise from the operation of the eating establishment.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council pass the following resolution for the proposed amendment to the hours of operation for Earl's Kitchen:

After taking into account the criteria outlined in the Planning Report dated February 10, 2020, attached as Appendix 1

- (a) the location of the establishment;
- (b) the proximity of the establishment to other social or recreational facilities and public buildings;
- (c) the person capacity and hours of liquor service of the establishment;
- (d) the number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location;
- (e) traffic, noise, parking and zoning;
- (f) population, population density and population trends;
- (g) relevant socio-economic information; and
- (h) the impact on the community if the application is approved.

Surrey City Council recommends the issuance of the license subject to the following conditions:

- the hours of operation for the food primary licensed establishment are 9:00

 a.m-1:00 a.m. Monday through Thursday, 9:00 a.m.- 1:30 a.m. Friday and Saturday,
 and 9:00 a.m-12:00 a.m. on Sunday.
- 2. the license be issued with an initial term of 6 months to allow time for community feedback regarding the functioning of the establishment.

BACKGROUND

- At the Regular Council Land Use Meeting of February 10, 2020 Council approved the proposed liquor license amendment to proceed to public notification.
- The applicant is proposing to extend the operating hours of a food primary licensed establishment (Earl's Restaurant) from 12:00 am to 1:00 am, Monday to Thursday, and from 12:30 am to 1:30 am on Fridays and Saturdays. The closing time on Sundays will remain at 12:00 am.
- Therefore, if the proposed extension of hours is approved, the operating hours will be:
 - o 9:00 a.m-1:00 a.m. Monday through Thursday,
 - o 9:00 a.m- 1:30 a.m. Friday and Saturday, and
 - o 9:00 a.m-12:00 a.m. Sunday.

Staff Report to Council

File: <u>7919-</u>0310-00

• Following public notification at the Regular Council – Public Hearing meeting of March 9, 2020, Council passed the following resolution (RES. R20-362):

That Food Primary Liquor License Amendment No. 7919-0310-00 be referred back to staff to determine if the license can be provided on a temporary six-month basis to allow for community feedback to be received following the issuance of the license and to report back on how many other restaurants are in close proximity to this one.

DISCUSSION

Duration of license

- Local government is invited to provide comment for food primary licenses when the associated liquor service is proposed to extend after midnight.
- In some circumstances, the local government may recommend approval with certain restrictions (e.g. hours of liquor service) placed on the license. Supporting rationale is required if restrictions are recommended.
- The LCRB has confirmed that there are precedents for local government issuing recommendations with a six-month time limit. Normally, once a local government endorses the recommendation to approve an amendment to the LCRB, the applicant is no longer required to apply for a liquor license amendment from local government when the LCRB issued liquor license is up for renewal. The duration for a liquor license is typically one year.
- The LCRB has advised that should Council place a condition on the amendment requiring the applicant to re-apply to the local government for a liquor license amendment if a complaint is received within the six-month period, the City will be required to report to the LCRB within the six month period. The liquor license would be automatically renewed by the LCRB if the City does not report any issues.
- The liquor license would be automatically renewed by the LCRB if the local government does not report any issues within the 6 month monitoring period.

Existing establishments in proximity to the subject site

- Staff has reviewed the operating hours of nearby licensed restaurants (table below) and note that the applicant's proposed operation hours is similar to the existing hours of operation for these establishments. A map showing the location of these establishments in relation to the subject site is attached as Appendix II.
- It is noted that the three establishments (Liberty Kitchen, Brown's Social House and S+L Kitchen & Bar) that are closest to the subject site have not received any complaints regarding their operations.

Page 5

• The establishment immediately adjacent to the subject site (S+L Kitchen & Bar South Surrey) currently has a license to operate from 11 am to 1 am Sunday to Thursday, and from 11 am to 2 am on Friday and Saturday. It is noted, however that the establishment does not operate beyond midnight on any day of the week. This establishment is licensed as a liquor primary which was continued from a previous establishment.

