

NO: L005

COUNCIL DATE: October 19, 2009

REGULAR COUNCIL – LAND USE

TO: **Mayor & Council** DATE: **October 19, 2009**
FROM: **General Manager, Planning and Development** FILE: **7907-0064-00**
SUBJECT: **Liquor License Amendment - 2444 – 160 Street (ULounge)**

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information; and
2. Direct the City Clerk to forward a copy of this report and the related Council resolution to the owner of the existing liquor primary license establishment at 2444 – 160 Street (ULounge) with respect to their request to remove the "no dance floor" restriction from the licenses related to this business.

INTENT

The purpose of this report is to recommend, for Council's consideration, an approach to address the request by the owner of the liquor primary license at 2444 - 160 Street (ULounge) to eliminate the "no-dance floor" restriction on this business.

BACKGROUND

At the September 14, 2009 Council-In-Committee Meeting, the owner of ULounge appeared as a delegation before Council and requested that Council remove the "no-dance floor" restriction from their liquor primary license. The owner indicated that having a designated dance floor would eliminate the existing problem of customers dancing within key service areas, thereby allowing for better flow throughout the establishment. In response to hearing the delegation, Council requested that staff report back to Council on the request.

DISCUSSION

Original ULounge Liquor Primary License Application

At the May 28, 2007 Regular Council – Public Hearing Meeting, Council considered an application from the ULounge for a new liquor primary license in one of the commercial units within the Grandview Corners Shopping Centre (Unit VJ2, 2444- 160 Street-ULounge) (see location maps attached as Appendix I). At that meeting, several neighbours and area residents raised concerns and submitted letters in opposition to the proposed liquor primary establishment. The nature of

the concerns related predominantly to the proximity of the establishment to the Southridge School.

In response to the concerns, the owner of ULounge agreed to a "no dance floor" restriction on his business license and liquor license. Based on this agreement, Council recommended the issuance of a liquor primary license at 2444 - 160 Street, subject to the following conditions:

"RES.R07-1614

. Surrey City Council recommends the issuance of the license subject to the following conditions:

- 1. A maximum capacity of 200 persons indoor and 95 persons outdoor;*
- 2. Hours of operation to be 11:00 am to 1:00 am Sunday to Thursday, and 11:00 am to 2:00 am Friday and Saturday;*
- 3. The license be restricted to Unit VJ2; and*
- 4. Restricted to "no dance floor".*

In accordance with Council's resolution, a "no-dance floor" restriction was placed on both the Provincial liquor primary license and on the City of Surrey business license for the ULounge. The establishment has been in operation with this restriction for about one year.

Provincial Licensing Process and Requirements

City Staff has contacted the Liquor Control and Licensing Branch ("LCLB") to determine the process required to remove the no-dance floor restriction from the Provincial liquor primary license. Unlike formal procedural requirements established by the LCLB for local governments to deal with new liquor primary licenses or for liquor license amendments related to extension of hours, extension of patio seating, increase in seating capacity, or addition of patron participation), LCLB representatives advise that there are no formal procedures that must be followed by local governments in regard to amending a specific condition on a license, such as a "no-dance floor" restriction. The LCLB advised that since the "no-dance floor" restriction was imposed by Surrey Council through resolution, a Council resolution is recommended to remove this requirement from the liquor license.

Recommended City Approach

Since the liquor primary license for the ULounge is already in existence, it is recommended that the City's Liquor License Amendment process (i.e., a process that is similar to the Development Variance Permit application process) be followed, which is the process the City uses to consider the extension to hours of operation or an increase in seating capacity of liquor primary licensed establishments. Under this process, once a formal application is received from the owner, City staff would send out the required pre-notification (i.e., notification letters would be sent to the owners of properties within 100 metres [300 feet] of the site), review the application and prepare a Planning Report complete with recommendations for Council's consideration. Subject to Council approval, a second set of public notification letters would be forwarded to the owners of the properties located with 100 metres (300 feet) of the site with a request that comments be forwarded to the City within three weeks. Following the mandatory three week public notification period, the application would be included on a Regular Council agenda for consideration of approval along with any comments that have been received from the public. A public hearing is not required. Council would then be in a position to pass a resolution, including any conditions that Council views as necessary, regarding the removal of the "no dance floor"

restriction from the licenses and staff would forward the resolution to the General Manager, LCLB.

