

NO: R043

COUNCIL DATE **February 20, 2017**

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## REGULAR COUNCIL

TO: **Mayor and Council** DATE **February 9, 2017**  
FROM: **General Manager, Planning and Development** FILE **o625-20 (M-7, O-5, O-8)**  
SUBJECT: **Proposed Streamlining of Liquor License Amendment Applications**

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## RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve revisions to City Policy No. M-7, *The Role of the Municipality in Liquor Licensing*, as described in Appendix “I;”
3. Approve revisions to City Policy No. O-5, *Procedures for Development Applications*, as described in Appendix “II;”
4. Approve a minor revision to City Policy No. O-8, *Development Proposal Signs*, as described in Appendix “III;” and
5. Instruct the City Clerk to bring forward the necessary amendment by-law to *Surrey Development Application Procedure By-law, 2011, No. 17409* (Development Application Procedure By-law), as amended, for the required readings, as described in Appendix “V.”

## INTENT

The purpose of this report is to seek Council approval for changes to the processing of liquor license amendment applications. The proposed amendments outlined in this report are intended to facilitate further streamlining of the processing of liquor license amendment applications.

## BACKGROUND

On November 7, 2016 the Province issued a news release regarding upcoming changes involving liquor license applications. The purpose of some of these changes is to enable liquor license applications to be processed more efficiently. The liquor licensing changes came into effect on January 23, 2017.

The new provincial regulations enable local government to create a by-law that gives staff the authority to provide comments and make recommendations on liquor license applications, as a way to expedite liquor license applications and reduce red tape.

Pursuant to Section 154 of the *Community Charter*, Council may delegate (through by-law) certain powers, duties, and functions to an officer or employee of the City, and may establish any terms and conditions it considers appropriate.

## DISCUSSION

### Current Procedures

In accordance with the provincial regulations, local government must provide comments and recommendations to the provincial Liquor Control and Licensing Branch (LCLB) on certain liquor licensing applications, or advise that no comments or recommendations will be provided (opt out). The LCLB makes the final decision on the liquor license application, taking into account the comments and recommendations from local government.

The types of liquor license applications that require consultation with local government are as follows.

- New liquor primary license (for example, a neighbourhood pub).
- Any of the following amendments to a liquor primary license:
  - Increase in person capacity;
  - Addition of a permanent patio; or
  - Extension of hours of operation.
- Any of the following amendments to a food primary liquor license (for example, a licensed restaurant):
  - Patron participation (for example, dancing or karaoke); or
  - Extension of liquor service past midnight.
- Any of the following amendments to a manufacturer license (for example, a brewery; distillery; or winery):
  - Lounge endorsement for liquor consumption;
  - Special event area endorsement for liquor consumption;
  - Extension of hours of liquor service for the service area;
  - Increase in person capacity; or
  - Addition of a permanent patio.

The LCLB requires that local government provide comments and recommendations in writing or formally “opt out.” If written comments and recommendations are provided to the LCLB (which has been Surrey’s practise), they must include a description of how the views of area residents and businesses were gathered as well as confirm the following matters were taken into consideration:

- The potential for noise if the application is approved;
- The impact on the community if the application is approved; and
- If an amendment, whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

In addition, the comments provided to the LCLB must include whether the liquor license application should be approved or rejected, and the reasons on which the recommendation is based.

Until recently, the comments and recommendations from local government were required to be in the form of a formal Council resolution. In order to obtain the necessary Council resolution, the

Planning and Development Department forwards all new liquor license applications and all liquor license amendment applications to Council for consideration, in the form of a Planning Report. Following the applicable public consultation process, the City Clerk subsequently forwards the Council resolution and the associated Planning Report to the LCLB for consideration.

### Policy for Operating Hours

Recommendations on hours of operation for liquor licensed establishments are guided by City Policy No. M-7. On February 23, 2004, Council adopted the following as a policy for operating hours when considering liquor license applications:

- |                             |  |
|-----------------------------|--|
| (a) Sunday through Thursday | 11:00 a.m. to no later than 1:00 a.m.; and |
| (b) Friday and Saturday     | 11:00 a.m. to no later than 2:00 a.m.      |

however, where special circumstances exist, hours of operation may be further restricted.