License Type – Food Primary

Name	Address	Advertised Hours	Hours Licensed by LCRB
Sammy J's	15770 Croydon Drive	Sunday and Monday 11am - 10pm Tuesday 11am- 10:30pm Wednesday and Thursday 11am-11pm Friday and Saturday 11am- 12am	Monday to Sunday 9am-12am
Liberty Kitchen	16010 24 Avenue	Sunday to Wednesday 11am-11pm Thursday to Saturday 11am- 12am	Monday to Sunday 9am-12am
Browns Social House Grandview Corners	16030 24 Avenue	Monday to Wednesday 11am-11pm Thursday and Friday 11am- 12am Saturday 10am-12am Sunday 10am-11pm	Monday to Sunday 9am-12am

License Type- Liquor Primary

Name	Address	Advertised Hours	Hours Licensed by LCRB
S+L Kitchen & Bar	16051 24 Avenue	Monday to Friday 11am-	Sunday to Thursday
South Surrey		12am Saturday and Sunday	11am-1am Friday to Saturday
		10am-12am	11am-2am

CONCLUSION

Staff recommends that Council supports the proposed extension of hours and pass a resolution recommending that the license be issued with an initial term of 6 months to allow time for community feedback regarding the proposed use.

The establishment is required to comply with a Good Neighbour Agreement to control the conduct of its patrons beyond the requirements of the Liquor Control and Licensing Act.

File: 7919-0310-00

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.Original Planning Report dated February 20, 2020Appendix II.Location Map

approved by Shawn Low

Jean Lamontagne General Manager Planning and Development

CL/cm

Page 6

Appendix I

City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7919-0310-00

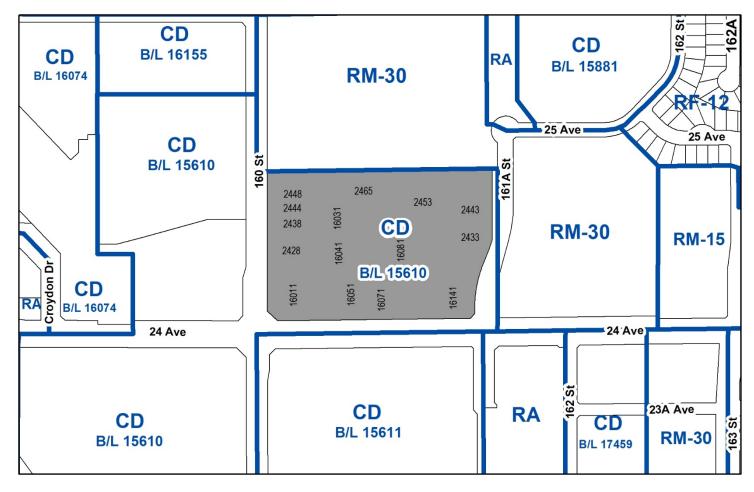
Planning Report Date: February 10, 2020

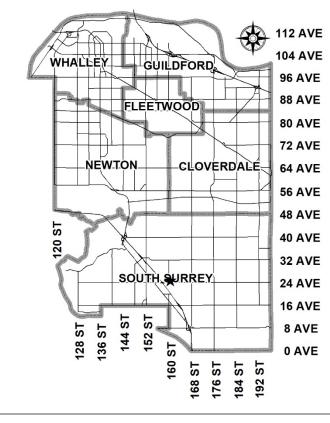
PROPOSAL:

• Liquor License Amendment (extension of hours).

to permit an extension to the hours of operation for a food primary licensed establishment (Earl's Restaurant)

LOCATION:	16071 - 24 Avenue
	(2444 - 160 Street)
ZONING:	CD (By-law No. 15610)
OCP DESIGNATION:	Commercial
LAP DESIGNATION:	Commercial and Buffers





RECOMMENDATION SUMMARY

• Approval for the proposed liquor license to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• None.

RATIONALE OF RECOMMENDATION

- The applicant is proposing to extend the opening hours from 12:00 am to 1:00 am from Monday to Thursday, and from 12:00 am to 1:30 am on Fridays and Saturdays for a food primary licensed establishment. 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 as a guide to evaluate extension of hours proposals (past midnight) for food primary establishments.
- Staff has received no comments in response to the development proposal sign or pre-notification letters which were mailed out.
- The licensed establishment is located in the Grandview Corners Shopping Centre. The closest residential units are approximately 130 metres away. As such, offsite impacts to residents are expected to be limited.
- The RCMP and the City's By-laws and Licensing Services Department have no concern with the proposed extension of hours.

Page 3

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 am from Monday to Thursday, and a closing time of 1:30 am on Fridays and Saturdays.