CONCLUSION

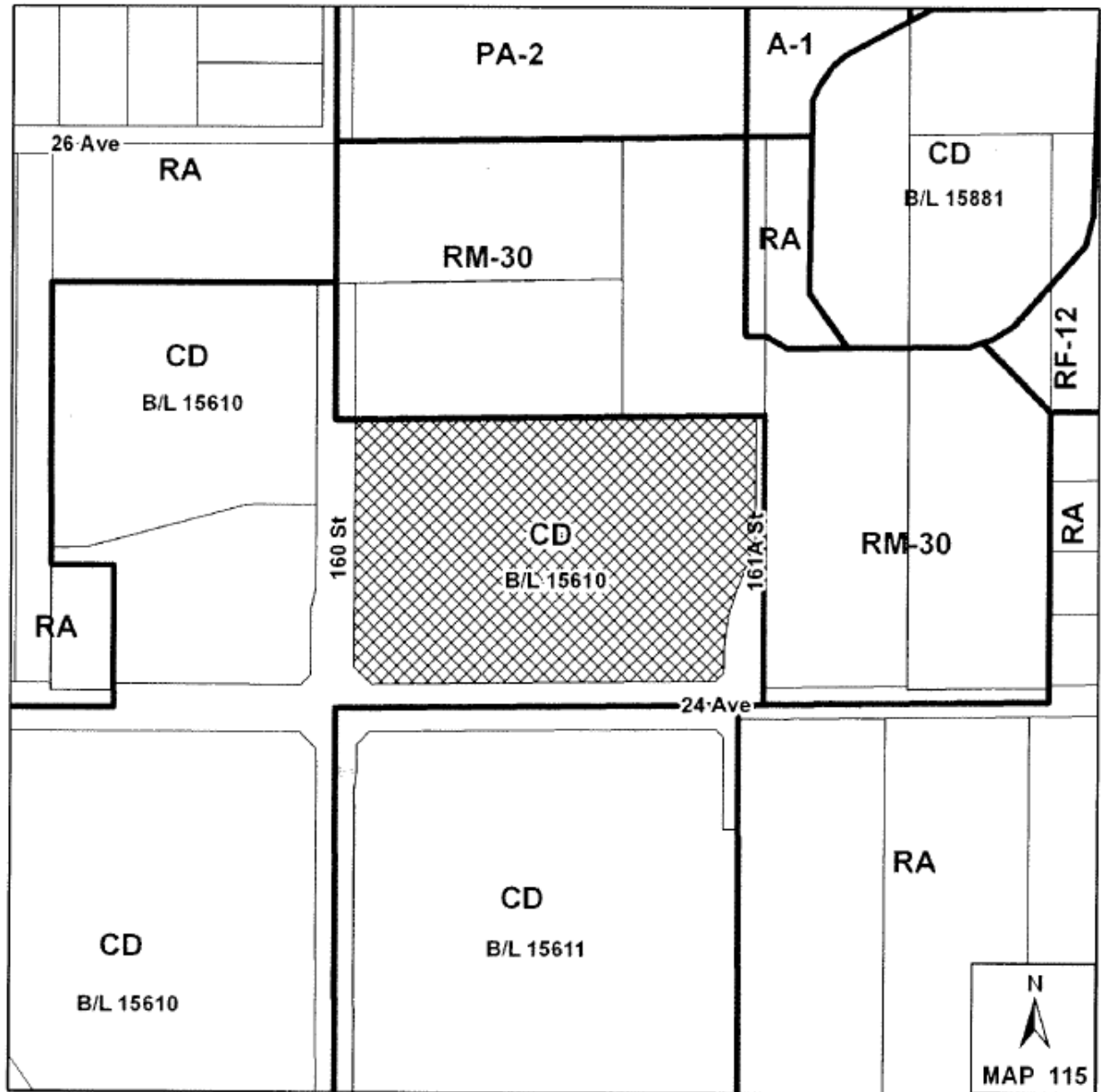
Based on the above discussion, it is recommended that Council direct the City Clerk to forward a copy of this report and the related Council resolution to the owner of the existing liquor primary license establishment at 2444 - 160 Street (ULounge) with respect to their request to remove the "no-dance floor" restriction from the licenses related to this business.


Original signed by
Jean Lamontagne
General Manager
Planning and Development

RG/kms/saw

Attachment:

Appendix I U-Lounge Liquor Primary Establishment Location Maps





 Chandler Associates

 270 West 10th Street

 Vancouver, BC V6C 2K7


 Tel: 604.277.1100

 Fax: 604.277.1101

 www.chandlerassociates.com

Sturry South

 Shopping Centre Ltd.