No changes are proposed to these hours of operation as policy for reviewing liquor license applications.

### Public Consultation

As described in City Policy No. M-7 (attached to Appendix "I") and in accordance with City Policy No. O-8 (attached to Appendix "III"), a Development Proposal Sign is required to be erected on the subject site for all liquor applications. For new liquor primary license applications, the consultation resembles a rezoning application, with notices placed in the local paper and a Public Information Meeting held by Council in the form of a Public Hearing. For all other liquor license amendment applications, the public consultation is similar to a Development Variance Permit application with letters sent from the City Clerk's Office seeking written comments from nearby property owners within a three week period.

In all circumstances, as a condition of the business license, a Good Neighbour Agreement is required to ensure any nuisances associated with the liquor license, are adequately addressed.

### **Proposed Procedures**

To expedite liquor license amendment applications, it is recommended that the current procedures be amended to take advantage of the recent liquor licensing changes regarding delegation to staff. Due to the possible sensitivities of any new liquor primary license, despite the recent changes to the liquor regulations, it is recommended that Council retain their role in providing comments to the LCLB on such applications (for example, a new neighbourhood pub).

However, in order to streamline applications for certain existing establishments already licensed to serve liquor, it is recommended that Council delegate to staff the following liquor license amendment applications, subject to certain restrictions as noted below:

- Liquor Primary Licenses:
  - Increase in person capacity; and
  - Maximum 1-hour extension of liquor service in accordance with City Policy No. M-7.

- Food Primary Licenses:
  - Patron participation; and
  - Maximum 1-hour extension of liquor service past midnight in accordance with City Policy No. M-7.
  
- Manufacturer Licenses:
  - Lounge endorsement for liquor consumption;
  - Special event area endorsement for liquor consumption;
  - Maximum 1-hour extension of liquor service; and
  - Increase in person capacity.

There are several situations where it is considered appropriate for consideration of a liquor license amendment application to remain with Council. One situation would be where a liquor license amendment application also includes another land development application, such as rezoning or Development Variance Permit.

Another situation which should be considered by Council is if an applicant seeks to extend liquor service by more than one hour at a liquor primary operation. Similarly, if an applicant seeks to extend liquor service beyond 1:00 a.m. at a food primary operation, it is recommended that such an application be considered by Council, rather than by staff.

Applications for liquor license amendments will be processed following similar procedures used for Development Variance Permits, except that public notification letters regarding such applications will be forwarded by staff of the Planning and Development Department to the owners and tenants of properties located within 100 metres (300 feet) of the site that is the subject of the application. The letters will state that all comments on the proposed liquor license amendment must be submitted in writing to the General Manager, Planning and Development within three weeks of the date of the public notification letter.

Any responses to the public notification letters will assist in determining the City's recommendation to the LCLB with regards to the proposed liquor license amendment. For those liquor license amendment applications considered by staff, written comments and recommendations will be provided to the LCLB and a description of how the views of area residents and businesses were gathered will be incorporated. Staff will also confirm the following matters were taken into consideration:

- The potential for noise if the application is approved;
- The impact on the community if the application is approved; and
- Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

In the event that staff does not support the liquor license amendment application, the applicant can elect to have their application forwarded to Council for consideration (upon payment of additional application fees).

#### Development Application Procedure By-law Amendment

Pursuant to Section 154 of the *Community Charter*, Council may, by by-law, delegate certain powers, duties and functions to an officer or employee of the City, and may establish any terms and conditions

it considers appropriate. It is proposed that the Development Application Procedure By-law be amended to incorporate delegating liquor license amendment applications to the “Delegated Employee,” defined as the General Manager, Planning and Development or the Approving Officer.

Specific procedures to process liquor license amendment applications are proposed in the amendments to the Development Application Procedure By-law, as documented in Appendix “V.” In particular, this amendment by-law details how liquor license amendment applications will be reviewed, whether Council or the Delegated Employee will determine the City’s recommendation to LCLB, and how an applicant can elect for consideration by Council in the event that an application is not supported by the Delegated Employee.