Direction	Existing Use	LAP/NCP Designation	Existing Zone
Subject Site	Grandview Corners Shopping Centre	Commercial	CD (By-law No.15610)
North:	Townhouse	NCP: Medium-High Density (20-30 u.p.a)	RM-30
East (Across 161A St):	Townhouse	NCP: Medium High Density (20-30 u.p.a)	RM-30
South (Across 24 Ave):	Grandview Central Shopping Centre	LAP: Commercial and Buffers	CD (By-law No.15611)
West (Across 160 St):	Grandview Corners Shopping Centre	LAP: Commercial	CD (By-law No.15610)

SITE CONTEXT & BACKGROUND

Context & Background

- The applicant proposes to extend the operating hours of a food primary licensed establishment (Earl's Restaurant) from 12:00 am to 1:00 am, Monday to Thursday, and from 12:30 am to 1:30 am on Fridays and Saturdays. The closing time on Sundays will remain at 12:00 am.
- The property is located in the Grandview Corners Shopping Centre and is designated "Commercial" in the Official Community Plan (OCP), "Commercial" and "Buffers" in the Highway 99 Corridor Local Area Plan (LAP). The property is currently zoned "Comprehensive Development Zone (CD By-law No.15610). The location of the subject establishment is shown in Appendix I.

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 from Monday to Thursday, and to 1:30 am on Fridays and Saturdays, 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 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 as a guide to evaluate extension of hour proposals (past midnight) for food primary establishments. This policy was adopted through Corporate Report No. Loo3 (February 2004) and stipulates the following hours:
 - 0 Sunday through Thursday 11:00 am 1:00 am; and
 - o Friday and Saturday 11:00 am 2:00 am.
- The proposed closing hours of 1:00 am from Monday to Thursday, and 1:30 am Fridays and Saturdays, and 12:00 am on Sundays, 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 merit.

Evaluation

Potential for Noise Impact

- The closest residential area is approximately 130 metres to the east of the property, a townhouse development at the intersection of 161A Street and 24 Avenue.
- The proposed extension of hours is not expected to generate additional noise for the residents beyond the existing noise that is generated from traffic.

Impact on the Community

- Staff have received no comments on the proposal in response to the Development Proposal Sign that was erected on the site or the Pre-Notifications letters that were mailed to the surrounding property owners.
- The RCMP and the City's By-laws and Licensing Services Department have no concerns with the proposed extended hours.

Staff Report to Council

Operation of the Establishment

• The primary purpose of the licensed establishment 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.

Conclusion

- Planning and Development staff have no concerns with the proposed extension of operation hours for the licensed restaurant (Earl's restaurant) past midnight to permit a 1:00 am closing time Monday to Thursday, and 1:30 am Fridays and Saturdays.
- It is recommended that this proposal proceed to Public Notification to solicit public opinion.

DEVELOPMENT PROPOSAL

Referrals

Engineering:	The Engineering Department has no objection to the proposal.
Surrey RCMP:	No concerns
Surrey Bylaws & Licensing Services:	No concerns

