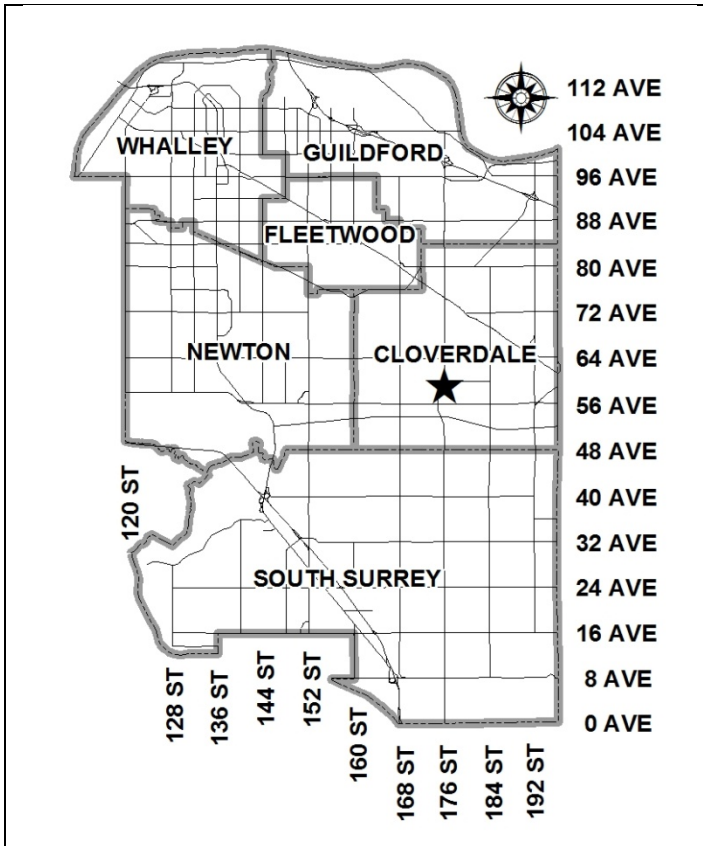


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7912-0054-00

Planning Report Date: May 7, 2012

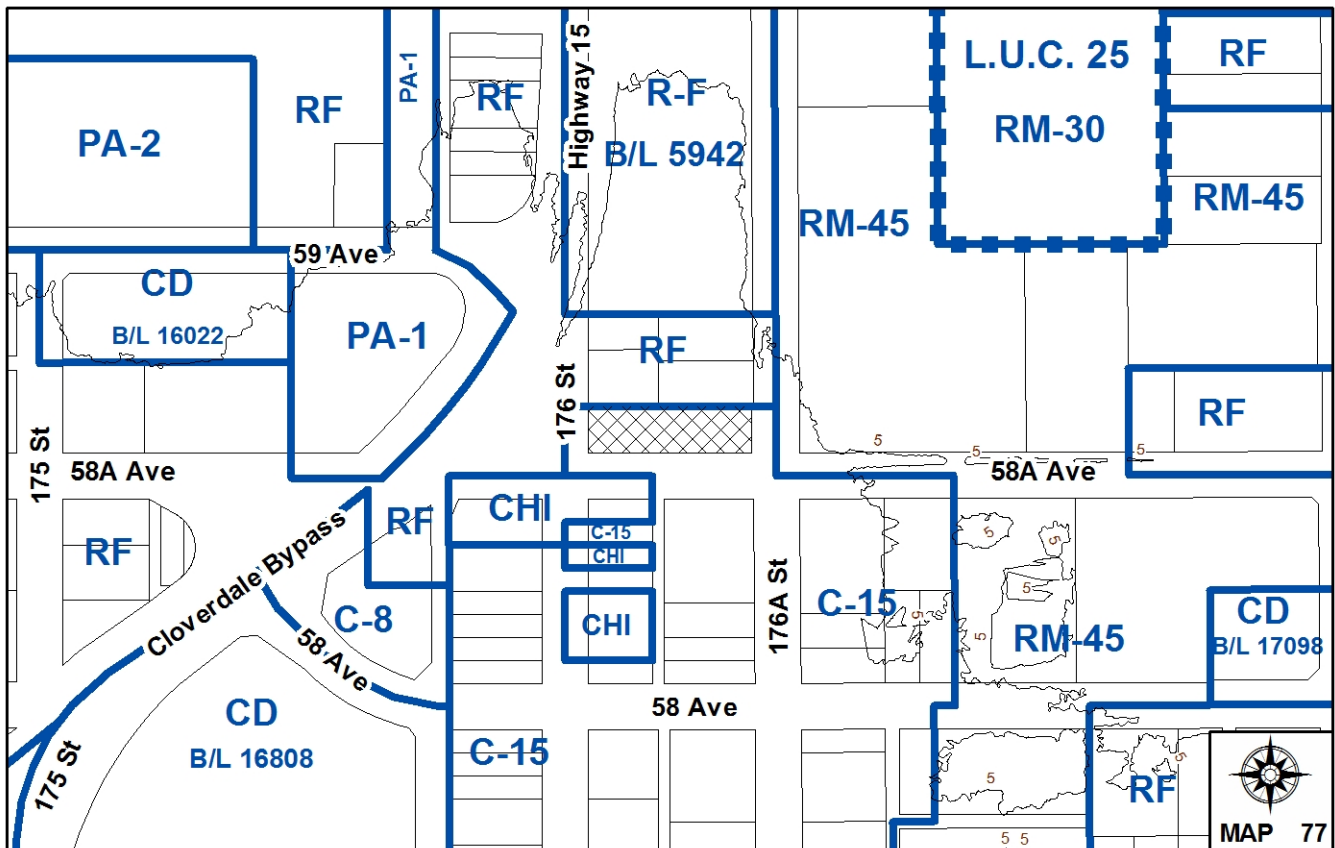


**PROPOSAL:**

- **Liquor License Amendment**

in order to extend the existing hours of operation at the neighbourhood pub called B's Public House.

**LOCATION:** 5855 - 176A Street  
**OWNER:** BRP Investments Ltd.  
**ZONING:** C-15  
**OCP DESIGNATION:** Town Centre  
**TCP DESIGNATION:** Town Centre 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 requested extension of the hours of operation on Thursday, Friday and Saturday nights complies with Council policy.
- 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 Thursday through Saturday, from the current hours of 10:00 a.m. to 12:00 a.m. to the proposed hours of 10:00 a.m. to 1:00 a.m.

REFERRALS

Surrey RCMP: No concerns.

Surrey By-laws & Licensing Services: No concerns.

Building Division: No concerns.

SITE CHARACTERISTICS

Existing Land Use: B's Public House and liquor store (formerly called Cloverdale Station Pub and Cork and the Cookhouse Neighbourhood Pub).

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):	Cloverdale United 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)."

- A neighbourhood pub was supported by Council for this site under Application No. 7900-0196-00. The Liquor Control and Licensing Branch (LCLB) was advised of Council's resolution on October 16, 2000. LCLB subsequently approved the liquor primary license.
- 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 on the subject site and the Cloverdale Station Pub and Liquor Store (now known as the B's Public House) 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. Sunday.
- 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, operating hours may be further restricted.
- An application for an amendment to the hours of operation was submitted in 2005 (Application No. 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 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.
- The owner submitted a subsequent application to amend the hours of operation in April 2008 (Application No. 7908-0210-00). This application did not proceed to Council and was closed.
- In March 2009, the owner of the neighbourhood pub held a Public Information Meeting (PIM) to ascertain 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.
- The owner submitted another application on May 6, 2009 to amend the hours of operation (Application No. 7909-0081-00). This application did not proceed to Council.

