

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

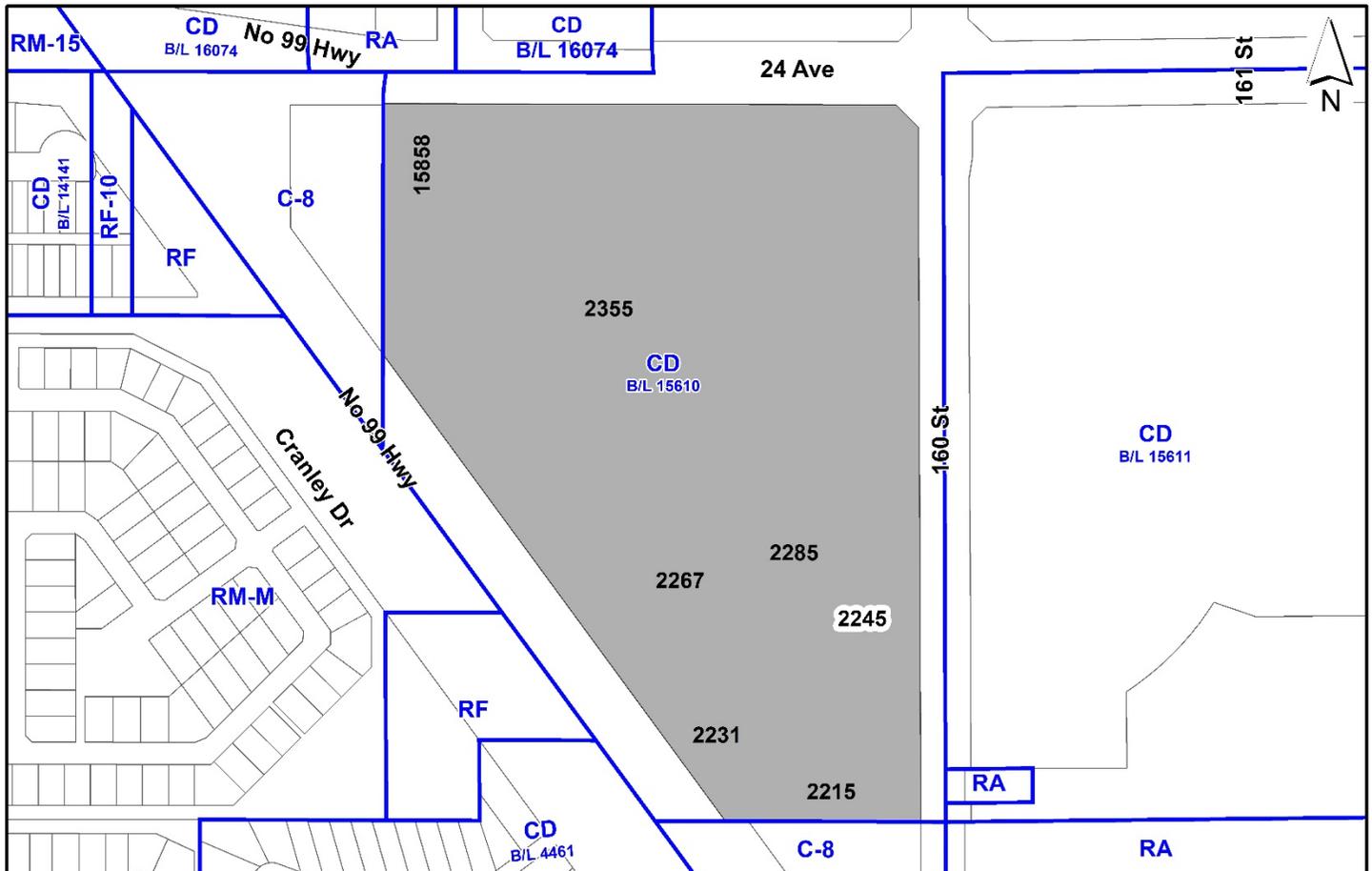
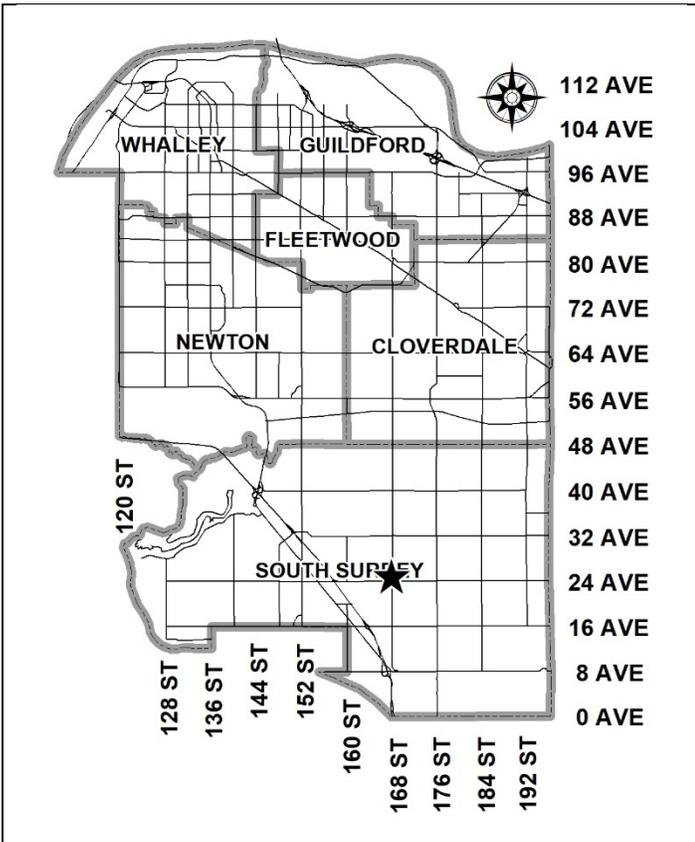
Application No.: 7920-0292-00

