City of Richmond

Report to Committee

To.	General Purposes Committee	**Date:**	June 21, 2005
From:	Anne Stevens Manager, Customer Services	**File:**	12-8275-30-008/Vol 01
Re:	**Liquor Licence Amendments - River Rock Casino Resort, 8811 River Road**		

Staff Recommendation

1 That Council support the following amendments to the liquor licences held by Great Canadian Casinos Inc, doing business as "River Rock Casino Resort", at 8811 River Road

- adding a Patron Participation Entertainment Endorsement to the Food-Primary liquor licence (entertainment must end by midnight),
- structural changes to the Liquor-Primary licence to include additional licensed areas as part of Phase II of the casino resort development,

for the reasons outlined in the staff report dated June 21, 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 1

FOR ORIGINATING DIVISION USE ONLY				
ROUTED TO.	**CONCURRENCE**		**CONCURRENCE OF GENERAL MANAGER**	
R C M P	Y ☑ N ☐			
Business Licences	Y ☑ N ☐			
Zoning	Y ☑ N ☐			
REVIEWED BY TAG	YES ☑ DW	NO ☐	**REVIEWED BY CAO**	YES ☑ NO ☐

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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 two applications by Great Canadian Casinos Inc, doing business as "River Rock Casino Resort", for the following amendments to their liquor licences

- adding a Patron Participation Entertainment Endorsement to the Food-Primary liquor licence (entertainment must end by midnight),
- structural changes to the Liquor-Primary licence to include additional licensed areas as part of Phase II of the casino resort development,

The proposed forms of entertainment in the Food-Primary licensed areas include offering live bands/DJ's and dancing until midnight (on special occasions and for private functions) The proposed structural changes include adding licensed areas to the Liquor-Primary licence, including a theatre, lobby lounges and associated areas

Analysis

The River Rock Casino Resort is located at 8811 River Road, which is zoned Comprehensive Development District 87 (C/D 87) The zoning permits a Hotel, Casino, Food Catering Establishment, as well as Commercial Entertainment The use proposed by the applicant is consistent with the zoning for this portion of the property The surrounding area is mainly light industrial and commercial

The applicant's letter of intent for the Food-Primary licence amendment indicates that they are proposing to provide patron participation entertainment by offering live bands/DJ's and dancing on special occasions, such as New Year's Eve, Valentine's Day and, perhaps, the odd private function (Attachment 1) However, if approved, the entertainment endorsement applies in all licensed areas, during all licensed hours until midnight Therefore, the potential exists for such entertainment to take place on a regular basis

With the development of Phase II of the casino resort, the entire Food-Primary licensed area will include 3 restaurants with patios, the poolside area, a spa, banquet/conference rooms, and the

hotel lobby lounge and patio The total interior person capacity of the Food-Primary licensed area will be 1,113, while the total patio capacity will be 772

There will also be additional licensed areas to the Liquor-Primary licence These will include a multi-level theatre with 2 lobbies, private boxes, buffet service, and an operations area in the basement with dressing rooms etc When added to the existing Liquor-Primary licensed area of the casino resort, the total person capacity will become 8,075

The hours of liquor sales are the same for both Food-Primary and Liquor-Primary licensed areas 11 00 am until 2 00 am seven days per week, although the casino resort is permitted to remain open 24 hours per day

Summary of Application & Comments

Item	Details	
Application	Amendment to Food-Primary liquor licence # 301131 Amendment to Liquor-Primary licence # 300979	
Type	1 Patron Participation Entertainment Endorsement	2 Structural Change to Liquor-Primary licence to include additional licensed areas
Hours of Sale	11 00 am – 2 00 am Mondays through Sundays	
Location	8811 River Road	
Zoning	C/D 87	
Business Owner	Great Canadian Casinos Inc	
Date Received	October 21, 2004	April 28, 2005
Date Sign Posted	May 20, 2005	May 20, 2005
Ads in newspaper	May 21, 25, 28, 2005	May 21, 25, 28, 2005
Letters to residents	February 25, 2005	May 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 applications 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, residents and property owners within 50 metres of the establishment The public consultation period for both applications ended on March 25th and June 25th respectively

Views of nearby residents, businesses, and property owners

There are 17 properties located within the public consultation area Letters were sent to 29 businesses, residents, and property owners associated with such properties to gather their views on the applications The City received no response from the community as a result of the public notification process In the absence of public feedback, the remaining review criteria was considered based on the compliance history of the applicant, on staff opinion, and the opinions of the agencies consulted

Potential for noise

The casino resort is situated in an area made up of light industrial and commercial uses The area is already impacted by ambient noise from surrounding uses, including being in the flight path to Vancouver International Airport The casino has been built to minimize noise ingress and it is understood that the reverse is true for noise originating from within the establishment Due to the construction standards and existing ambient noise in the area, staff feel that the potential for increased noise resulting from the proposed amendments is minimal

Potential negative impacts on the community

The potential for negative impacts on the community associated with liquor consumption are understood In the absence of public opposition to these applications, staff feel that an assessment of the potential for negative impacts should be considered based on the applicant's history of compliance According to the City's records, and those of other agencies consulted , the applicant's compliance history is in good standing Therefore, staff feel that the proposed amendments would not be a cause of concern to the community