### Current Application

- The owner has submitted a proposal 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.
- The existing pub is under new management, and the name of the establishment has been changed to B's Public House. In order to try and address some of the concerns raised by area residents on the east side of 176A Street, the owner has redirected the liquor primary patrons to doors accessing 58A Avenue. The doors fronting 176A Street are intended to accommodate the food primary patrons, and allow for minors to enter the restaurant portion of the business without walking through the liquor primary area.
- 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>same as current but 1 hour earlier than 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>Thursday</b>	10:00 a.m.	10:00 a.m. ( <i>same as current but 1 hour earlier than Policy</i> )	12:00 a.m.	1:00 a.m. ( <i>1 hour 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>same as current but 1 hour earlier than Policy</i> )	12:00 a.m.	1:00 a.m. ( <i>1 hour later than current but 1 hour 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:
    - B's Public House 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 lot. While there are no recent documented complaints about the operation, the RCMP has advised that their support for the extension in the hours of operation is contingent on support from the adjoining residents.

- Impact on the Community:
  - A neighbourhood pub has operated at this location for over eight years. Based on comments from the RCMP, past complaints about noisy patrons leaving the pub and noise from the parking lot appear to 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 a 2:00 a.m. closing time.
- 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 April 10, 2012 to 208 residents and businesses. One letter and 4 telephone calls were received, expressing the following concerns:
  - How many times do the residents have to say "No" to the extension of the hours of operation?

*(The owner has advised that the pub operator has changed, and new staff have been hired.)*
  - The pub patrons leaving the establishment disrupt the residents.

*(The main door has been relocated from 176A Street to 58A Avenue to alleviate some of the noise associated with patrons leaving the establishment.)*
  - Nothing much has changed with the business.

*(The owner has been apprised of these concerns, and has stated they will endeavour to address them.)*

- The applicant has submitted two letters, one from the Cloverdale Chamber of Commerce and one from the Cloverdale Business Improvement Association, indicating support for the proposed extension of one hour on Thursday, Friday and Saturday evenings.

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development

LAP/kms

APPENDICES

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

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent:      Name:                 Rebecca Hardin  
  c/o Berezan Management  
  Address:                 8399 - 200 Street, Unit 210  
  Langley BC  
  V2Y 3C2  
  
  Tel:                         604-882-0808
  
2.                 Properties involved in the Application
  - (a)                Civic Address:                 5855 - 176A Street
  
  - (b)                Civic Address:                 5855 - 176A Street  
  Owner:                         BRP Investments Ltd  
  PID:                             025-491-831  
  Lot A Section 8 Township 8 New Westminster District Plan BCP1278
  
3.                Summary of Actions for City Clerk's Office
  - (a)                Proceed with Public Notification to solicit public opinion with respect to a liquor license amendment.





**CITY OF SURREY**  
**GOOD NEIGHBOUR AGREEMENT**

BETWEEN:

BEREZAN HOSPITALITY GROUP

(the "Owner")

AND:

CITY OF SURREY

(the "City")

AND:

RCMP SURREY DETACHMENT

(the "RCMP")

WHEREAS the City, including its Fire Services, the RCMP, and the Owner of B's Public House located at 5855 – 176A Street (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;

AND 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, as amended;
- (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 to extend beyond approved hours of operation 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; and
- (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.

12. **Indemnification**

- (a) The Owner hereby releases, indemnifies and saves harmless the City, its elected and appointed officials, employees and agents from any and against all liabilities, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the City arising from the granting or existence of this Agreement from the performance by the Parties of this Agreement or any default of the Parties under or in respect of this agreement.

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

**Owner** )

)

\_\_\_\_\_ )

Signature )

)

\_\_\_\_\_ )

Name (*please print*) )

)

\_\_\_\_\_ )

Signature )

)

\_\_\_\_\_ )

Name (*please print*) )

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

*must sign*) )

)

**City of Surrey** )

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\_\_\_\_\_ )

Mayor Dianne L. Watts )

)

\_\_\_\_\_ )

Surrey Fire Services )

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Name (*please print*) )

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Rank (*please print*) )

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**Royal Canadian Mounted Police** )

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Signature )

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