PUBLIC ENGAGEMENT

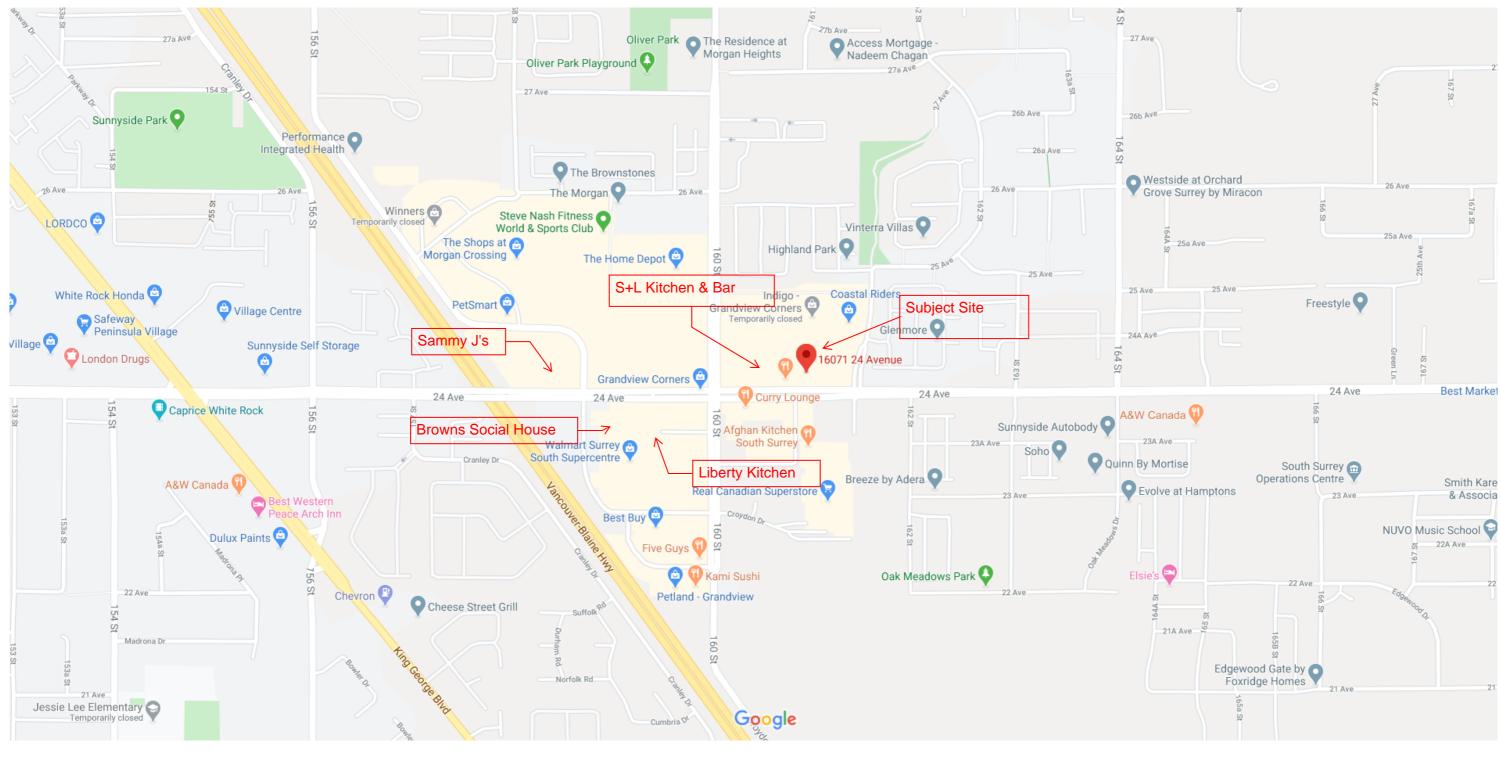
• Pre-notification letters were sent to 84 properties on December 10, 2019, and Development Proposal Signs were installed on December 18, 2019. Staff has not received any responses from area residents regarding the proposal.

approved by Ron Hintsche

Jean Lamontagne General Manager Planning and Development

CL/cm

Google Maps 16071 24 Ave



Map data ©2020 Google 100 m 🖿



INTER-OFFICE MEMO

[TYPE OF MEETING: RCPH
	MEETING DATE: March 9, 2020
	SEE AGENDA ITEM: H.9
	Supplemental Internation

TO:	Mayor and Council		* Supplemental Inte
FROM:	Jean Lamontagne, General Manager, Planning & Development		
DATE:	March 5, 2020	FILE:	19-0310-00

RE: Hours of Operation for Food Primary Licensed Establishment

This memo is provided in response to an enquiry from a member of Council at the Regular Council- Land Use Meeting on February 10, 2020 for Development Application No.7919-0310-00. The enquiry sought feedback to understand whether there is precedent for extended hours of operation for eating establishments with a liquor license in the Grandview Corners area of South Surrey.

In order for an extension of hours application to be approved by the Liquor & Cannabis Regulation Branch (LCRB), the City has to review and approve the application.

Staff has reviewed the applications that have been received and note that, between 2010 and the present, the City has received a total of 15 applications proposing to extend the hours of operation for food primary licensed establishments.

Of these applications, 13 were approved and 2 are in process. None of the 13 approved applications are located within the Grandview Corners area.

The LCRB maintains a list of licensed establishments and liquor primary establishments with a food service endorsement in British Columbia. However, the Branch does not consult with nor notify the public when an application for a change of service type (e.g. extension of operating hours) is received. Public seeking information on applications are required to contact the relevant municipalities which are also responsible for notifying the community in the immediate vicinity of the proposal when an application is received.