Legal Services has reviewed the proposed amendments to the Development Application Procedure By-law (Appendix “V”) and finds them satisfactory.

### **Business License By-law**

#### Good Neighbour Agreement

In accordance with Section 53(4) of *Business License By-law, 1999, No. 13680* (Business License By-law), a Good Neighbour Agreement is required for every owner of a liquor primary operation or a food primary operation that offers patron participation entertainment, or liquor service past midnight, or operates a separate lounge area where food service is optional (see Appendix “IV”). A Good Neighbour Agreement is required to ensure any nuisances associated with the liquor license are adequately addressed and is a condition of receiving a new business license or amending an existing business license. No change is proposed to this requirement.

#### Outdoor Patio Hours

Furthermore, in accordance with Section 53(4) of the Business License By-law, there are limitations on hours of operation for outdoor patios (Appendix “IV”). Outdoor patios are permitted to operate only between the hours of 11:00 a.m. and 10:00 p.m., seven days a week, if they are within 100 metres (330 feet) of a residential area. No change is proposed to this restriction.

### **Development Application Fees By-law**

To reflect the lower costs in processing a delegated application (due to no report writing and no Council time), it is appropriate for the application fee to be reduced accordingly. If, however, the applicant seeks to appeal to Council, an additional fee will be required.

The required amendments to the *Surrey Development Application Fees Bylaw, 2016, No. 18641* (Development Application Fees By-law) have been forwarded in a separate Corporate Report for Council’s consideration.

### **SUSTAINABILITY CONSIDERATIONS**

The proposed amendments to improve the streamlining of liquor license amendment applications support the following Desired Outcomes (DO) in the *Sustainability Charter 2.0*:

- **Public Safety**
  - **DO 4:** Local residents and businesses are connected and engaged within their neighbourhoods and with the broader community – including police, public safety partners and social service agencies – to enhance safety.
- **Economic Prosperity and Livelihoods**
  - **DO 5:** Locally owned companies are thriving, creating a robust local economy and retaining wealth and jobs in the community.

## CONCLUSION

Due to recent legislative changes that came into effect on January 23, 2017, procedural changes are proposed to facilitate further streamlining of the processing of liquor license amendment applications.

It is, therefore, recommended that Council:

- Receive this report as information;
- Approve revisions to City Policy No. M-7, *The Role of the Municipality in Liquor Licensing*, as described in Appendix “I;”
- Approve revisions to City Policy No. O-5, *Procedures for Development Applications*, as described in Appendix “II;”
- Approve a minor revision to City Policy No. O-8, *Development Proposal Signs*, as described in Appendix “III;” and
- Instruct the City Clerk to bring forward the necessary amendment by-law to *Surrey Development Application Procedure By-law, 2011, No. 17409*, as amended, for the required readings, as described in Appendix “V.”

*Original signed by*  
Jean Lamontagne  
General Manager,  
Planning and Development

JR/ss

### **Appendices:**

Appendix “I” – Proposed Revision to City Policy No. M-7 and Current City Policy No. M-7

Appendix “II” – Proposed Revision to City Policy No. O-5 and Current City Policy No. O-5

Appendix “III” – Proposed Revision to City Policy No. O-8 and Current City Policy No. O-8  
(without attachments)

Appendix “IV” – Excerpts from *Business License By-law, 1999, No. 13680*

Appendix “V” – Proposed Amendments to *Development Application Procedure By-law, 2011, No. 17049*

# Appendix “I”

## Proposed Revisions to City Policy No. M-7

- Section 1 under the heading “LIQUOR LICENSING PROCESS” is amended by inserting the word “New” before “Liquor primary Licenses”
- The list of liquor license amendments, under the heading “LIQUOR LICENSING PROCESS” is deleted and replaced with the following:

“2. Liquor License Amendments as follows:

- (a) Liquor Primary License Amendments:
    - i. Increase in person capacity;
    - ii. Extension of hours of liquor service; and
    - iii. Permanent patio addition;
  - (b) Food Primary License Amendments:
    - i. Addition of patron participation entertainment; and
    - ii. Extension of liquor service past midnight;
  - (c) Manufacturer License Amendments:
    - i. Lounge endorsement for liquor consumption;
    - ii. Special event area endorsement for liquor consumption;
    - iii. Extension of hours of liquor service;
    - iv. Increase in person capacity; and
    - v. Permanent patio addition; and
  - (d) Any similar type of amendment to an existing liquor license.”
- The section titled “Applications for a Liquor License Amendment” is deleted and replaced with the following:

### **“Applications for a Liquor License Amendment**

Applicants will be required to erect a Development Proposal sign on the site, which is the subject of the application, in accordance with City Policy No. O-8.

