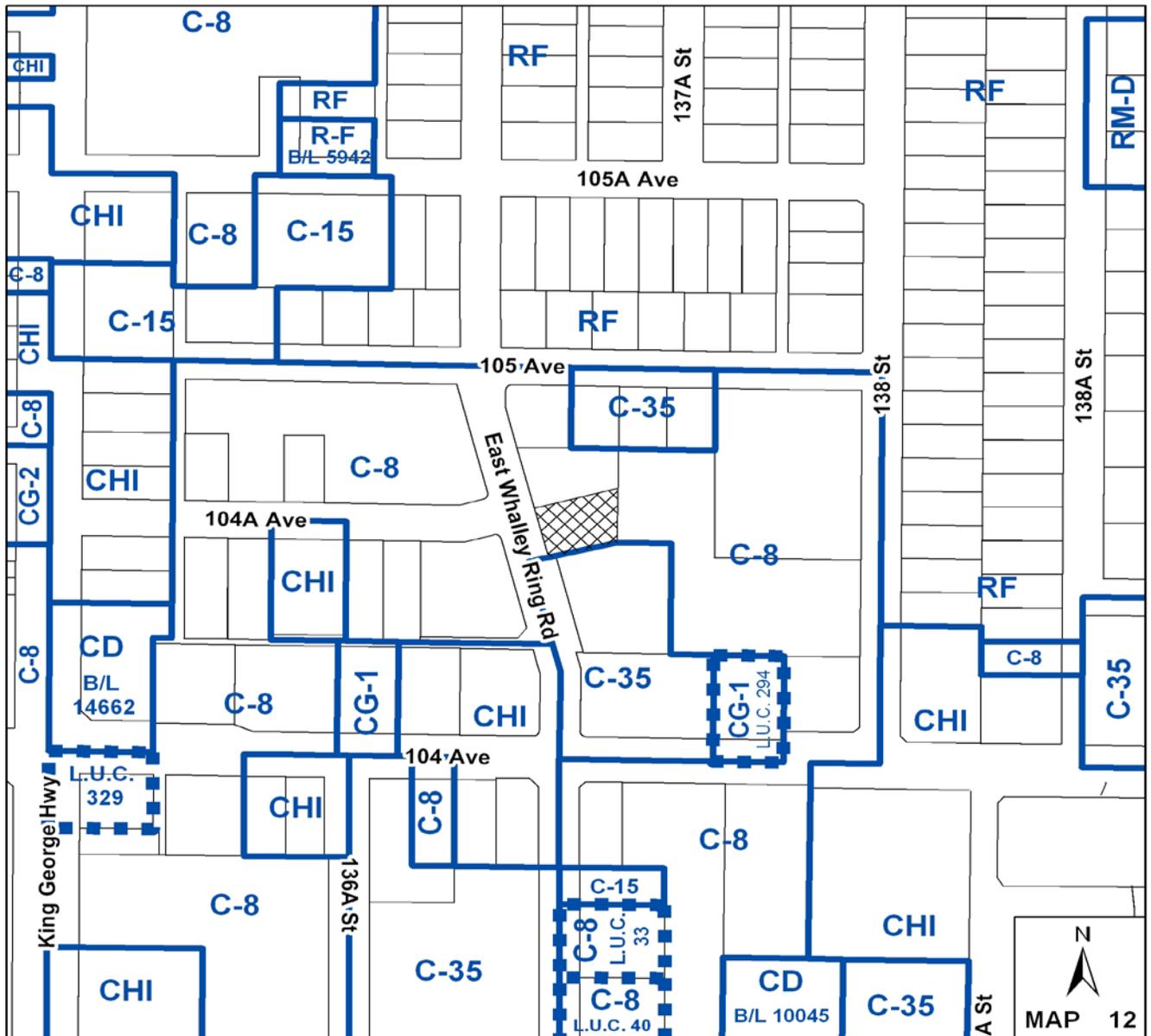


Proposal:	Liquor primary license amendment to extend hours of liquor service.		
Recommendation:	Denial		
Location:	10458 - 137 Street	Zoning:	C-8
OCP Designation:	Commercial	Owners:	Shu Jiun Dong and Xian Fei Huang



PROJECT TIMELINE

Completed Application Submission Date: March 2, 2006
Planning Report Date: May 29, 2006

PROPOSAL

The applicant is proposing:

- liquor license amendment application

in order to extend the hours of liquor service for an existing liquor primary establishment, T-Barz Exotic Adventure Room.

RECOMMENDATION

The Planning & Development Department recommends that the application to extend the hours to allow liquor service from 4:00 p.m. to 2:00 a.m. seven days a week be denied.