J∕an Lamontagne

General Manager Planning and Development

> CLERKS DEPT. MAR 6, 2020 7919-0310-00 H.9 RCPH Mar 9, 20



INTER-OFFICE MEMO

		TYPE OF MEETING: RCPH MEETING DATE: North 9, 2000 SEE AGENDA ITEM: H.9
TO:	City Clerk, Legislative Services Division	Revised as of March 9,2020
	Manager, Area Planning & Development- Sout Planning & Development Department	th Division
DATE:	March 4, 2020 FILE: 79	919-0310-00
RE:	Development Application No. 7919-0310-00	
Address:	2444 160 Street	CLERKS DEPT. $\Box \alpha \alpha = \alpha 3 \alpha = \alpha$
OWNER(S):	Surrey South Shopping Centres Ltd.	7919-0310-00 MAR 0 9 2020
AGENT:	Earl's Restaurant (Grandview Corners) Ltd. (Kelly	y Tsang) RCPH March 9,2020
PROPOSAL:	Liquor License Amendment to permit the extens food primary licensed establishment (Earl's Rest	-

At the Regular Council- Land Use Meeting of February 10, 2020, Council authorized the proposed Liquor License Amendment under Development Application No. 7919-0310-00 to proceed to Public Notification to solicit neighbourhood feedback regarding the proposal.

The applicant is required to enter into a Good Neighbour Agreement with the City which deal with any issues associated with noise, disorder and other behavioural issues associated directly or indirectly with the business and patrons of the business. The applicant has now entered into this agreement with the City.

If, after consideration of the information received through the Public Notification process, and after reviewing any correspondence submitted in response to the Public Notification notice Council determines that there is merit in supporting the proposed liquor license amendment application, it would now be in order to pass the following resolution:

"After taking into account the following criteria outlined in the attached Planning Report dated February 10, 2020:

- (a) the location of the establishment;
- (b) the proximity of the establishment to other social or recreational facilities and public buildings;
- (c) the person capacity and hours of liquor service of the establishment;
- (d) the number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location;
- (e) traffic, noise, parking and zoning;
- (f) population, population density and population trends;
- (g) relevant socio-economic information; and
- (h) the impact on the community if the application is approved.

Surrey City Council recommends the issuance of the license subject to the following conditions:

1. the hours of operation for the food primary licensed establishment are 9:00 a.m-1:00 a.m. Monday through Thursday, 9:00 a.m.- 1:30 a.m. Friday and Saturday, and 9:00 a.m-12:00 a.m. on Sunday.

Ron Hintsche Manager Area Planning & Development - South Surrey Section

City of Surrey PLANNING & DEVELOPMENT REPORT Application No.: 7919-0310-00

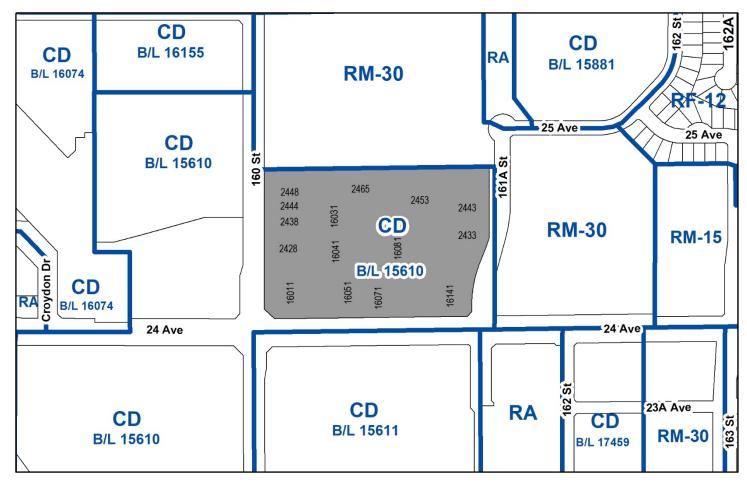
Planning Report Date: February 10, 2020

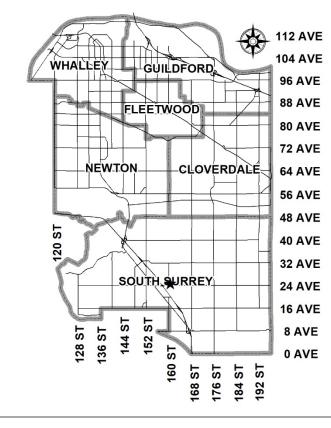
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LOCATION:	16071 - 24 Avenue
	(2444 - 160 Street)
ZONING:	CD (By-law No. 15610)
OCP DESIGNATION:	Commercial
LAP DESIGNATION:	Commercial and Buffers





RECOMMENDATION SUMMARY

• Approval for the proposed liquor license to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• None.