The following liquor license amendment applications will be considered by Council:

- (a) Extension of liquor service by more than 1 hour at a liquor primary license;
- (b) Extension of liquor service at a food primary license beyond 1:00 a.m.; and
- (c) Any liquor license amendment application, including patio addition, running concurrently with another land development application.

All other liquor license amendment applications are delegated by Council to the Delegated Employee. The Delegated Employee will determine the City’s recommendation to the LCLB on the following liquor license amendment applications:

- (a) Amendments to Liquor Primary Licenses:
  - i. Increase in person capacity;
  - ii. Extension of liquor service by 1 hour or less;
- (b) Amendments to Food Primary Licenses:



- i. Addition of patron participation;
  - ii. Extension of liquor service until 1:00 a.m.;
- (c) Amendments of Manufacturer Licenses:
- i. Lounge endorsement for liquor consumption;
  - ii. Special event area endorsement for liquor consumption;
  - iii. Extension of liquor service for the service area, limited to a maximum 1-hour extension; and
  - iv. Increase in person capacity.

Applications for delegated liquor license amendments will be processed following similar procedures used for Development Variance Permits except that public notification letters regarding such applications will be forwarded by staff of the Planning & Development Department to the owners of properties and tenants of properties located within 100 metres (300 ft.) of the site that is the subject of the application and the letters will state that all comments must be submitted in writing to the General Manager, Planning and Development within 3 weeks of the date of the public notification letter.

Any responses to the public notification letters will assist in determining the City's recommendation with regards to the proposed amendment. The Delegated Employee shall determine the City's recommendation and apprise, in writing, the General Manager, Liquor Control & Licensing Branch (LCLB) accordingly.

The written comments and recommendations provided to the LCLB shall include a description of how the views of area residents and businesses were gathered and confirm the following matters were taken into consideration:

- o The potential for noise if the application is approved;
- o The impact on the community if the application is approved; and
- o Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

Should the Delegated Employee's recommendation be denial, the applicant can elect to have their liquor license amendment application considered by City Council."





# CITY POLICY

No. M-7

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<b>REFERENCE:</b>	<b>APPROVED BY:</b>	<b>CITY COUNCIL</b>
REGULAR COUNCIL MINUTES 9 JANUARY 1978 PAGE 34	<b>DATE:</b>	<b>23 FEB 2004 (R04-387)</b>
	<b>HISTORY:</b>	29 SEPT 2003 (R03-2364) 15 JULY 1991 9 JANUARY 1978 17 SEPTEMBER 1990

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**TITLE: THE ROLE OF THE MUNICIPALITY IN LIQUOR LICENSING**

## **LIQUOR LICENSING PROCESS**

The *Liquor Control and Licensing Act* requires Local Government input on the following types of Liquor License applications.

1. Liquor-Primary Licenses
2. Liquor License Amendments as follows:
  - (e) Addition of a patio to a liquor-primary licence or a winery lounge endorsement;
  - (f) Addition of patron participation entertainment to a food-primary license;
  - (g) Extension of hours of liquor service past midnight for a food-primary license;
  - (h) Extension of hours of a liquor-primary licence or winery license endorsement; or
  - (i) Increase in person capacity of a liquor-primary licence or winery license endorsement.

Applicants who apply to the Liquor Control and Licensing Branch (LCLB) for any Liquor License that requires Local Government input must submit a Liquor Permit Application to the Planning and Development Department.

### **Applications for a Liquor-Primary License**

Applicants will be required to erect a Development Proposal sign on the site, which is the subject of the application in accordance with Council Policy O-8.

