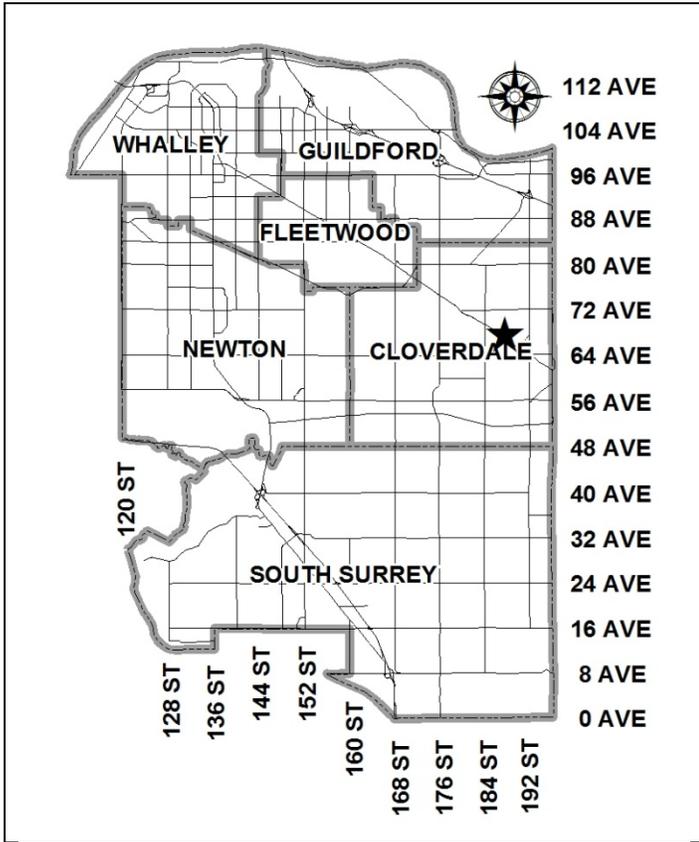


Planning Report Date: December 10, 2012



**PROPOSAL:**

- **Liquor License Amendment**

in order to extend the hours of operation at the Dublin Crossing Irish Pub.

**LOCATION:**

18789 Fraser Highway

**OWNER:**

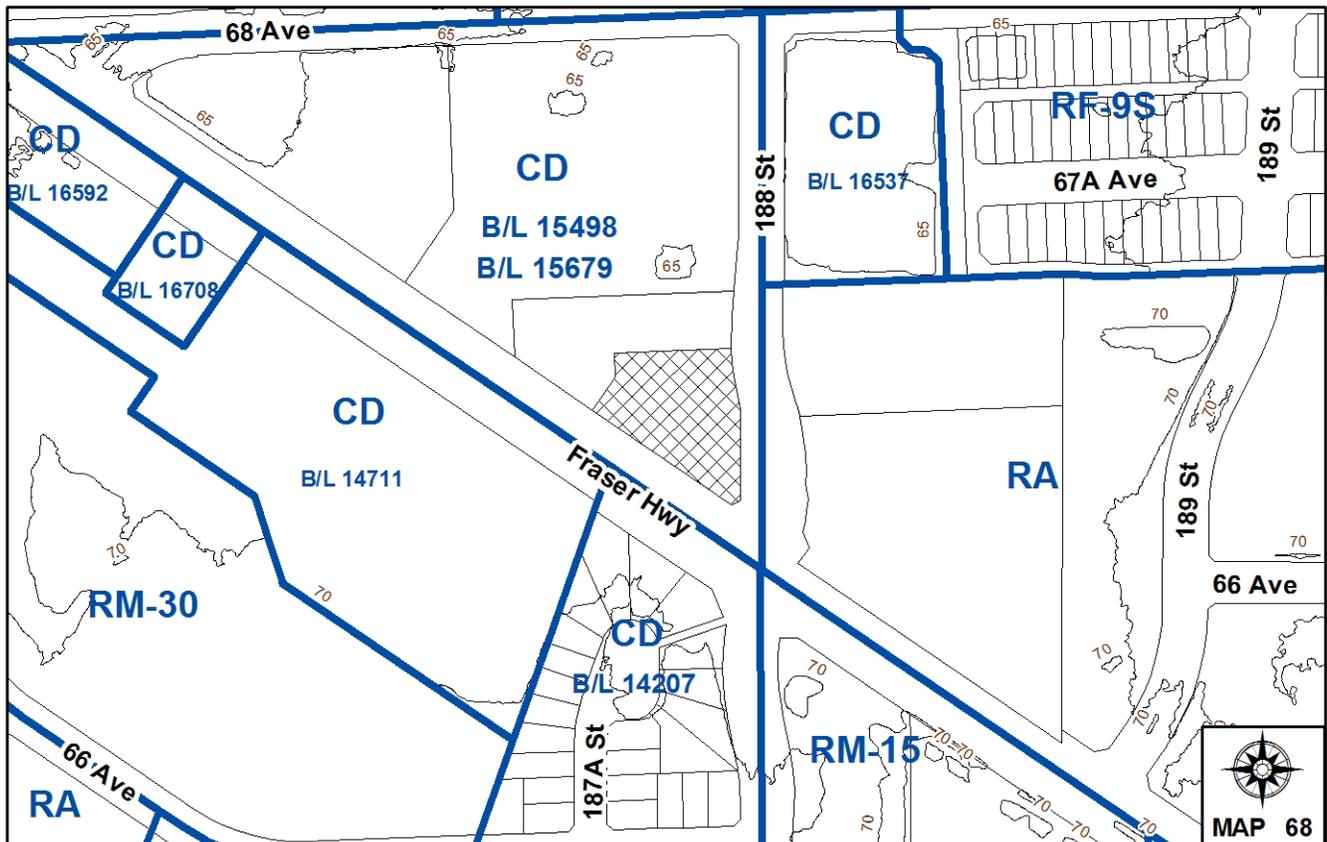
Clayton Crossing Annex Ltd.