Potential positive impacts on the community

With the development of Phase II, the casino resort is intended to be a world class hotel and gaming facility catering to a varied clientele from within and outside of Richmond The proposed amendments are necessary to make the applicant's existing liquor licences consistent with the expansion of the casino resort, and to enable the full range of services to its customers The proposed amendments and casino resort expansion offer the community a greater choice of venues for private functions, and greater commercial entertainment opportunities particularly on special occasions

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

According to the applicant's letter of intent for the Food-Primary licence amendment, the proposed form of entertainment is dancing during live band performances on special occasions or for private functions Although the potential exists for entertainment to be provided during all licensed hours until midnight, the intent is that the Food-Primary licensed area would continue to operate as a restaurant on a daily basis, with the primary focus on food being maintained

The question of whether the potential exists for the establishment to operate improperly as a Liquor-Primary establishment is subjective, one that staff feel should be based on the applicant's history of compliance As mentioned previously, the applicant's compliance history is in good standing

Other agency comments

Staff have considered comments from Vancouver Coastal Health, Richmond RCMP and Richmond Fire-Rescue in reviewing these applications 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 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 The applicant submitted a Fire Safety Plan in October 2004 Richmond Fire-Rescue would require the applicant to submit revisions to their Plan to incorporate the patron participation entertainment as well as the structural changes into the evacuation concepts

Similarly, any assembly use involving patron participation entertainment may affect BC Building Code requirements

Staff recommend that a letter be sent to the LCLB requesting that approval of the amendments be conditional to the applicant complying with the appropriate fire safety and building code requirements

Financial Impact

None

Conclusion

This report deals with two applications by Great Canadian Casinos Inc to amend their liquor licences at the River Rock Casino Resort These amendments are proposed to make the resort's existing liquor licences consistent with the planned resort expansion to a world class hotel and gaming facility, which will include a theatre, spa, banquet/conference rooms, and several restaurants The amendment to the Food-Primary licence involves the addition of a patron participation entertainment endorsement, while the amendment to the Liquor-Primary licence involves structural changes to include additional licensed areas as part of the resort expansion The proposed form of entertainment includes live bands and dancing on special occasions and for private functions in all Food-Primary licensed areas The use proposed by the applicant is consistent with the zoning for this portion of the property

Staff reviewed the applications following the public consultation period, and considered them in light of the legislated review criteria

The City received no response from the community as a result of the public notification process Of 29 letters sent, no responses were received In the absence of public feedback on the

applications the remaining criteria was reviewed based on the applicant's compliance history, 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 applications, along with a letter stating that support is conditional upon the applicable fire and building code requirements being met

Anne Stevens
Manager, Customer Services
(4273)

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ATTACHMENT 1

REPLY TO Dennis P Coates
DIRECT LINE (250) 372 4923
email dpc@mjblaw com
LEGAL ASSISTANT Anita Oelker
DIRECT LINE (250) 372 4962
email anita@mjblaw com

Our File 15,256-04

October 20, 2004

VIA FAX (604) 276-4029 **ORIGINAL VIA COURIER**

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

PREVIOUSLY FAXED

Attention Anne Stevens, Manager - Customer Services

Dear Ms Stevens

RE Great Canadian Casinos Inc
Food Primary Liquor Licence No 301131
Permanent Change to a Liquor Licence – Patron Participation Entertainment
At 8811 River Road, Richmond, BC (River Rock Casino Resort)

As you are aware, we act as legal counsel/agent on behalf of Great Canadian Casinos Inc and, in our capacity as such, are enclosing herewith an Application for Permanent Change to a Liquor Licence to allow for patron participation entertainment in the Food Primary ("FP") licensed area, from time to time

The Liquor Control and Licensing Branch ("LCLB") requires local government's signature on the enclosed application form and, ultimately, a resolution of Council We would ask that you sign the form in Part 16 on page 7, where indicated, and then immediately return the original to our office so that we can submit it to the LCLB We have enclosed an extra copy of the application for your records We would also ask that you accept this letter as our request for the necessary resolution, the requisite contents for which are set on page 7 of the application form

The proposed patron participation entertainment will consist of lives bands and dancing, only on special occasions, such as New Year's Eve, Valentines Day and, perhaps, the odd private function for VIP guests This licensed establishment will continue to operate as a restaurant on a daily basis, with the primary focus on food being maintained

Please advise when this matter is scheduled to go before City Council to secure the required resolution We would respectfully request that it be put on the Agenda for the next meeting of Council

We look forward to your return of the endorsed application form as soon as possible

Should you have any questions or concerns, please contact the writer or his assistant, Anita Oelker Thank you for your cooperation and assistance

Yours truly,

MAIR JENSEN BLAIR

for DENNIS P COATES, Q C

/ao
Enclosures

cc Great Canadian Casinos Inc
Attention Garth Essery
Attention Howard Blank

cc River Rock Casino Resort
Attention Kelly Tingley