Within three weeks of the submission of the Liquor Application, the Planning and Development Department will send a pre-notification letter to all owners of properties within 100 metres (300 ft.) of the site, which is the subject of the application.

Council will hold a Public Hearing to obtain public input regarding the application. Staff of the Legislative Services Department will send a Public Hearing notification letter to all owners of properties and tenants of properties located within 100 metres (300 ft.) of the site which is the subject of the application and will advertise the Public Hearing in 2 consecutive editions of a local newspaper in a process similar to that used for rezoning applications.

### **Applications for a Liquor License Amendment**

Applicants will be required to erect a Development Proposal sign on the site, which is the subject of the application in accordance with Council Policy O-8.

Applications for Liquor License Amendments will be processed following the same procedures used for Development Variance Permits except that public notification letters regarding such applications will be forwarded by staff of the Legislative Services Department to the owners of properties and tenants of properties located within 100 metres (300 ft.) of the site which is the subject of the application and the letters will state that all comments must be submitted in writing to the City within 3 weeks of the date of the Public Notification letter.

### **Policy for Operating Hours**

Council adopted the following operating hours as policy for considering liquor license applications or liquor license amendment applications for liquor-primary establishments:

- (a) Sunday through Thursday 11:00 a.m. to no later than 1:00 a.m.; and
- (b) Friday and Saturday 11:00 a.m. to no later than 2:00 a.m.

however, where special circumstances exist, hours of operation may be further restricted.

# Appendix “II”

## Proposed Revisions to City Policy No. O-5

- Section 6 is deleted and replaced with the following:

**“6. Consideration of Applications”**

- a. All applications requiring a decision by Council shall be forwarded to Council by the Planning & Development Department through a Planning Report to Council;
- b. City Council may, by by-law, delegate certain Development Permit and certain Liquor Licensing Amendment Applications to a Delegated Employee; and
- c. All subdivision applications shall be determined by the Approving Officer.”

- Section 9 is amended by inserting a new Sub-section 9.e. as follows:

- “e. When an application that has been delegated by Council to the Delegated Employee and the application is not supported by the Delegated Employee, the applicant can request the application be considered by Council and will be required to pay additional application fees.”



# CITY POLICY

No. O-5

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REFERENCE:	APPROVED BY:	CITY COUNCIL
REGULAR COUNCIL MINUTES 6 MAY 1991 PAGE 4	DATE:	30 May 2011 (RES.R11-914)
	HISTORY:	2 MARCH 1992 23 SEPTEMBER 1991 6 MAY 1991

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**TITLE:       PROCEDURE FOR DEVELOPMENT APPLICATIONS**

**1.       Land Development Inquiries and Submission of Land Development Applications**

All inquiries and applications for Official Community Plan Amendments, Rezoning, Subdivision, Development Permits, Development Variance Permits, Temporary Use Permits and other land use applications, shall be submitted to the Planning & Development Department.

**2.       Authorized Land Development Applications**

Land Development applications will be accepted from only the registered owner(s), or an agent authorized by the registered owner(s) of the parcel(s) of land for which the application is being submitted.

**3.       Complete Land Development Application**

Land Development Applications will not be accepted unless accompanied by a properly completed land development application form signed by the registered owner(s), all required Land Development Application fees, a properly completed Lobbyist Registration Form, a properly completed Contaminated Soils Questionnaire if the development proposal will result in soil disturbance and data sheets and a preliminary engineering servicing concept. In order for a project to be given a full review under the land development application review process, the applicant must also submit additional information and documentation as deemed necessary by the General Manager, Planning and Development.

**4.       Concurrent Applications**

If a development project consists of more than one Land Development Application type, all Land Development Applications, including the payment of all fees, must be submitted concurrently.

**5. Number of Applications**

Land Development Applications for only one project will be permitted on a property at any one time.

However, Land Development Applications for more than one project MAY be permitted on a property under the following circumstances:

- a. If the new project and associated Land Development Applications are meant to replace the original project and the intent is to close the Land Development Application for the original project; or
- b. If only a portion of the property is included in a project under separate Land Development Application; or
- c. If the second project is for a Temporary Use that is intended to operate on the site while processing of the original Land Development Application is taking place; or
- d. Unique circumstances which are acceptable to the General Manager, Planning and Development.

