



City of Richmond

Report to Committee

To: General Purposes Committee
From: Anne Stevens
Manager, Customer Services
Date: June 20, 2005
File: 12-8275-30-019/Vol 01
Re: Four Points Sheraton Vancouver Airport Hotel, 8368 Alexandra Road
Liquor Licence Amendment - Patron Participation Entertainment Endorsement

Staff Recommendation

- 1 That Council support the application by Prosperity Ventures Ltd (doing business as Four Points Sheraton Vancouver Airport Hotel) to amend their Food-Primary Liquor Licence to include a Patron Participation Entertainment Endorsement, for the reasons outlined in the staff report dated June 20, 2005, from the Manager, Customer Services
- 2 That a copy of the resolution be forwarded to the LCLB in accordance with the legislative requirements

Anne Stevens
Manager, Customer Services
(4273)

Att 2

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"/>		
Zoning	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> <i>dw</i>	NO <input type="checkbox"/>	REVIEWED BY CAO YES <input checked="" type="checkbox"/> <i>CD</i> 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 certain 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 Prosperity Ventures Ltd, doing business as Four Points Sheraton Vancouver Airport Hotel, to amend their Food-Primary Liquor Licence to include patron participation entertainment. The proposed forms of entertainment include dancing and karaoke in all areas covered by the Food-Primary licence until midnight. The Sheraton Hotel is located at 8368 Alexandra Road, which is zoned Automobile-Oriented Commercial District (C6)

Analysis

The Sheraton Hotel (hereafter referred to as “the Applicant”) is located on the south side of Alexandra Road, between Hazelbridge Way and Garden City Road. The property is zoned Automobile-Oriented Commercial District (C6), which permits a Hotel, Food Catering Establishment, and 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 commercial uses. The property located immediately to the south is Lansdowne Mall. The property located immediately to the west is zoned Neighbourhood Pub District 2 (NHP2) and is occupied by Jang Mo Jib Korean Restaurant - a Food-Primary licensed establishment with legal non-conforming status.

The Applicant’s letter of intent (Attachment 1) indicates that the entertainment will consist of dancing and karaoke in the area covered by the Food-Primary licence. This includes the hotel restaurant known as “Worldwide Café”, just off the main lobby. It is understood that the restaurant is an interior function room within the hotel, and does not contain windows opening to the outside. The Applicant feels that noise impact to the public is negligible, and that the requested entertainment endorsement will not result in the Hotel being operated in a manner that is contrary to its primary purpose.

In further discussions with the Applicant, it is understood that the entertainment may be offered during peak times, such as for Easter banquets and through the Christmas season. It is also understood that the Applicant will apply for a temporary amendment to their liquor licence for each of these occasions to include the lobby in the licensed area of the Food-Primary licence. If

this permanent amendment is approved, this means that the entertainment endorsement would apply to any future temporary amendment applications to include the lobby area. The endorsement, if approved, applies during all hours that the establishment is licensed up until Midnight. The Applicant's hours of liquor sales are from 11 00 am until 1 00 am Mondays through Saturdays, and until Midnight on Sundays.

Summary of Application & Comments

Item	Details
Application	Amendment to Food-Primary liquor licence # 182415
Type	Patron Participation Entertainment Endorsement (must end by midnight)
Location	8368 Alexandra Road
Hours of Liquor Sales	11 00 am – 1 00 am, Mondays through Saturdays, 11 00 am – Midnight, Sundays
Zoning	C6
Business Owners	Daisy Cheung Tse of Prosperity Ventures Ltd
Date Received	April 19, 2005
Date Sign Posted	May 14, 2005
Ads in newspaper	May 14, 19, and 21, 2005
Letters to residents	May 17, 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 June 17, 2005.

Views of nearby residents, businesses, and property owners

There are 25 properties located within the public consultation area. Letters were sent to 230 businesses, residents, and property owners associated with such properties to gather their views on the application. The City received 1 response from the community as a result of the public notification process. The response came from a member of the business community who voiced concern about "drunkenness and brawls" associated with liquor consumption, and that "peace and order are the cornerstone of success" in this community. In the absence of additional public feedback, the remaining criteria was reviewed based on the compliance history of the applicant, on staff opinion, and the opinions of the agencies consulted.

Potential for noise

The hotel is situated in a commercial 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 hotel restaurant is minimal.

The potential for noise from patrons leaving the hotel restaurant would be no different than that which already exists with the Applicant's current liquor licence. Patron participation entertainment must end at midnight, regardless of the hours of operation. Currently, the hotel restaurant's liquor service hours are until 1 00 am Mondays through Saturdays, and until Midnight on Sundays.

Potential negative impacts on the community

Staff feel that a patron participation entertainment endorsement at this establishment is not currently a cause of concern to the community

Data received from LCLB shows that there are currently only 11 out of 232 Food-Primary establishments in Richmond currently licensed with a patron participation entertainment endorsement (Attachment 3) Council recently supported 2 additional applications for entertainment endorsements, which may bring this number up to 13 establishments if approved by LCLB Of the 13 possible establishments, only 2 are within the area (50 metres) affected by this application

Potential positive impacts on the community

Patron participation entertainment at the Applicant's restaurant, would expand the scope of service offered by the hotel restaurant to its customers

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 establishment operating improperly as a Liquor-Primary establishment

As indicated in the Applicant's letter of intent, the requested endorsement is not intended to result in the hotel restaurant being operated in a manner that is contrary to its primary purpose The hotel also has a Liquor-Primary licence for a lounge located adjacent to the restaurant, known as "Kimberly Lounge" Staff do not anticipate any concerns with the Liquor-Primary use being adjacent to the hotel restaurant because the Applicant's history of compliance is in good standing with all agencies consulted

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

All agencies consulted had no objection to the application

Any assembly use involving patron participation entertainment may affect requirements under the BC Building Code 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 this condition be placed on approval of this amendment application

Financial Impact

None

Conclusion

This report deals with an application by Prosperity Ventures Ltd, doing business as Four Points Sheraton Vancouver Airport Hotel, to amend their Food-Primary liquor licence to include patron participation entertainment. The proposed forms of entertainment include dancing and karaoke in the hotel restaurant. 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.

The City received minimal response from the community as a result of the public notification process. Of 230 letters sent, 1 response was received. In the absence of additional public feedback, the remaining criteria was reviewed based on the compliance history of the applicant, on staff opinion and on the opinions of the agencies consulted.

Given the Applicant's history of compliance with all agencies consulted, staff recommend that Council provide a resolution to the LCLB in support of the application, along with a letter stating that support is conditional upon the applicant inquiring about applicable building requirements necessitated by the change in use.



Anne Stevens
Manager, Customer Services
(4273)
AS cl

March 16, 2005

BY COURIER

City of Richmond
6911 No 3 Road
Richmond, BC V6Y 2C1

Attention: Anne Stevens
Manager, Customer Services

Dear Sirs

Re **Prosperity Ventures, carrying on business as**
Four Points Sheraton Vancouver Airport Hotel
Letter of Intent re Food Primary Liquor Licence No 182415

We are solicitors for Prosperity Ventures, carrying on business as Four Points Sheraton Vancouver Airport Hotel (the "**Hotel**") located at 8368 Alexandra Road, Richmond, B C , V6X 4A6. The Hotel holds the following liquor licences

- (a) a Liquor Primary Licence (No 189578) (the "**Liquor Primary Licence**"), expiring April 30, 2005 in the name of Kimberly Lounge,
- (b) a Food Primary Licence (No 182415) (the "**Food Primary Licence**"), expiring April 30, 2005, in the name of Worldwide Café

The Food Primary Licence permits only non-participation entertainment. With respect to the Food Primary Licence, it is our client's intention apply for


- (i) ~~a structural change to the Food Primary Licence to change the floor plan to include the lobby area, principally so the lobby area may be used during peak times, such as for Easter banquets and through the Christmas season, so that patron participation entertainment consisting of dancing and karaoke will also be permitted in such lobby area, and~~
- (ii) a permanent change to the Food Primary Licence, being an entertainment endorsement which will permit patron participation entertainment consisting of dancing and karaoke in all areas covered by the Food Primary Licence, including the lobby area

We confirm the following

- 1 the form of patron participation entertainment proposed consists of dancing and karaoke, which activities will cease at midnight,

- 2 The Hotel is a stand-alone building and the dancing and karaoke will be held **inside the Hotel** within its interior function rooms We are advised that these interior function rooms do not contain windows opening to the outside such that **noise impact to the public street is negligible** Our client has advised us that there is no potential for noise or negative impact in any way on the community, and
- 3 the requested entertainment endorsement will not result in the Hotel being operated in a manner that is contrary to its primary purpose

With respect to the Food Primary Licence, we enclose

- (a) ~~the completed Application for Structural Change to include the Hotel lobby area (for your information);~~ 
- (b) a reduced copy of the plan approved for liquor licence purposes We have noted the location of the lobby area on this plan, and
- (c) the completed Application for a Permanent Change with respect to the application for patron participation endorsement,

Please review the enclosed documents and, if you find the same to be in order, we would ask that you sign Part 16 of the application for a Permanent Change on behalf of the City of Richmond, the applicable Local Government We understand that if the City of Richmond approves our clients applications, you will forward the originally signed Application for a Permanent Change to us together with a list of the requirements of the City of Richmond, which requirements include posting of ads in the paper, posting or a large sign on the Hotel property and a fee of \$500.00 payable to the City of Richmond

If you require any further information or documentation, please call my paralegal, Linda Cameron, at (604) 891-7758 Our fax number is (604) 687-6314

Yours truly,

CLARK WILSON LLP

Per 

Roy A Nieuwenburg

/lrc

Encl

cc Prosperity Ventures
Attention Daisy Tse (by fax, without enclosures)

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

Applications recently supported by Council, but not yet approved by LCLB

Establishment	Type	Address
Ginger Chinese Cuisine	Dining Establishment	323-5300 NO 3 ROAD
Seventh Heaven Cafe	Dining Establishment	2792-4151 HAZELBRIDGE WAY