RECOMMENDED FOR DP

 JANUARY 25, 2007

 RECOMMENDED FOR DP

 MARCH 5, 2007

Grandview Corners

24th Avenue &

 160th Street

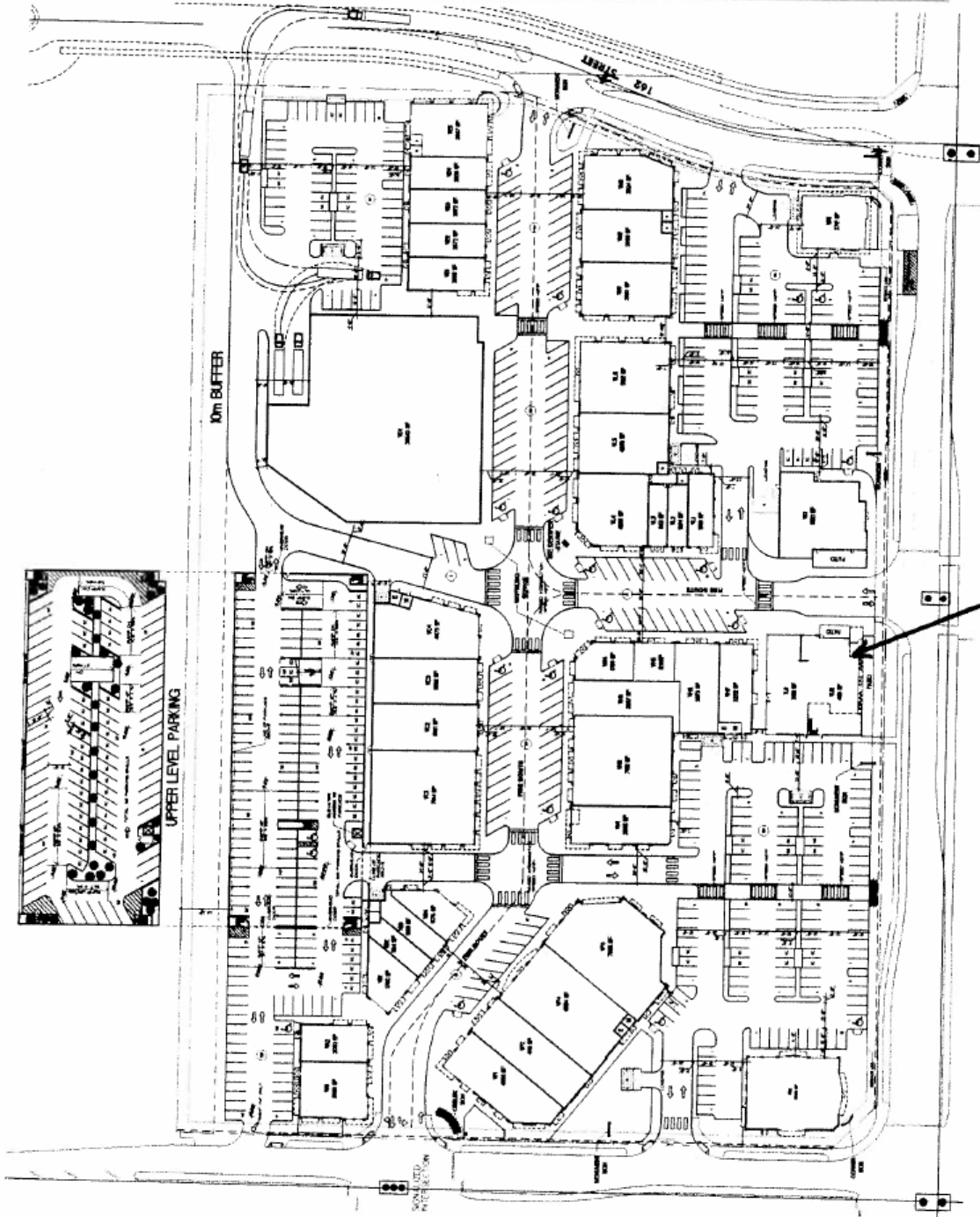
 Surrey, BC

NE Quadrant Station

DATE: March 5, 2007

 SCALE: 1/8" = 1'-0"

 PROJECT #: 3122



LIQUOR PRIMARY ESTABLISHMENT (ULOUNGE)