**6. Council Consideration of Applications:**

All applications requiring a decision by Council shall be forwarded to Council by the Planning & Development Department through a Planning Report to Council.

**7. Public Hearings**

- a. Where a Land Development Application requires a By-law requiring four readings and a Public Hearing, Public Hearings will be held between Second and Third readings of the By-law.
- b. Council will not receive any information or presentation from any party, subsequent to the Public Hearing, other than advice from City staff.

**8. Final Approvals**

- a. Where Council has identified conditions to be met as a prerequisite to final approval, the meeting of such conditions shall be reported to Council prior to the resolution to grant final approval.
- b. Where Council passes a resolution to issue a Development Permit, Development Variance Permit, or Temporary Use Permit, the date of that resolution shall be deemed to be the date of issuance.

**9. Denials and Reconsiderations of Applications**

- a. Where Council denies an application, that application cannot be reopened or reconsidered at any time, except under one of the following circumstances:
  - i. The Mayor, within one month of the date of the denial, in accordance with Section 240 of the Local Government Act;
  - ii. A member of Council, on the prevailing side, at the next Regular meeting of Council, gives notice of their intention to bring the matter back for reconsideration; or
  - iii. The majority of Council, within three months of the date of the denial, passes a resolution to rescind the denial and reconsider the application.
- b. An application may only be reconsidered once. Where an application is reconsidered and is denied, any further development proposal must be the subject of a new application.
- c. Where a resolution to approve an application fails to gain the necessary majority, the application shall be deemed to be denied.
- d. When an application is denied, a Land Development Application for the same, or similar, development cannot be submitted for 6 months from the date the original application was denied.

**10. New Public Hearings**

If an application does not receive final approval within twenty-four (24) months of the Public Hearing held respecting that application, Council may rescind Third Reading of any by-law granted for the application and may refer the application to a new Public Hearing.

**11. Closure of Inactive Applications**

- a. For Applications Reviewed by Council:
  - i. If, in the opinion of the General Manager, Planning & Development, there is no evidence of an applicant actively pursuing the completion of an application for a period of two years, the General Manager, Planning & Development shall notify the applicant of the intent to report such inactivity to Council. For the purposes of this policy, the mailing of a registered letter to the applicant's address as shown on the application form shall be deemed to be notification to the applicant.
  - ii. If, after the notification referred to in Section 11.a.i., a further month elapses without evidence of active pursuit of completion of an application, the General Manager, Planning & Development shall report this matter to Council with a request that the application be closed.

- iii. If Council closes an application, all land development applications associated with the application are deemed to be automatically closed.
- b. For Applications Not Reviewed by Council:
- i. If, in the opinion of the General Manager, Planning & Development, there is no evidence of an applicant actively pursuing the completion of an application for a period of two years, the General Manager, Planning & Development shall notify the applicant of the inactivity. For the purposes of this policy, the mailing of a registered letter to the applicant's address as shown on the application form shall be deemed to be notification to the applicant.
  - ii. If, after the notification referred to in Section 11.b.i., a further month elapses without evidence of active pursuit of completion of an application, the General Manager, Planning & Development shall close the application.
  - iii. If the Planning and Development Department closes an application, all land development applications associated with the application are deemed to be automatically closed.



## Appendix “III”

### Proposed Revision to City Policy No. O-8

Section 9 is revised by adding the following words to the last sentence after the words “within 30 days of Council adopting a resolution to be forwarded to the Provincial Liquor Control and Licensing Branch”:

“or within 30 days of the letter from the Delegated Employee to the Provincial Liquor Control and Licensing Branch advising of the City’s comments and recommendation.”



# CITY POLICY

NO. O-8

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**REFERENCE:**

REGULAR COUNCIL MINUTES  
9 JANUARY 1978  
PAGE 34

**APPROVED BY: CITY COUNCIL**

**DATE:** 14 SEPTEMBER 2009  
(RES.R09-1607 )

**HISTORY:** 2 MAY 2005 (RES.R05-1050)  
29 SEPT 2003 (RES.R03-2364)  
12 JUL 1999 (RES.R99-1850)  
10 MAR 1997 (RES.R97-631)  
5 SEPT 1995 (RES.95-2234)  
6 MAY 1991; 9 JAN 1978

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**TITLE: DEVELOPMENT PROPOSAL SIGNS**Policy on Development Proposal Signs

1. Applicants submitting development proposals involving one or more of the following shall be required to erect and maintain a development proposal sign or signs on the development site:
  - (a) Rezoning
  - (b) Land Use Contract Amendment or Discharge
  - (c) Temporary Use Permits
  - (d) Development Permit (excluding Development Permit applications related exclusively to fascia signage)
  - (e) Subdivisions
  - (d) Liquor Applications
  
2. Notwithstanding Clause 1, Council initiated rezonings involving 10 or more lots are not required to erect a Development Proposal Sign. Authority is delegated to the General Manager, Planning & Development to ascertain if Development Proposal Signs are to be erected in conjunction with Council initiated rezonings.
  
3. If a Development Permit has expired and a new Development Permit exactly the same as the previous Development Permit is being applied for, notwithstanding Clause 1, a Development Proposal sign is not required. If, however, the new Development Proposal

deviates in anyway from the previous plans, a new Development Proposal Sign shall be required.

4. Development Proposal Signs shall be erected on the site within six weeks, or three weeks in the case of Liquor Applications, of a development application being made, in accordance with the specifications prescribed by the general format as attached in Appendix I and the Planning & Development Department.
5. If the lot or lots subject to the development proposal has frontage on more than one opened road allowance, a Development Proposal Sign may at the discretion of the Planning & Development Department be required on each frontage.
6. Development Proposal Sign(s) must be installed on the development site a minimum of two weeks prior to the date on which Council considers the Planning Report on the related application. In the case of a subdivision application, the preliminary layout approval letter shall not be issued until the development proposal sign has been displayed on-site for a minimum of two weeks. Applicants are required to submit a photograph or photographs showing the sign appropriately displayed on site and showing clearly the text and key plan map on the sign. The two week period for displaying the development proposal sign on the site will commence on the date that the Planning and Development Department receives the photograph.
7. All key plans shall clearly indicate the development site, shall contain a north arrow and shall show and label all roads adjoining the development site.
8. The applicant shall maintain the sign in good order until the sign is required to be removed as set out in Clause 9.
9. For applications involving a by-law, the Development Proposal Sign shall be removed by the applicant within 30 days after the final adoption of the by-law. For applications involving a Development Permit only, or a subdivision, the Development Proposal sign shall be removed within 30 days after the issuance of the Development Permit or within 30 days of the Approving Officer signing the subdivision plans. Development Proposal Signs shall be removed within 30 days after the applicant withdraws the application or Council denies or files the application, or in the case of subdivision, within 30 days of when the Approving Officer issues a denial letter. For Liquor Applications, the Development Proposal Sign shall be removed within 30 days of Council adopting a resolution to be forwarded to the Provincial Liquor Control and Licensing Branch.
10. Smaller development proposal signs for secondary suite rezoning applications on individual properties are allowed, as shown in Appendix II.

# Appendix “IV”

## Excerpts from Business License By-law, 1999, No. 13680

### *Licensed Establishments*

- 53 (1) *The proprietor of every licensed establishment must ensure that signs warning of fetal alcohol syndrome are installed as prescribed in Subsection (2).*
- (2) *Signs warning of fetal alcohol syndrome must meet the following minimum requirements:*
- (a) *for every licensed establishment which is permitted to sell alcoholic beverages for off-premises consumption there must be at least one sign located so it is clearly visible from all locations where the sale or dispensing of the alcohol beverages takes place; and*
  - (b) *for every licensed establishment which permits the consumption of alcoholic beverages on the premises there must be one sign conspicuously displayed at each entrance of the premises and in each public washroom located on the premises intended to be used by females.*
- (3) *All signs to be displayed must be those supplied by the City, a copy of which is attached to and forms part of this By-law as Schedule "B".*
- (4) *Where an outdoor patio of a licensed establishment is located within 100 metres of a residential area, the permitted hours of operation of the outdoor patio are between 11:00 a.m. to 10:00 p.m. every day of the week.*
- (5) *Every proprietor of a Licensed Premise (Liquor Primary) and of a Licensed Premise (Food Primary) that offers patron participation entertainment, or liquor service past midnight, or operates a separate lounge area where food service is optional, must enter into a good neighbour agreement with the City, the RCMP and Surrey Fire Services as a condition of receiving a new business license or amending an existing business license.*

# Appendix "V"

## Proposed Amendments to Surrey Development Application Procedure By-law, 2011, No. 17409, as amended

The following amendments are proposed to Surrey Development Application Procedure By-law, 2011, No. 17409, as amended:

1. Amend the first Section (b) on the first page, by deleting the word "and" at the end of the clause.
2. Amend the first Section (c) on the first page, by inserting the word "and" at the end of the clause.
3. Amend the first page, by inserting a new Section (d) following the first Section (c) as follows:

"(d) AND WHEREAS pursuant to Section 154 of the *Community Charter*, Council may delegate its powers, duties and functions to an officer or employee of the City;"
4. Amend Intent of By-law, Section (b), by deleting the word "and" at the end of the clause.
5. Amend Intent of By-law, Section (c), by deleting the period (.) at the end of the clause and replacing it with "; and".
6. Amend Intent of By-law, by inserting a new Section (d) as follows:

"(d) to enable further streamlining of the development application review procedure by delegating specific development applications to the Delegated Employee."
7. Amend Contents, by inserting a new "Part 6 Delegation of Council Authority" as follows:

**"Part 6  
Delegation of Council Authority**

  12. Council Delegation
  13. Exceptions to Delegation
  14. Appeal to Council"
8. Amend Contents by renumbering "General Provisions" as Part 7 and renumbering Sections 12. and 13. as Sections 15 and 16.
9. Amend Section 2 Definitions by inserting the following after the definition of "Applicant":

"Approving Officer"  
means a City official appointed as an approving officer by Council in accordance with the *Land Title Act*."
10. Amend Section 2 Definitions by inserting the following after the definition of "Council":

"Delegated Employee"

means the General Manager, Planning and Development Department or the Approving Officer for the City."

11. Amend Section 2 Definitions by inserting the following after the definition of "Land Use Contract":

"Liquor License Amendment Application"

means an application to modify an existing liquor primary license, food primary license or manufacturer license previously issued by the Liquor Control and Licensing Branch pursuant to the *Liquor Control and Licensing Act*."

12. Renumber Part 6 General Provisions as Part 7 and renumber Sections 12. and 13. as Sections 15 and 16.
13. Insert a new Part 6, after Section 11. as follows:

**"Part 6  
Delegation of Council Authority**

**Council Delegation**

12. Council hereby delegates to the Delegated Employee, the powers, duties and functions of Council to consider Liquor License Amendment Applications as described below:
  - (a) Liquor Primary License Amendment:
    - i. Increase in person capacity; and
    - ii. Extension of liquor service by 1 hour or less;
  - (b) Food Primary License Amendment:
    - i. Addition of patron participation; and
    - ii. Extension of liquor service until 1:00 a.m.; and
  - (c) Manufacturer License Amendment:
    - i. Lounge endorsement for liquor consumption; and
    - ii. Special event area endorsement for liquor consumption;
    - iii. Extension of liquor service for the service area, limited to a maximum 1-hour extension; and
    - iv. Increase in person capacity.

**Exceptions to Delegation**

13. Where a Liquor License Amendment Application also includes a rezoning or any proposed variance to the Surrey Zoning By-law, 1993, No. 12000, as amended, Surrey Sign By-law, 1999, No. 13656, as amended or Surrey Subdivision and Development By-law, 1986, No. 8830, as amended, authority to consider a Liquor License Amendment Application will remain with City Council.

**Appeal to Council**

14. Where there is disagreement between the Delegated Employee and the applicant, authority to consider an application for a Liquor License Amendment Application will remain with City Council."