Planning Report Date: February 8, 2021

**PROPOSAL:**

- **Liquor License Amendment** (extension of hours) to permit an extension to the hours of operation for a food primary licensed establishment (Meltwich Food Company)

**LOCATION:** 2245 – 160 Street  
**ZONING:** CD (By-law No. 15610)  
**OCP DESIGNATION:** Commercial  
**LAP DESIGNATION:** Commercial and Habitat Preservation Area



## RECOMMENDATION SUMMARY

- Approval for the proposed liquor license to proceed to Public Notification.
- If supported after the Public Notification, it is recommended that Council pass a resolution directing staff to forward a resolution to the Liquor and Cannabis Regulation Branch (LCRB) recommending issuance of the license with conditions for hours of operation and for a six month term.

## 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 the extension of hours proposals (past midnight) for food primary establishments.
- Staff have received two responses to the development proposal sign or pre-notification letters, one of which was in opposition.
- The licensed establishment is located in the Grandview Corners Shopping Centre. The closest residential units are approximately 500 metres away. As such, any potential offsite impacts to residents are expected to be limited.
- At the Regular Council – Land Use Meeting on April 20, 2020, Council supported a six-month term for the extension of hours at an Earls Restaurant (Development Application No. 7919-0310-00) to allow for community feedback regarding the extension of hours. The six-month term has since lapsed; however, no noise complaints were received and so the license was extended.
- In keeping with Council's direction under Development Application No. 7919-0310-00, it is recommended that Council support the extension of hours at the subject establishment for a six-month term to allow for community feedback regarding the extension of hours.
- The RCMP and City's By-laws and Licensing Services Department have no concern 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 am from Monday to Thursday, and a closing time of 1:30 am on Fridays and Saturdays.
2. If supported after the Public Notification period, it is recommended that Council pass a resolution to the Liquor and Cannabis Regulation Branch (LCRB) recommending issuance of the license with conditions of hours of operation for a six month term.
3. Council instruct staff to resolve the following issue prior to Final Approval:
  - (a) The applicant enter into a Good Neighbour Agreement with the City, in order to assist in mitigating any potential impact the food primary liquor license amendment may have on the surrounding neighbourhood.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	LAP/NCP Designation	Existing Zone
Subject Site	Grandview Corners Shopping Centre	Commercial/Habitat Preservation Area	CD (By-law No. 15610)
North (Across 24 Avenue):	Grandview Corners Shopping Centre	Commercial/Mixed Commercial Residential	CD (By-law No. 16074)/CD (By-law No. 15610)
East (Across 160 Street):	Grandview Central Shopping Centre	Commercial/Buffers	CD (By-law No. 15611)
South:	Commercial/Office building	Commercial/Habitat Preservation Area	C-8
West (Across Highway 99):	Single family residential and manufactured mobile home park	Mobile Home Park (King George Highway Corridor NCP)	RM-M, RF, RF-10, CD (By-law No.4461)

### Context & Background

- The applicant proposes to extend the operating hours of a food primary licensed establishment (Meltwich Food Company) from 12:00 am to 1:00 am, Monday to Thursday, and to 1:30 am Friday 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) and "Commercial" and "Habitat Preservation Area" 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.