REFERRALS

Surrey By-laws & Licensing Services: No concerns (Appendix III)

SITE CHARACTERISTICS

- **Existing Land Use** Commercial building housing T-Barz Exotic Adventure Room.
- **East:** Parking lot for an adjacent commercial building, zoned C-8, designated Commercial.
- **South:** Vacant lot, zoned C-35, designated Commercial.
- **West:** Across East Whalley Ring Road, small commercial buildings, zoned C-8, designated Commercial.
- **North:** Small commercial building, zoned C-8, designated Commercial.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

- T-Barz Exotic Adventure Room is the sole occupant of a building on the lot at 10458 East Whalley Ring Road in Surrey City Centre that is currently zoned C-8.
- The C-8 Zone permits neighbourhood pubs (liquor primary licensed premises).
- T-Barz operates as a liquor primary establishment with entertainment provided by exotic dancers/strippers constituting part of the liquor primary license issued by the Province. T-Barz has been in operation for approximately four years (since April 2002).
- Prior to operating as T-Barz, the establishment operated under the name of Champagnes Cabaret from 1983 to 2002.
- There was a licensed facility on the subject site prior to Champagnes Cabaret, but City records do not contain the name or type of licensed establishment.
- T-Barz has a current occupant load of 241 persons.
- The applicant's liquor primary license currently permits liquor service from 7:00 p.m. to 2:00 a.m. Monday through Saturday and from 7:00 p.m. to Midnight on Sunday.
- On February 16, 2006, T-Barz obtained a permit from the Liquor Control and Licensing Branch (LCLB) for a temporary extension of hours to permit liquor service from 4:00 p.m. to 2:00 a.m. seven days a week. The temporary extension of hours will expire on May 31, 2006.
- T-Barz has indicated that the request for the temporary extension of hours of liquor service was to ascertain if longer operating hours would increase their economic viability and competitiveness with other liquor primary establishments in the area.
- The LCLB can issue temporary changes to a liquor license for periods up to 11 months. For example, the 4:00 a.m. closing for liquor primary establishments in Vancouver's Yaletown has been authorized by a series of temporary license changes rather than permanent changes. The rationale for temporary changes is to obtain public input and monitor business viability.
- After only a few weeks into their trial period, T-Barz ascertained that the earlier opening hours and 2:00 a.m. closing on Sunday resulted in an improved business climate and on March 2, 2006 submitted an application for a permanent change to the hours. Now, with over 3 months into the temporary change of hours, the applicant continues to report improved business.
- As a result, the applicant has now applied to make this temporary extension of hours permanent.
- It should be noted, however, that Surrey's policy on the operation of liquor primary establishments (Resolution R04-0386) restricts liquor service to the hours of 11:00 a.m. to 1:00 a.m. Sunday through Thursday and from 11:00 a.m. to 2:00 a.m. Friday and Saturday.
- As T-Barz already operates until 2:00 a.m. six days a week and to Midnight on Sunday, the only extension of closing hours being requested by the applicant is from Midnight to 2:00 a.m. on Sunday.

- T-Barz is also requesting that their current hours of liquor service be brought forward from 7:00 p.m. to 4:00 p.m. seven days a week.
- Although a 4:00 p.m. opening time is earlier than currently permitted in the permanent T-Barz liquor license, a 4:00 p.m. opening time is substantially later than the 11:00 a.m. opening time set out in Council's policy on liquor primary establishments.
- By-laws and Licensing Services have indicated that they have not received any complaints during the 3½ months T-Barz has operated with these temporary extended hours of liquor service.

LCLB Criteria

- The LCLB requires that Council, in providing a response to the LCLB with respect to the application, 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 block in which T-Barz is located, as well as the block to the west, across East Whalley Ring Road, is occupied by commercial buildings and 6, older single family dwellings that will ultimately be redeveloped for commercial purposes.
 - The closest area designated residential use is located approximately 90 metres (300 ft.) to the north of the subject site, at the northeast corner of East Whalley Ring Road and 105 Avenue.
 - As the subject site is located in a primarily commercial area, has been operating for over 3 months with the extended hours with no complaints to By-law Enforcement and, as only one person responded to the pre-notification with a comment concerning noise, it would appear that the potential for noise impact on existing residential areas in the vicinity of the subject site has been minimal.
 - The impact on the community
 - T-Barz is located in an area that is primarily commercial in nature.
 - T-Barz has operated in the area for several years and has operated with extended hours for the last 3½ months.
 - A liquor primary establishment has existed on this site for at least 23 years. Between 1983 and 2002 a licensed cabaret operated from this site.
 - By-law Enforcement has not received any complaints during the 3½ months that T-Barz has operated with extended hours.
 - Only one area resident responded to the pre-notification letters sent to area property owners and the proposed change of hours signage posted on the site.