**ZONING:**

CD (By-law No. 15498 amended by By-law No. 15679)

**OCP DESIGNATION:**

Commercial



RECOMMENDATION SUMMARY

- Approval of the proposed liquor license amendment to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The site has been operating as a liquor primary establishment since 2007 and there have been no recorded concerns raised by area residents or the RCMP.
- The proposed closing of 2:00 a.m. on Fridays and Saturdays complies with City Policy for hours of operation for liquor primary establishments.
- The applicant has agreed to enter into a Good Neighbour Agreement to assist in mitigating any impact the liquor primary license may have on the surrounding neighbourhood.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve the following proposed liquor primary liquor license amendment to proceed to Public Notification:
  - (a) The extension of hours of operation on Fridays and Saturdays, from the current hours of 11:00 a.m. to 1:00 a.m. to the proposed hours of 11:00 a.m. to 2:00 a.m.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

Surrey RCMP: No concerns with the proposed amendment.

Surrey Fire Department: No concerns with the proposed amendment.

Surrey By-laws & Licensing Services: No concerns with the proposed amendment.

SITE CHARACTERISTICS

Existing Land Use: Multi-unit commercial building.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Portion of Clayton Crossing shopping centre.	Commercial in OCP	CD (By-law No. 15498 amended by By-law No. 15679)
East (Across 188 Street):	Acreage residential lots under application (No. 7906-0429-00) to permit three IB-zoned lots and one RA-zoned lot (Pre-Council and inactive).	Neighbourhood Commercial and Business Park in East Clayton NCP	RA
South and West (Across Fraser Highway):	Single family dwellings.  Hillcrest Shopping Centre.	Urban Single Family Residential in the North Cloverdale East NCP Commercial in the North Cloverdale East NCP.	CD (By-law No. 14207)  CD (By-law No. 14711)

## DEVELOPMENT CONSIDERATIONS

### Background

- The subject property located at 18789 Fraser Highway in Clayton is zoned Comprehensive Development (By-law No. 15498 as amended by By-law No. 15679) and designated Commercial in the Official Community Plan (OCP).
- The Dublin Crossing Irish Pub is located within the building at the corner of Fraser Highway and 188 Street, which is part of the Clayton Crossing Shopping Centre. The original Development Permit No. 7904-0246-00 for the shopping centre was approved by Council on December 13, 2004. The original liquor primary license to allow for the neighbourhood pub was supported by Council on September 19, 2005 and subsequently approved by the Liquor Control and Licensing Branch (LCLB).
- The owners submitted an application in April 2010 (File No. 7910-0134-00) to amend the hours of operation from 9:00 a.m. to 11:00 p.m. on Sundays only. At the September 13, 2010 Regular Council – Public Hearing meeting, Council supported the proposed liquor license amendment (RES. R10-1692). The amendment to the hours was subsequently approved by the LCLB.

### Current Proposal

- The owners of Dublin Crossing Irish Pub have recently submitted a Liquor License Amendment application to amend their hours of operation on Fridays and Saturdays only. The current hours of operation are 11:00 a.m. to 1:00 a.m. Monday through Saturday and 9:00 a.m. to 11:00 p.m. on Sundays. The applicant is proposing new hours of operation on Fridays and Saturdays from 11:00 a.m. to 2:00 a.m., essentially requesting to close one hour later than currently permitted.
- 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 primary licensed establishment proceeds through a process similar to that of a Development Variance Permit application.
- Council has also adopted the following operating hours as policy for considering liquor license applications or liquor license amendment applications for liquor licensed establishments:
  - 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.
- The current proposal to allow for a 2:00 a.m. closing time on Fridays and Saturdays is consistent with the policy established by Council for liquor primary establishments.

### Proposed Liquor License Amendment

- The Liquor Control and Licensing Branch (LCLB) requires that Council comment on how the subject site satisfies a specific list of criteria as follows:

### *Potential for Noise*

- The Dublin Crossing Irish Pub is located in a commercial retail shopping centre. Most properties in the immediate area have been developed into commercial retail, while single family homes are located across Fraser Highway to the south.
- The Dublin Crossing Irish Pub is situated at the intersection of an arterial road and a major collector (Fraser Highway and 188 Street), and thus, residents in the area would be accustomed to larger volumes of vehicle traffic at all times of the day.
- The properties to the east across 188 Street are split designated in the East Clayton NCP as Neighbourhood Commercial and Business Park. There is an in-stream Development Application, File No. 7906-0429-00, to develop the Business Park designated portion of the site, however it is inactive.
- It is not anticipated that the neighbouring properties will be adversely impacted by any noise resulting from the proposed change in the hours of operation.

### *Impact on the Community*

- As noted above, the pub has been operating at this location since 2007 with no recorded complaints and does not appear to have negatively impacted the adjoining neighbourhood.
- Due to the land uses in the area, it is anticipated that there will be minimal impact generated through the proposed change in the hours of operation.
- Both the RCMP and Surrey By-laws & Licensing Services have no concerns with the proposed liquor license amendment.

*Will the amendment result in the establishment being operated in a manner that is contrary to its primary license?*

- The main purpose of the business is a liquor primary license (Neighbourhood Pub). It is not anticipated that changing the hours of operation will result in the establishment being operated in a manner that is contrary to its primary purpose.

### PRE-NOTIFICATION

- In accordance with Council policy, pre-notification letters were sent out on November 20, 2012 and a Development Proposal sign was installed on the property. Letters were sent to a total of 277 property owners within 100 metres of the subject site. Staff received one phone call expressing the following concern:
  - *During the warmer months when residents have their windows open it could potentially be louder in the neighbourhood for an hour later. The resident also indicated they have experienced damage to their fence late at night but could not confirm it was caused by pub patrons.*

*(The owner has been apprised of these concerns, and has agreed to enter into a Good Neighbour Agreement.)*

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I. Lot Owners and Action Summary  
Appendix II. Proposed Good Neighbour Agreement

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

JLM/kms

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## CITY OF SURREY GOOD NEIGHBOUR AGREEMENT

BETWEEN:

CLAYTON CROSSING ANNEX LTD. &  
JAMES MACINTYRE

(the "Owner")

AND:

CITY OF SURREY

(the "City")

AND:

RCMP SURREY DETACHMENT

(the "RCMP")

WHEREAS the City of Surrey (the "City"), the RCMP Surrey Detachment (the "RCMP"), Surrey Fire Services (the "Fire Department") and the owner (the "Owner") of the Dublin Crossing Irish Pub located at 18789 Fraser Highway (the "Licensed Establishment"), (collectively the "Parties"), recognize that all liquor licensed establishments have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons;

WHEREAS the Owner wishes to demonstrate to the citizens of Surrey its desire to be a responsible corporate citizen; and

WHEREAS the Parties wish to promote Surrey as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers.

NOW THEREFORE the Owner agrees with the City and the RCMP to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

1. **Noise and Disorder**

- (a) The Owner undertakes to ensure that noise emissions from the Licensed Establishment do not disturb surrounding residential developments and neighbourhoods, and do not violate Surrey Noise Control Bylaw, 1982, No. 7044;
- (b) The Owner shall assign staff to monitor the activity of patrons in areas outside of the Licensed Establishment to promote the orderly dispersal of patrons, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood;

- (c) The Owner undertakes to ensure disturbances are prevented. Owner must take reasonable measures to make sure the Licensed Establishment is not operating contrary to the public interest and does not disturb people near the establishment. Examples of reasonable measures include installing adequate lighting outside the Licensed Establishment and in the parking lot, supervising parking areas, adding sound proofing, making structural changes to allow indoor line-up areas, and posting signs at the exit doors asking the patrons not to disturb the neighbours;
- (d) In those instances where patrons are lining up on the public sidewalks the Owner shall ensure that the patrons are lined up in an orderly fashion allowing for the free flow of pedestrians along the sidewalk, not blocking laneways or driveways and not spilling onto the roadway; and
- (e) In cases where the presence of employees does not facilitate an orderly dispersal of patrons, the Owner shall contact the RCMP to request assistance in dealing with any persons or crowds.

2. **Criminal Activity**

- (a) The Owner shall not tolerate any criminal activity within the Licensed Establishment; and
- (b) The Owner shall make every reasonable effort to scrutinize patrons as they enter the building to ensure that no items of contraband, including weapons and controlled substances, are brought onto the premises.

3. **Minors**

- (a) The Owner shall not allow any person under the age of 19 years of age into the Licensed Establishment;
- (b) The Owner shall not serve alcohol to any person under the age of 19 years of age; and
- (c) The Owner shall check two pieces of identification when verifying that a customer is at least 19 years of age, one piece of which must be picture identification and may be a driver's licence, a government identification card or a passport.

4. **Sale and Consumption of Alcohol**

- (a) While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Owner shall offer no deep discounts (i.e., "cheap drinks") or across-the-board discounts;
- (b) When offering price reductions and promotions, the Owner shall be particularly mindful of its legal and moral obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated; and

- (c) The Owner shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Licensed Establishment.

**5. Hours of Operation and Liquor Service**

- (a) The Owner shall not allow the service of alcohol in the Dublin Crossing Irish Pub and outdoor patio areas to extend beyond the hours of 11:00 am to 1:00 am Monday to Thursday, 11:00 am to 2:00 am Friday and Saturday and 9:00 am to 11:00 pm on Sunday, and the service of liquor must at all times be done in accordance with the terms and conditions of the Liquor Control and Licensing Branch;
- (b) The Owner shall be permitted an extra 30 minutes to clear the Licensed Establishment at the time of closing in order to facilitate the orderly dispersal of patrons.
- (c) The Owner shall not allow patrons to enter the Licensed Establishment after liquor service ceases under any circumstances

**6. On-Duty Employees**

- (a) The Owner shall ensure that each on-duty employee of the Licensed Establishment is clearly identified; and
- (b) The Owner shall ensure that the on-duty manager of the Licensed Establishment maintains a list showing the full identification of each on-duty employee, and shall make the list available to the Officer In Charge of the RCMP on request.

**7. Cleanliness**

- (a) The Owner shall assign staff to inspect the outside of the Licensed Establishment to ensure that there is no litter, garbage, broken glass or other foreign objects; and
- (b) The Owner shall undertake to remove, as soon as is practical, any graffiti from the building's exterior.

**8. Safety**

- (a) The Owner shall ensure the occupant load sign is visibly posted near the entrance to ensure overcrowding does not take place.

**9. Other Agencies and Programs**

- (a) The Owner agrees to work with the City and its departments, including the RCMP and Fire Department, to resolve any concerns that arise with respect to the operation of the Licensed Establishment;

- (b) The Owner agrees to attend a formal meeting, as and when required by the City, with the City and the RCMP to discuss issues and concerns;
- (c) The Owner shall demonstrate complete support for the RCMP and its members;
- (d) When incidents occur which require RCMP involvement, the Owner shall ensure that all personnel of the Licensed Establishment cooperate fully with RCMP members and do not impede or obstruct members in performing their duties;
- (e) If the Licensed Establishment is located within a Business Improvement Area, the Owner shall participate in any Business Improvement Area Watch Program, if such a program is created;
- (f) The Owner shall support programs which aim to eliminate occurrences of drinking and driving;
- (g) The Owner shall make a free telephone available to patrons for the purpose of contacting a taxi or arranging other transportation from the Licensed Establishment; and
- (h) The Owner shall provide non-alcoholic beverages at prices which are below those set for alcoholic beverages.

10. **Amendment and Transferability**

- (a) Any proposed changes to the terms of this Good Neighbour Agreement shall be discussed and resolved among the Parties; and
- (b) The Owner shall make the continuation of this Good Neighbour Agreement a condition of any sale, lease or transfer of all or part of the Licensed Establishment.

11. **Enforcement**

- (a) Any failure on the part of the Owner to comply with the terms outlined herein may be brought to the attention of City Council and Council may suspend or cancel the Owner's business license for the Licensed Establishment or impose additional terms and conditions; and
- (b) Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the City's rights and authorities in the exercise of its functions pursuant to the *Community Charter* and *Local Government Act*, as amended, and the rights and powers of the City and the RCMP under provincial and federal statutes and regulations, and City bylaws.

Executed the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ in Surrey, British Columbia,

**Owner** )

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\_\_\_\_\_) )

Signature )

)

\_\_\_\_\_) )

Name (*please print*) )

)

\_\_\_\_\_) )

Signature )

)

\_\_\_\_\_) )

Name (*please print*) )

(*If more than one Owner, each Owner must sign*)

**City of Surrey** )

)

\_\_\_\_\_) )

Mayor Dianne L. Watts )

**Surrey RCMP** )

)

\_\_\_\_\_) )

Signature )

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\_\_\_\_\_) )

Name (*please print*) )

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\_\_\_\_\_) )

Rank (*please print*) )

**Surrey Fire Service** )

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\_\_\_\_\_) )

Signature )

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Name (*please print*) )

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