RATIONALE OF RECOMMENDATION

- The applicant is proposing to extend the opening hours from 12:00 am to 1:00 am from Monday to Thursday, and from 12:00 am to 1:30 am on Fridays and Saturdays for a food primary licensed establishment. 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 as a guide to evaluate extension of hours proposals (past midnight) for food primary establishments.
- Staff has received no comments in response to the development proposal sign or pre-notification letters which were mailed out.
- The licensed establishment is located in the Grandview Corners Shopping Centre. The closest residential units are approximately 130 metres away. As such, offsite impacts to residents are expected to be limited.
- The RCMP and the City's By-laws and Licensing Services Department have no concern with the proposed extension of hours.

Page 3

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 am from Monday to Thursday, and a closing time of 1:30 am on Fridays and Saturdays.

Direction	Existing Use	LAP/NCP Designation	Existing Zone
Subject Site	Grandview Corners Shopping Centre	Commercial	CD (By-law No.15610)
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South (Across 24 Ave):	Grandview Central Shopping Centre	LAP: Commercial and Buffers	CD (By-law No.15611)
West (Across 160 St):	Grandview Corners Shopping Centre	LAP: Commercial	CD (By-law No.15610)

SITE CONTEXT & BACKGROUND

Context & Background

- The applicant proposes to extend the operating hours of a food primary licensed establishment (Earl's Restaurant) from 12:00 am to 1:00 am, Monday to Thursday, and from 12:30 am to 1:30 am on Fridays and Saturdays. The closing time on Sundays will remain at 12:00 am.
- The property is located in the Grandview Corners Shopping Centre and is designated "Commercial" in the Official Community Plan (OCP), "Commercial" and "Buffers" in the Highway 99 Corridor Local Area Plan (LAP). The property is currently zoned "Comprehensive Development Zone (CD By-law No.15610). The location of the subject establishment is shown in Appendix I.

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 from Monday to Thursday, and to 1:30 am on Fridays and Saturdays, 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 of the subject site for Liquor License Amendment applications.

Standard Hours of Operation for Food Primary Establishments

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- 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 merit.

Evaluation

Potential for Noise Impact

- The closest residential area is approximately 130 metres to the east of the property, a townhouse development at the intersection of 161A Street and 24 Avenue.
- The proposed extension of hours is not expected to generate additional noise for the residents beyond the existing noise that is generated from traffic.

Impact on the Community

- Staff have received no comments on the proposal in response to the Development Proposal Sign that was erected on the site or the Pre-Notifications letters that were mailed to the surrounding property owners.
- The RCMP and the City's By-laws and Licensing Services Department have no concerns with the proposed extended hours.

Application No.: 7919-0310-00

Operation of the Establishment

• The primary purpose of the licensed establishment 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.

Conclusion

- Planning and Development staff have no concerns with the proposed extension of operation hours for the licensed restaurant (Earl's restaurant) past midnight to permit a 1:00 am closing time Monday to Thursday, and 1:30 am Fridays and Saturdays.
- It is recommended that this proposal proceed to Public Notification to solicit public opinion.

DEVELOPMENT PROPOSAL

Referrals

Engineering:	The Engineering Department has no objection to the proposal.
Surrey RCMP:	No concerns
Surrey Bylaws & Licensing Services:	No concerns

PUBLIC ENGAGEMENT

• Pre-notification letters were sent to 84 properties on December 10, 2019, and Development Proposal Signs were installed on December 18, 2019. Staff has not received any responses from area residents regarding the proposal.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. COSMOS Map

approved by Ron Hintsche

Jean Lamontagne General Manager Planning and Development

SMOS City of Surrey Mapping Online System

Appendix I