- A similar proposal for Earls Restaurant (16071 – 24 Avenue) was presented at the February 10, 2020 Regular Council – Land Use Meeting (Development Application No. 7919-0310-00). Following the Public Notification Period, Council referred the application back to staff to determine if the license could be provided on a temporary basis in order to solicit public feedback from residents after a period of time (RES R20-362).
- At the April 20, 2020 Regular Council – Land Use Meeting, staff brought the application back for consideration following consultation with the LCRB, who confirmed that a time limit for the license (in this case, six months) could be applied and that a condition could be placed 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 duration for a liquor license is typically one year and 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.
- At the April 20, 2020 Regular Council – Land Use Meeting, Council endorsed the liquor license amendment for Earls Restaurant with a six-month time limit.
- The six-month term for the extension of hours at Earls Restaurant lapsed in October 2020, however, no noise complaints for the establishment were received.

#### Liquor Control and Regulation Branch (LCRB) Requirements

- The Liquor Control and Regulation Branch (LCRB) 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, the City's practice is 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. 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 proposed closing hours of 1:00 am 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 on the east side of 160 Street (closest to subject site) is approximately 500 metres away, a townhouse development north of 24 Avenue. There are residential uses approximately 200 metres away on the other side of Highway 99 meaning the noise impact from this establishment will remain minimal or non-existent.
- The proposed extension of hours to the restaurant is not expected to generate additional noise for the residents beyond the existing noise that is generated from traffic on Highway 99.

#### *Impact to the Community*

- Staff received two comments on the proposal in response to the Development Proposal Sign that was erected on the site or the Pre-Notification letters that were mailed to the surrounding property owners.
  - One resident expressed no concerns but inquired about the proposal.
  - One resident expressed concern with the extension of hours, citing Browns Social House Restaurant at 24 Avenue and 160 Street as contributing to unruly behaviour in the neighbourhood. This resident also alluded to the Council Resolution for Earls Restaurant at the corner of 24 Avenue and 161 Street, where similar concerns were expressed.
- The RCMP and the City's By-laws and Licensing Services Department have no concerns with the proposed extended hours.

#### *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.

## 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 on January 7, 2021 and the Development Proposal Signs were installed on January 13, 2021. Staff received two responses from neighbouring residents (*staff comments in italics*):
- One resident inquired about the pre-notification itself and requested better information be provided. No concerns with the proposal were expressed.

*(Staff thanked the resident for their suggestions and provided additional information about the pre-notification process and the proposal itself. No further comments were submitted).*

- One resident expressed concern with the extension of hours, citing Browns Social House Restaurant at 24 Avenue and 160 Street as contributing to unruly behaviour in the neighbourhood. This resident also alluded to the Council Resolution for Earls Restaurant at the March 9, 2020 Regular Council – Public Hearing meeting (RES. R20-362), which referred the Liquor License Amendment for extension of hours at Earls Restaurant, back to staff to determine if the license could be provided on a temporary basis.

*(Staff acknowledged the Council direction under RES. R20-362 and clarified that the subject application would be in keeping with that of the endorsement for Earls Restaurant (i.e., same hours and for a six month term). The applicant will also be required to enter into a Good Neighbour Agreement to assist in mitigating any impacts the food primary liquor license amendment may have on the surrounding neighbourhood. The subject site is also located a significant distance from any residential areas).*

## CONCLUSION

- The proposed extended hours for a Food Primary Liquor License are in keeping with the approved extended hours for Earls Restaurant under Development Application No. 7919-0310-00). The recommendation for a six-month term for the license to allow for community feedback is also in keeping with the Council direction under Development Application No. 7919-0310-00.
- 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.

- The Planning and Development Department staff have no concerns with the proposed extension of operation hours for the licensed establishment (Meltwich Food Company).
- It is recommended that this proposal proceed to Public Notification to solicit public opinion.
- Should Council determine that a six month term to solicit additional feedback from community residents is not necessary, it is recommended that Council endorse the extension of hours without the required term.

