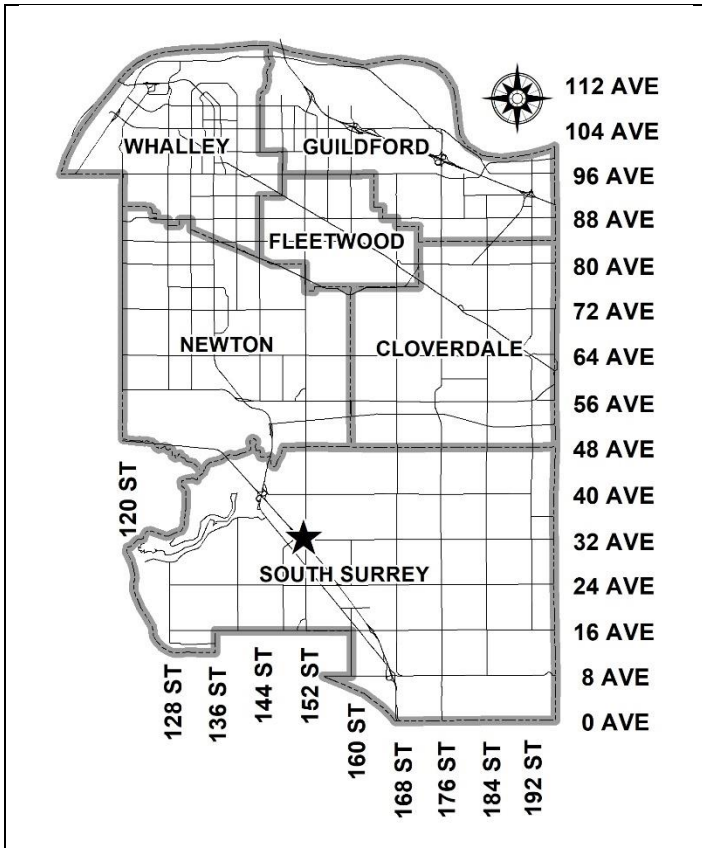


City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7923-0025-00

Planning Report Date: April 3, 2023



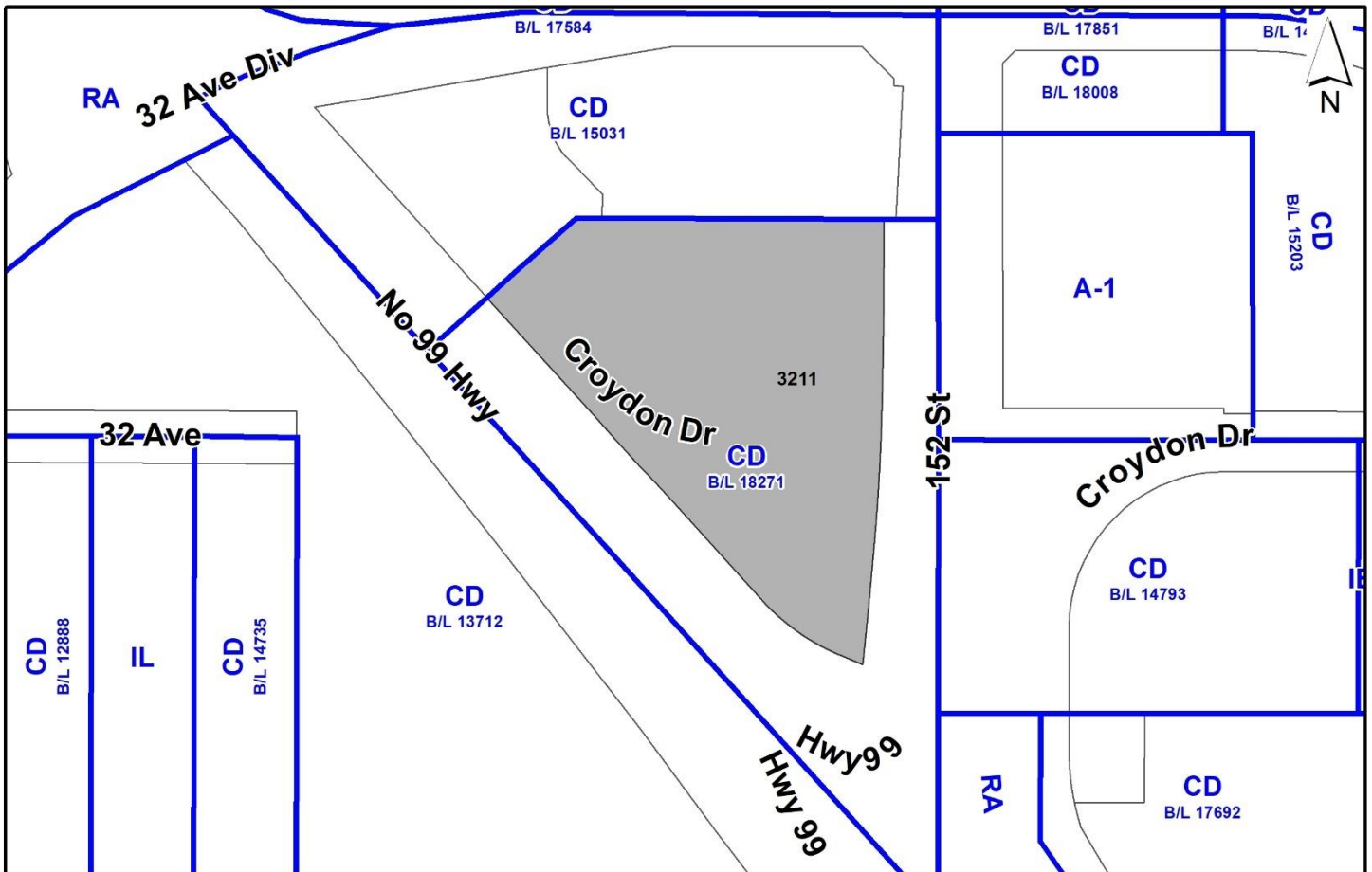
PROPOSAL:

