



City of Richmond

Report to Committee

To General Purposes - May 30, 2005
Date: May 2, 2005

To: General Purposes Committee

Date: May 2, 2005

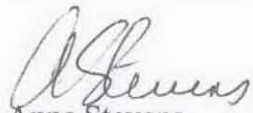
From: Anne Stevens
Manager, Customer Services

File: 12-8275-30-001/2005-Vol 01

Re: **Gingeri Chinese Cuisine, Unit 323-5300 No. 3 Road**
Food-Primary Liquor Licence Amendment - Patron Participation
Entertainment Endorsement

Staff Recommendation

That the application by 738 Oakview Holdings Ltd (dba Gingeri Chinese Cuisine), located at unit 323-5300 No. 3 Road, to amend their Food-Primary Liquor Licence to include patron participation entertainment be supported for the reasons outlined in the staff report dated May 2, 2005, from the Manager, Customer Services.


Anne Stevens
Manager, Customer Services
(4273)

Att. 3

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
R.C.M.P.	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Business Licences	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
REVIEWED BY TAG	YES	<input checked="" type="checkbox"/>	DW	NO	<input type="checkbox"/>
				REVIEWED BY CAO	YES
					<input checked="" type="checkbox"/>
					NO
					<input type="checkbox"/>

Staff Report

Origin

The provincial Liquor Control and Licensing Branch (LCLB) issues licences in accordance with the Liquor Control and Licensing Act and Regulations.

The LCLB notifies local government to give them the opportunity to provide comments and recommendations to the LCLB on liquor licence applications and amendments. For an amendment to an existing licence, the process requires the local government to provide a Council resolution that addresses the following review criteria :

- the views of nearby residents and businesses, and the method by which views were gathered;
- the potential for noise;
- the impact on the community;

This report deals with an application by 738 Oakview Holdings Ltd, doing business as Gingeri Chinese Cuisine, to amend their Food-Primary Liquor Licence to include patron participation entertainment. The proposed forms of entertainment include dancing and karaoke for patrons of private functions, i.e. weddings, birthday parties. Gingeri Chinese Cuisine is located at unit 323-5300 No. 3 Road, which is zoned Automobile-Oriented Commercial District (C6).

Analysis

The Gingeri Chinese Cuisine restaurant (hereafter referred to as “the Applicant”) is located on the east side of Lansdowne Mall. The property is zoned Automobile-Oriented Commercial District (C6), which permits a Food Catering Establishment as well as Commercial Entertainment. The use of patron participation entertainment proposed by the applicant is consistent with the zoning for this property. The surrounding area is made up of mixed uses, namely commercial, townhouse and apartment districts, with a post-secondary institution to the southeast. There is a high-density residential project currently being built to the northeast.

The Applicant’s letter of intent (Attachment 1) indicates that he is proposing to provide entertainment during private functions only. However, the potential exists for entertainment to be offered on a regular basis, ending at midnight. The patron participation entertainment endorsement, if approved, applies during all hours that the establishment is licensed.

Summary of Application & Comments

Item	Details
Application	Amendment to Food-Primary liquor licence # 300835
Type	Patron Participation Entertainment Endorsement (must end by midnight)
Location	Unit 323-5300 No. 3 Road
Hours of Liquor Sales	9:00 am – Midnight, Mondays through Sundays
Zoning	C6
Business Owners	Patrick Kong, Tommy Tseung, Ho-Wing Li, Chak-Hung Lo
Date Received	August 9, 2004
Date Sign Posted	December 20, 2004

Ads in newspaper	December 18, 23, and 25, 2004
Letters to residents	February 25, 2005

To satisfy the provincial requirements, the City's review process requires the Applicant to notify the public and to request their comments on the application. This includes the posting of a sign for a minimum of 30 days, the placement of three ads in the local newspaper, and letters sent to businesses and residents within 50 metres of the establishment. The public consultation period ended on March 25, 2005.