#### INFORMATION ATTACHED TO THIS REPORT

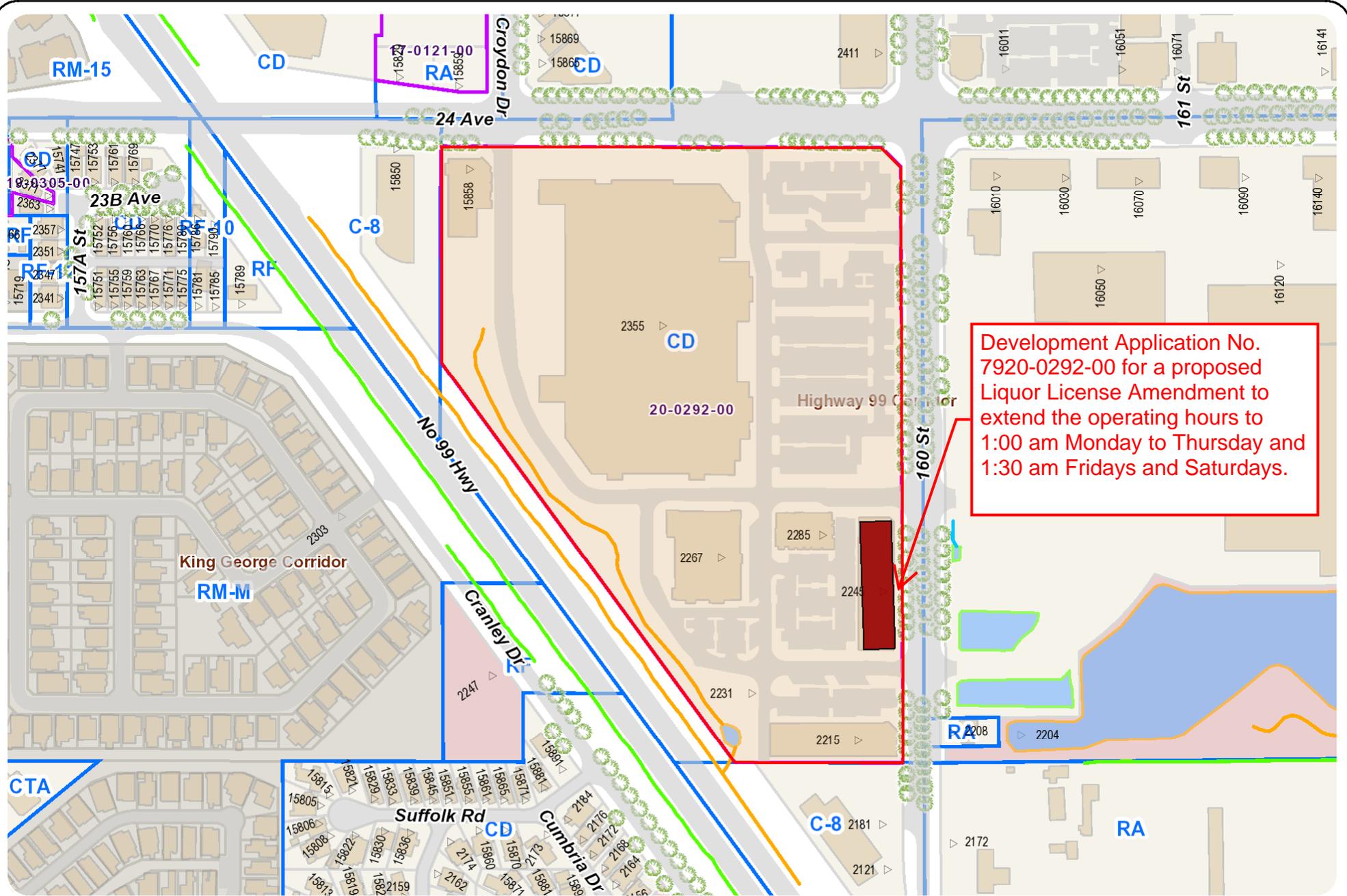
The following information is attached to this Report:

Appendix I.      Location Map

*approved by Shawn Low*

Jean Lamontagne  
General Manager  
Planning and Development

KS/cm



### Enter Map Description

Scale: 1:3,218

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca

