

City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7909-0081-00

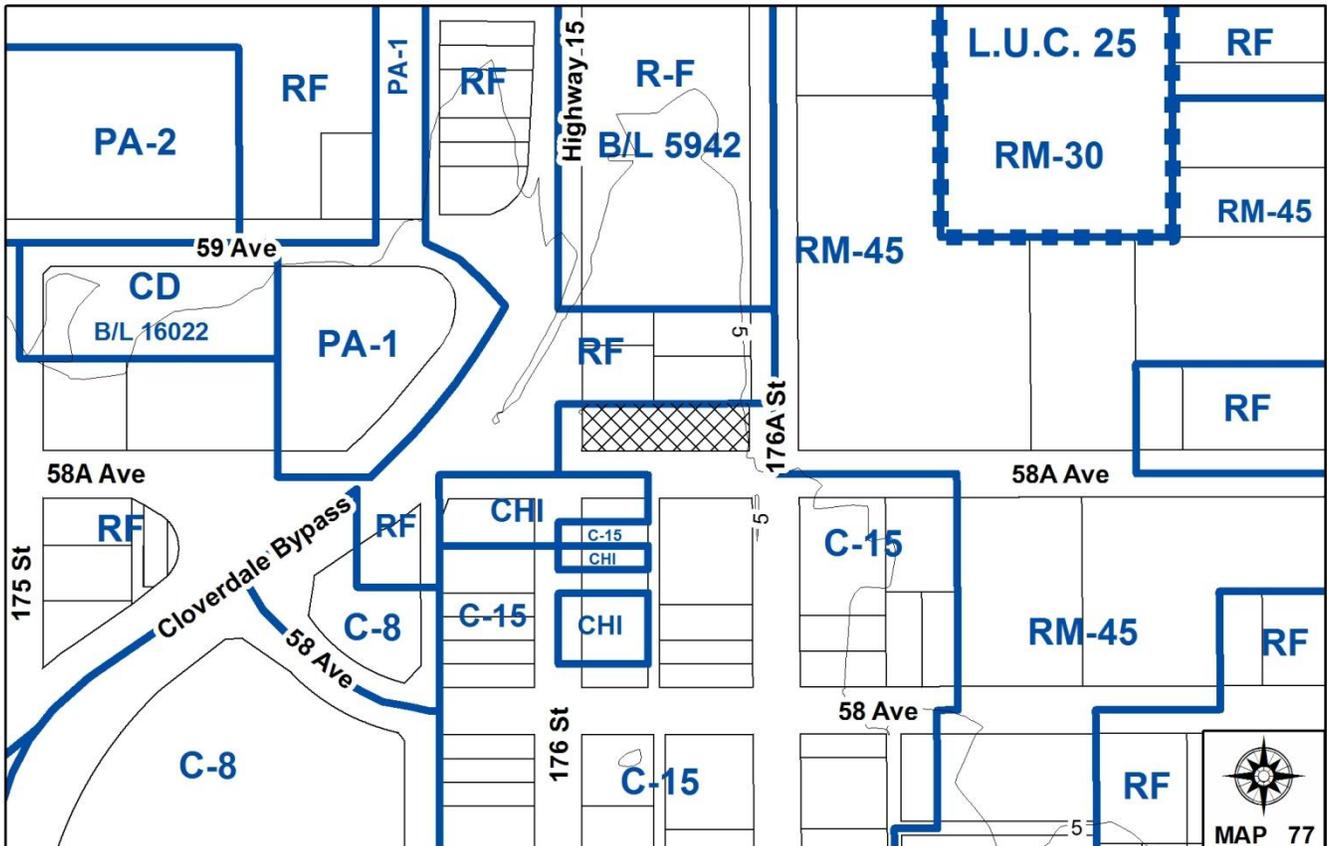
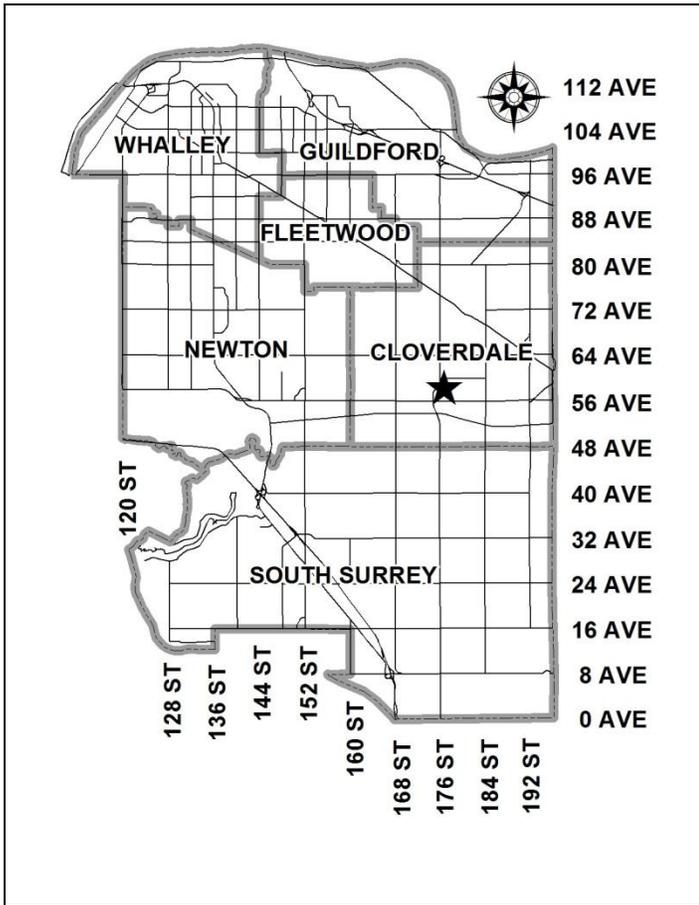
Planning Report Date: December 14, 2009

**PROPOSAL:**

- **Liquor License Amendment**

in order to extend the existing hours of operation at the Cloverdale Station Pub.

**LOCATION:** 5855 - 176A Street  
**OWNER:** BRP Investments Ltd.  
**ZONING:** C-15  
**OCP DESIGNATION:** Town Centre  
**TCP DESIGNATION:** Town Centre



RECOMMENDATION SUMMARY

- Denial.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- Area residents have repeatedly raised objections to the proposed extension of hours.

RECOMMENDATION

The Planning & Development Department recommends that this application to extend the closing hour from midnight to 1:00 a.m. on Thursday, Friday and Saturday be denied and that Council authorize staff to advise the BC Liquor Control and Licensing Branch accordingly.

REFERRALS

Surrey RCMP: The Surrey RCMP will only support the proposed change if there is support from surrounding residents.

SITE CHARACTERISTICS

Existing Land Use: Cloverdale Station Pub and Liquor Store.

Adjacent Area:

Direction	Existing Use	TCP Designation	Existing Zone
North:	Single family dwelling and a vacant lot.	Town Centre Commercial	RF
East (Across 176A Street):	Apartment building.	Medium Density Residential	RM-45
South (Across 58A Avenue):	City-owned parking lot and mixed-commercial building.	Town Centre Commercial	C-15 and CHI
West (Across 176 Street and the Cloverdale By-pass):	Church	Institutional	PA-1

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located within the Cloverdale Town Centre, designated Town Centre Commercial in the Cloverdale Town Centre Plan and zoned "Town Centre Commercial Zone (C-15)".
- The subject site was supported for a neighbourhood pub under Application No. 7900-0196-00. The Liquor Control and Licensing Branch (LCLB) was advised of Council's resolution on October 16, 2000.
- A Development Permit to allow development of a neighbourhood pub and liquor store (Development Permit No. 7902-0368-00) was issued on April 7, 2003.

- A building has subsequently been constructed and the Cloverdale Station Pub and Liquor Store has been operating from this location since May 2004. The hours of operation have been 10:00 to 12:00 a.m. Monday through Saturday and 11:00 a.m. to 12:00 a.m. on Sunday.
- An application for an amendment to the hours of operation was submitted in 2005 (7905-0369-00). The requested hours were proposed to be 11:00 a.m. to 1:00 a.m. Sunday through Thursday and 11:00 a.m. to 2:00 a.m. Friday and Saturday.
- The Public Notification on the proposed extension of hours sent out in April 2006, resulted in a fair amount of opposition to the proposal. After considering the concerns expressed from the residents from the surrounding neighbourhood about the noise and the impact of the existing business on the surrounding neighbourhood, Council did not support the proposed amendment to the hours of operation. Accordingly, the Liquor Control and Licensing Branch (LCLB) did not allow any extension of hours.
- In March 2008, the proprietor of the neighbourhood pub held a public information meeting to see whether the neighbouring residents may be supportive of a new application to amend the hours of operation. Approximately 18 persons attended this meeting and expressed concerns related to noise, public drunkenness, and vandalism experienced with the existing hours of operation. The neighbourhood was not supportive of increasing the hours of operation based on the current business operation.
- The owner submitted a subsequent application to amend the hours of operation in April 2008 (Application No. 7908-0120-00).
- The Pre-notification letter mailed to the surrounding property owners, and the development proposal sign erected on the property generated correspondence and telephone calls from the surrounding neighbourhood who were strongly against the proposal. The proprietor withdrew the application and the file was closed.

#### Current Application

- The Cloverdale Station Pub is under new ownership and the new owner has submitted an application to amend the current hours of operation to allow a closing time of 1:00 a.m. (from the current midnight) on Thursday, Friday and Saturday evenings.
- On February 23, 2004, Council approved recommendations in Corporate Report No. L003, adopting the following as a policy for considering operating hours for liquor-primary establishments in the City:
  - Sunday through Thursday: 11:00 a.m. to no later than 1:00 a.m.;
  - Friday and Saturday: 11:00 a.m. to no later than 2:00 a.m.; and
  - Where special circumstances exist, operating hours may be further restricted.

- The following table is a comparison between the existing hours of operation, the requested hours of operation, and Council policy for hours of operation of liquor primary establishments:

	<b>Current Opening Hour</b>	<b>Proposed Opening Hour</b>	<b>Current Closing Hour</b>	<b>Proposed Closing Hour</b>	<b>Council Policy on Operating Hours</b>
<b>Sunday</b>	11:00 a.m.	11:00 a.m. <i>(Same as Current and Policy)</i>	12:00 a.m.	12:00 a.m. <i>(Same as Current but 1 hour earlier than Policy)</i>	11:00 a.m. to 1:00 a.m.
<b>Monday through Wednesday</b>	10:00 a.m.	10:00 a.m. <i>(1 hr later than Policy but same as Current)</i>	12:00 a.m.	12:00 a.m. <i>(Same as Current but 1 hour earlier than Policy)</i>	11:00 a.m. to 1:00 a.m.
<b>Thursday</b>	10:00 a.m.	10:00 a.m. <i>(1 hr later than Policy but same as Current)</i>	12:00 a.m.	1:00 a.m. <i>1 hr later than Current but same as Policy)</i>	11:00 a.m. to 1:00 a.m.
<b>Friday and Saturday</b>	10:00 a.m.	10:00 a.m. <i>(1 hr later than Policy but same as Current)</i>	12:00 a.m.	1:00 a.m. <i>(1 hr later than Current but earlier than Policy)</i>	11:00 a.m. to 2:00 a.m.

- The LCLB requests that Council comment on how the subject site satisfies a specific list of criteria. The analysis of the criteria for this site is provided as follows:
  - Potential for noise:
    - The Cloverdale Pub is currently open until midnight seven days a week. Previously, there were complaints from residents of the apartment building across 176A Street of noisy patrons exiting this establishment and noise emanating from the parking lots. While there are no recent documented complaints about the operation, the RCMP have advised that they will only support the extension in the hours of operation if there is support from the adjoining residents.
  - The impact on the community
    - The premises have operated as a neighbourhood pub at this location for over five years. Based on comments from the RCMP and By-law & Licensing Services, past complaints about noisy patrons leaving the pub and noise from the parking lot have been resolved. The offering of later closing hours on the weekend will keep the business competitive with other liquor primary facilities, and limit the movement of patrons to other locations which currently have 2:00 a.m. closing times.
  - Will the amendment result in the establishment being operated in a manner that is contrary to its primary purpose?
    - The main purpose of the existing business is to provide liquor service in conjunction with food service. The amendment to the hours of operation will not change the overall market focus, and therefore will not result in the establishment being operated in a manner that is contrary to its primary purpose.

### PRE-NOTIFICATION

The applicant has installed a Development Proposal Sign on the property to identify the proposed change of operating hours.

Pre-notification letters were sent on May 20, 2009. Two letters and 3 telephone calls were received, expressing the following concerns:

- This is the third attempt to extend the hours of operation. Why must we continue to oppose this application?

*(The pub ownership has changed, and there is a new bar manager for the establishment.)*

- The pub patrons leaving the establishment disrupt the residents.

*(The owner is prepared to relocate the front door from 176A Street to 58A Avenue, which may alleviate some of the noise associated with the patrons leaving the establishment.)*

- Patrons are on the patio well after 10:00 p.m. during the summer.

*(Surrey's Business License By-law requires that patios be closed after 10:00 p.m. to reduce noise conflicts with adjoining residences. Additional patrols from By-law and Licensing would be required during the summer months to ensure that the patio is closed after 10:00 p.m.)*

- The pub management does not enforce the non-smoking distance from the door.

*(Surrey Smoking By-law requires a minimum 7.5-metre (25-foot) separation between a public door and a smoking area. It is up to the proprietor to enforce the City by-laws and staff have relayed to them the complaint.)*

### CONCLUSION

This is the third application in four years for an extension in the hours of operation for this establishment. While the proprietor has only requested an additional hour on Thursday, Friday and Saturday evenings until 1:00 a.m., the residents have expressed frustration about having to once again write into Planning staff and Council requesting that the application be denied.

Until such time as the proprietor can demonstrate to the surrounding residents that the existing business operation and closure hour of 12:00 a.m. is not disruptive to the neighbourhood, Planning staff recommend that this application be denied.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary

Jean Lamontagne  
General Manager  
Planning and Development

LAP/kms

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