Views of nearby residents, businesses, and property owners

There are 680 properties located within the public consultation area. Letters were sent to 1257 businesses, residents, and property owners associated with such properties to gather their views on the application. The level of response from the community was minimal. The City received six responses, five of which do not support the application. Reasons sighted were:

- noise, violence, and safety concerns;
- conflict with nearby Liquor-Primary licensed businesses who already provide this type of entertainment;
- that there are sufficient businesses in the community offering the same entertainment;
- inadequate enforcement staffing to police the area.

One letter of support was received by Lansdowne Mall administration, indicating that they have agreed to amend the Applicant's lease to accommodate the proposed patron participation entertainment, and that they fully support the application (Attachment 2).

Potential for noise

Respondents indicated that they were concerned with the potential for noise if the application is approved. The restaurant is located in Lansdowne Mall, abutting the east-side parking area, with public access only from within the Mall. It is situated in a mixed use area, which is already impacted by ambient noise from commercial uses. Staff feel that the potential for increased noise from patron participation entertainment originating in the restaurant is minimal. In addition, the Applicant must contain any noise from their operations within their premises so as to not affect other tenants, as per their lease agreement. Lansdowne Mall administration fully supports the application, and has amended the lease agreement to accommodate the new use.

The potential for noise from patrons leaving the restaurant would be no different than that which already exists with the Applicant's current liquor licence. Public participation entertainment must end at midnight, regardless of the hours of operation. Currently, the restaurant's liquor service hours are until midnight seven days per week.

Potential negative impacts on the community

Respondents sighted some negative impacts on the community, including conflict with or saturation of businesses already providing the same service, and inadequate enforcement staff to police the area.

Staff feel that the provision of patron participation entertainment by the Applicant during private functions does not pose a significant conflict to existing Liquor-Primary licensed businesses in Richmond, whose clientele is generally seeking a different type of experience and whose hours

of operation are generally later than that of the Applicant. The Applicant's business is a food service establishment offering dim sum and authentic Cantonese cuisine during the day and evening. The restaurant operates from 9 am until 10 pm seven days per week, and until midnight during private functions. Such functions occur an average of once per week. The restaurant is licensed to serve liquor from 9am until midnight seven days per week to accommodate private functions. The proposed patron participation entertainment endorsement, if approved, must end by midnight. For these reasons, staff feel that the potential for negative impacts generally associated with dance clubs and karaoke clubs would be minimized.

Data received from LCLB shows that there are only 11 out of 232 Food-Primary establishments in Richmond currently licensed with a patron participation entertainment endorsement (Attachment 3). Of those 11 establishments, none are within the area (50 metres) affected by this application. For this reason, staff feel that Richmond is not saturated with businesses offering the same service, nor are such businesses concentrated in the area affected by this application. The same reason is offered in response to concerns of inadequate enforcement staff to police the area.

Potential positive impacts on the community

Patron participation entertainment at the Applicant's restaurant, would expand the choice of venues available in the community for private functions offering such a service, thus creating a positive economic impact on the community.

Potential for improper operation as a Liquor-Primary establishment

Where an application for an amendment to a Food-Primary licence involves a patron participation entertainment endorsement, the local government must also consider whether the amendment, if approved, may result in the restaurant operating improperly as a Liquor-Primary establishment.

As indicated in the Applicant's letters of intent, there are no plans to provide patron participation entertainment to regular restaurant guests. The Applicant expects that patron participation entertainment will be offered during private functions an average of once per week. For these reasons, staff feel that the potential for the restaurant to operate improperly as a Liquor-Primary establishment is minimal.

That said, however, if a patron participation entertainment endorsement is approved, it would apply to all hours that the restaurant is currently licensed, regardless of the Applicant's intent to offer entertainment only during private functions. The question of whether the potential exists for the restaurant to operate improperly as a Liquor-Primary establishment is then subjective, and staff feel should be based on the Applicant's history of violations in this regard. According to the City's records, there is no history of violations by the Applicant in this regard.

Other agency comments

Staff have considered comments from Vancouver Coastal Health, Richmond RCMP and Richmond Fire-Rescue in reviewing this application. These agencies provide comments on the compliance history of applicants in light of their mandates.

No objections to the application were provided by Vancouver Coastal Health or Richmond RCMP.

If the application is approved by the LCLB, Richmond Fire-Rescue has advised that any assembly use involving patron participation entertainment requires a Fire Safety Plan designed to meet the requirements of the BC Fire Code. Lansdowne Mall has an existing Fire Safety Plan in place for the entire mall. Richmond Fire-Rescue would require the mall administration to submit revisions to their Plan to incorporate patron participation entertainment into the evacuation concepts. They would also require the Applicant to submit a written statement describing the fire safety planning methods used by the restaurant, and their obligations as a tenant with respect to the Mall's Fire Safety Plan. If the application is approved, staff would advise the Applicant to contact Richmond Fire-Rescue for more information on complying with the appropriate fire safety requirements.

Similarly, any assembly use involving patron participation entertainment may affect BC Building Code requirements. If the application is approved, staff would advise the Applicant to contact the City's Building Approvals department for more information on complying with the appropriate building code requirements.

Staff recommend that a letter be sent to the LCLB requesting that these conditions be placed on approval of this amendment application.

Financial Impact

None

Conclusion

This report deals with an application by 738 Oakview Holdings Ltd, doing business as Gingeri Chinese Cuisine, to amend their Food-Primary Liquor Licence to include patron participation entertainment. The proposed forms of entertainment include dancing and karaoke for patrons of private functions. The use proposed by the applicant is consistent with the zoning for this property.

Staff reviewed the application following the public consultation period, and considered it in light of the legislated review criteria.

There was a lack of strong response from the community. Of approximately 1200 letters sent, negative response was received from five of the affected stakeholders, while positive response was received from Lansdowne Mall Administration supporting the application .

Given the lack of negative public feedback, the rationale provided in response to such feedback, and the Applicant's history of compliance with various agencies consulted, staff recommend that Council provide a resolution to the LCLB in support of the application, along with a letter requesting that fire and building safety conditions be placed on approval of the application.



Anne Stevens
Manager, Customer Services
(4273)
AS:cl

Gingeri Chinese Cuisine
金如意

Unit 323 Lansdowne Centre,
5300 No.3 Road, Richmond B.C. Canada V6X 2X9
Tel: 604.278.6006 Fax: 604.278.6078

ATTACHMENT 1

August 9, 2004.

The General Manger
Liquor Control and Licensing Branch
P.O. Box 9292 Stn. Prov. Govt.,
Victoria, B.C.
V8W 9J8

Dear Sir/Madam:

Re: Application for Permanent Change to a Liquor Licence
Establishment: Gingeri Chinese Cuisine, Food Primary Liquor Licence #300835

Please accept this as our letter of intent regarding our application to change the entertainment endorsement of the captioned liquor licence from "Patron non-participation" to "Patron participation".

Our establishment is a Chinese restaurant offering dim-sum for lunch and authentic Cantonese cuisine for dinner. One segment of our business is catering to wedding banquets and birthday parties to seniors. These are all private functions and the size ranges from 100 people to 140 people. There are a lot of requests to provide a dance floor for the bride and groom so that they can have their first dance and there is usually some dancing after the dinner. During the dinner, the guests normally like to sing a few songs to celebrate the occasion and as a tribute to the bride and groom or the person having a birthday.

It is our intent to provide dancing and karaoke to our patrons during these functions. We have no plans to provide dancing or karaoke as a form of entertainment to our regular restaurant guests. It is expected that the form of patron participation described herein will average about once a week.

The noise level will be contained within the premises of the restaurant. Due to the location of the restaurant being inside the Lansdowne Shopping Centre, no noise will be audible in the streets or in any residential units. As a matter of fact, the noise level is so low that it would not even affect the tenants of the Lansdowne Centre. We would like to bring to your attention that there is a provision in our lease that noise level would have to be contained within the leased premises.

With the form of patron participation entertainment mentioned herein, the community would have more choice of location to have their wedding banquets and birthday parties and is not restricted to hotels if they desire to have a dance floor and be able to sing a few songs. We have no intention and the restaurant is not set up to make dancing and karaoke as a regular form of entertainment to individual dinner guests and should not have any negative impact that might be associated with karaoke bars and dance clubs.

The endorsement that is applied for herein does not in anyway change the manner that the establishment is being operated. The primary product being sold in the banquet functions that patron participation entertainment is provided is still food and is totally consistent with the food primary concept. A copy of our wedding banquet menu is attached for your reference.

We hope that this letter of intent has sufficiently explained our position in this application and should you need further information, please feel free to contact the undersigned.

Yours truly
Gingeri Chinese Cuisine

A handwritten signature in black ink, appearing to read 'Ng Man-Yui' followed by a stylized flourish.

Ng Man-Yui, Benny
Director/General Manager

LANSDOWNE

centre

ATTACHMENT 2

March 22, 2005

CITY OF RICHMOND
6911 No. 3 Road
Richmond, B.C.
V6Y 2C1

Via Fax 604-276-4157

Attention: Ms. Ann Stevens

Dear Ms. Stevens:

Re: Amendment of Existing Liquor License – Gingeri Chinese Cuisine

As Agent for Vanprop Investments Ltd, owners of Lansdowne Centre, we wish to confirm the following:

1. The mall is aware that Gingeri Chinese Cuisine has made application to amend their existing liquor license to provide for patron participation. The Landlord has agreed to amend their existing lease to accommodate this use and;
2. The owner supports fully their application.

Please do not hesitate to call if you have any questions.

Yours truly,

LANSDOWNE CENTRE



Brian Nosko
Director, Operations & Leasing

Cc Vanprop Investments Ltd.
Lorelei Guthrie-General Manager
Patrick Kong-Gingeri Chinese Cuisine

CITY OF RICHMOND

MAR 22 2005

RECEIVED

List of Food-Primary licensed establishments with Patron Participation Entertainment Endorsements

Establishment	Type	Address	Terms and Conditions
Continental Seafood Restaurant	Dining Establishment	Unit #150 - 11700 Cambie Road	Patron participation entertainment other than games permitted within the premise.
West Lake Vietnamese Cuisine	Dining Establishment	128 4600 - NO 3 RD	Patron participation entertainment other than games permitted within the premise.
Tugboat Annie's Pub, Restaurant, Cold Beer & Wine	Public House - Marina	100 - 6911 GRAYBAR RD	Patron participation entertainment other than games permitted within the premise.
Fantasy Garden World Banquet Facilities	Dining Establishment	10800 NO 5 RD	Patron participation entertainment other than games permitted within the premise.
Grand Buffet	Dining Establishment	110/120 - 8351 ALEXANDRA RD	Patron participation entertainment other than games permitted within the premise.
Shady Island Seafood Bar & Grill	Public House - Neighbourhood	#112 - 3800 BAYVIEW ST	Patron participation entertainment other than games permitted within the premise.
Floata Seafood Restaurant	Dining Establishment	STE 1425 - 4380 NO 3 RD	Patron participation entertainment other than games permitted within the premise.
Melody Shake Karaoke Restaurant	Dining Establishment	1150 - 4380 NO 3 RD	Patron participation entertainment permitted including "karaoke boxes". All forms of entertainment must end by no later than 12:00 midnight daily.
Insomnia Karaoke Restaurant	Dining Establishment	100-7911 ALDERBRIDGE WAY	Patron participation entertainment other than games permitted within the premise.
Station 23 Bistro	Dining Establishment	130- 8291 WESTMINSTER HWY	Patron participation entertainment other than games permitted within the premise.
Barcode Karaoke Restaurant	Dining Establishment	1028 - 8300 Capstan Way	Patron participation entertainment other than games permitted within the premise.
Barcode Karaoke Restaurant	Dining Establishment	1028 - 8300 Capstan Way	Patron participation entertainment permitted including "karaoke boxes". All forms of entertainment must end by no later than 12:00 midnight daily.