- As a result, it does not appear that the operation of T-Barz has a major impact on the community.
- The impact this business has on the potential redevelopment of the surrounding lands cannot be measured, however.
- 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 T-Barz show lounge (liquor primary license) is to provide liquor service in association with entertainment by exotic dancers/strippers. The extension of hours of liquor service 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 current primary purpose.
 - The proposed change in hours will not result in the establishment being operated contrary to its primary purpose, a liquor primary establishment with entertainment in the form of exotic dancers/strippers. However, it should be noted that the establishment was operated for 19 years as a cabaret and was converted into a liquor primary license with entertainment in the form of exotic dancers/strippers without consultation with the City. Under current LCLB regulations, liquor primary establishments are permitted to add entertainment in the form of exotic dancers/strippers without any input from local municipalities, provided they meet all LCLB regulations and requirements.

PRE-NOTIFICATION

- In response to the new Provincial liquor licensing regulations that came into effect in 2002 under the *Liquor Control and Licensing Act*, Council approved Corporate Report No. R209 on September 29, 2003. The Corporate Report sets out the public consultation procedures for various types of liquor permit applications. In accordance with procedures adopted by Council, an application to amend an existing liquor license for the purpose of extending the hours of liquor service is processed in a manner similar to the process for a Development Variance Permit.
- In accordance with Corporate Report No. R209, the applicant has installed a Development Proposal Sign on the property to identify the proposed extension of hours of liquor service. In addition, a pre-notification letter was sent to area property owners apprising them of the proposed extension of hours.
- In response to the sign and pre-notification letter, Planning & Development Department staff received one telephone call. The caller questioned why this form of entertainment (exotic dancing/stripping), which is oriented to nighttime entertainment, needs to be open at 4:00 in the afternoon. The caller also indicated that on some evenings when the establishment closes, some of the exiting patrons, particularly those riding motorcycles create such noise that it wakes area residents.

Conclusion

- With respect to closing hours, the only extension the applicant is requesting is to permit liquor service from Midnight to 2:00 a.m. on Sunday.
- However, this extension is contrary to Surrey's policy on the operation of liquor primary establishments which requires a termination of liquor service at 1:00 a.m. on Sundays.
- Further, under T-Barz's liquor primary license, the establishment is permitted to serve liquor until 2:00 a.m. Monday through Saturday. T-Barz, therefore, already enjoys later closing times Monday through Thursday than are permitted under Surrey's liquor policy which restricts 2:00 a.m. closings to Friday and Saturday only.
- Given that T-Barz is operating under a liquor primary license and associated hours of operation that was converted from a liquor permit that was in place when new LCLB regulations came into effect in 2002, T-Barz has the advantage over newer liquor primary establishments in the area that must operate under current City policy guidelines that restrict late night closing to Friday and Saturday only.
- As a result, it is recommended that the request to extend the hours of liquor service from Midnight to 2:00 a.m. on Sunday be denied.
- With respect to opening hours, the applicant is requesting that the applicant be allowed to commence liquor service at 4:00 p.m., seven days a week, which is 3 hours earlier than the 7:00 p.m. commencement of liquor service permitted by the applicant's liquor primary license.
- Although the proposed opening of 4:00 p.m. is much later than the 11:00 a.m. opening permitted under Surrey's policy on liquor primary establishments, it is unclear why an establishment that caters principally to night-time entertainment needs to open in the afternoon.
- Further, it has been the goal of the City over the past few years, to enhance the image of Whalley in general, and of Surrey City Centre in particular.
- The subject liquor primary license may not be the type of establishment that is needed to help to achieve the goal of changing the image of City Centre and to permit such an establishment, which is oriented toward more night-time activity, to commence operations earlier in the day may not be appropriate.
- As a result, it is recommended that the applicant's request to advance opening hours from 7:00 p.m. to 4:00 p.m., seven days a week, be denied.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets
- Appendix II. Contour Map
- Appendix III. Surrey By-laws and Licensing Services Comments

How Yin Leung
Acting General Manager
Planning and Development

GAG/kms

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Information for City Clerk

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

1. (a) Agent: Name: Trevor Jones
 Address: 22379 - 26 Avenue
 Langley, BC
 Tel: 604-539-8565

2. Properties involved in the Application
 - (a) Civic Address: 10458 - 137 Street

 - (b) Civic Address: 10458 - 137 Street
 Owners: Shu Jiun Dong and Xiao Fei Huang
 PID: 001-016-768
 Lot 85 Section 23 Block 5 North Range 2 West New Westminster District Plan
 41185

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.

CONTOUR MAP FOR SUBJECT SITE