- **Liquor License Amendment** (extension of hours)
 to permit an extension to the hours of operation for a food primary licensed establishment (Tap & Barrel South Surrey)

LOCATION: 3211 - 152 Street

ZONING: CD

OCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Tap and Barrel currently holds a Food Primary License which allows for liquor service from 9:00 am to 12:00 am, seven days a week. 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 are no existing food primary establishments operating beyond midnight in close proximity to the subject site.
- The licensed establishment is located at the corner of 152 Street and Highway 99. The closest residential units are approximately 290 metres away, located across 32 Avenue to the north. As such, any potential offsite impacts to residents are expected to be limited.
- The applicant will enter 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 impacts that may arise from the operation of the eating establishment.
- 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. 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	OCP/NCP Designation	Existing Zone
Subject Site	Commercial/Office Building	(Commercial)/(N/A)	CD
North:	Commercial/Restaurant	(Commercial)/(N/A)	CD
West (Across Highway 99):	Commercial	(Commercial)/ (Commercial)	CD
South (Across Highway 99):	Big Box Retail/Restaurants	(Commercial) /(Industrial/Business Park)	CD
East (Across 152 Street and Croydon Drive):	Business Park	(Mixed Employment)/ (Business Park)	CD

Context & Background

- The site has a current Food Primary License with hours of operation from 9:00 a.m. to 12:00 a.m. midnight Monday to Sunday, and 9:00 a.m. to midnight on Sundays. The existing Food Primary License covers all interior spaces and outdoor patios.
- The property is located in The Professional Centre complex and is designated "Commercial" in the Official Community Plan (OCP). The property is zoned "Comprehensive Development Zone (CD By-law No. 18271). The location of the subject establishment is shown in Appendix I.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant proposes to extend the operating hours of a food primary licensed establishment (Tap & Barrel South Surrey) from 12:00 am midnight 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 midnight.
- In accordance with Good Neighbour Agreement Policy No. M-25, the City of Surrey requires that proprietors of liquor establishments sign a Good Neighbour Agreement in order to allow proprietors a more formal and defined role in the prevention of, and response to, any negative issues that may arise from the operation of their business.
- The applicant will enter into a Good Neighbour Agreement with the City, prior to Council final consideration of the proposed license.

Referrals

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

POLICY & BY-LAW CONSIDERATIONS

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 past midnight 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 possible hours:
 - Sunday through Thursday 11:00 am – 1:00 am
 - Friday and Saturday 11:00 am – 2:00 am

The subject proposal closing hours of 1:00 am Monday to Thursday, and 1:30 am Fridays and Saturdays, and remain at 12:00 am midnight on Sundays, satisfy the policy established by Council for liquor primary establishment. 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 units are approximately 290 metres away, located across 32 Avenue. As such, any potential offsite impacts to residents are anticipated to be limited.
- The proposed extension of hours to the restaurant is not expected to generate additional noise for the neighbourhood beyond the existing noise that is generated from traffic on Highway 99 and 152 Street.

Impact to the Community

- The RCMP and the City's By-laws and Licensing Services Department have no concerns with the proposed extended hours.
- The applicant will sign a Good Neighbour Agreement that will help to prevent potential nuisance issues, including noise, litter and untidiness.

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.

Location of Establishment

- As the primary purpose of a food primary establishment is for the serving of food, there is reduced concern with location compared to a Liquor Primary License. However, the location guidelines for Liquor Primary Licenses can be used as a reference to determine the potential impacts of the extension of hours. The City's long-standing locational guidelines for Liquor Primary establishments are as follows:

- Select a site close to a residential area but not surrounded by a residential area;
 - Select a site that is adjacent to or in a local commercial node;
 - Do not select a site on a provincial highway; and
 - Locate further than 400 metres from a school, children's park, or playground.
- The closest Park is Barbara Creek Park, located approximately 400 metres from the establishment.
 - The closest School is Morgan Elementary School, located approximately 1 kilometer from the establishment.
 - The closest residential units are approximately 290 metres away, located across 32 Avenue.
 - As the establishment is located a significant distance from Parks and Schools, the extension of hours is not anticipated to have any impact on these facilities.
 - The establishment is located appropriately within a commercial node.
 - As the primary purpose of the establishment is for the service of food, the location guideline requiring that Liquor Primary establishments not be located along a provincial highway is not relevant to this application.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on March 7, 2023, and the Development Proposal Signs were installed on March 8, 2023. Staff received no responses from neighbours.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Site Location

approved by Shawn Low

Don Luymes
General Manager
Planning and Development

SC/ar

