



CITY OF RICHMOND

REPORT TO COMMITTEE

To Planning - Nov. 21/00
To Council - Nov 14/00
To Planning - Nov. 7/00
DATE: October 3, 2000

TO: Planning Committee

FROM: Alan Clark
Manager, Zoning

FILE: ~~0407-10-01~~
8275-05

RE: Application of Keenan Consulting for a Class 'C' (Cabaret) Liquor Licence for Unit 2168-3779 Sexsmith Road, Richmond, BC.

STAFF RECOMMENDATION

That the request by Keenan Consulting, representing Manhattan Karaoke Restaurant Inc., asking for a resolution of Council supporting their request to the Liquor Control and Licencing Branch for a Class 'C' (Cabaret) Liquor Licence for premises at 2168-3779 Sexsmith Road, be denied.

AC

Alan Clark
Manager, Zoning

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"/>	<i>David Little</i>
Law.....	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	

STAFF REPORT

ORIGIN

Mr. Jim Keenan, Keenan Consulting, represents Manhattan Karaoke Restaurant Inc., who are asking for a resolution of Council supporting their request to the Liquor Control and Licencing Branch for a Class 'C' (Cabaret) Liquor Licence for premises at Unit 2168-3779 Sexsmith Road.

ANALYSIS

In July 1999, Manhattan Karaoke received a resolution of Council to obtain a Class 'B' Liquor Licence with audience participation (karaoke and dancing) for the subject premises, and at this time is operating as a full service karaoke restaurant. A Class 'B' licence permits the sale of liquor between the hours of 10a.m. and midnight. seven days a week, but must be accompanied with food. i.e. full restaurant service.

A Class 'C' licence would permit the sale of liquor without food from 7pm till 02:00 am. No minors would be permitted on the premises. A Class 'C' (cabaret) licence is a nightclub licence.

While operating as a full service karaoke restaurant there have been incidents where patrons were still drinking after the required closing time, and behind locked doors. RCMP report of the incidents and Liquor Control and Licencing Branch Warning letter are attached to this report for reference.

Although the incidents took place approximately six months ago, and there have been no written reports of violations since that time, the RCMP are still 100% against the granting of a Class 'C' (Cabaret) licence for this establishment.

The premises are situated in the Continental Centre Strip Mall and is zoned Automobile-Oriented Commercial District (C6).

The Liquor Control and Licencing Branch requires, as a condition precedent to the granting of the licence, that the applicant obtains a resolution of support from City Council.

The RCMP are 100% against support for this application, and although the Liquor Control and Licencing Branch confirm that there have been no record of incidents in the past six months, they would not comment further as to the merits of this application

FINANCIAL IMPACT

Nil.

CONCLUSION

That the request by Keenan Consulting, representing Manhattan Karaoke Restaurant Inc., asking for a resolution of Council supporting their request to the Liquor Control and Licencing Branch for a Class 'C' (Cabaret) Liquor Licence for premises at Unit 2168-3779 Sexsmith Road, be denied.

October 3, 2000

- 3 -



Alan Clark
Manager, Zoning

AJC:ajc



Royal Canadian Mounted Police
Gendarmerie royale du Canada

Security Classification/Designation
Classification/désignation sécuritaire

Unclassified

6900 Minoru Blvd.
Richmond, B.C.
V6Y 1Y3

Your File Votre référence

Our File Notre référence
2000-000494

City of Richmond,
Urban Development Division
Attn.: Mr. Alan Clark, Manager

2000 Apr 04

Dear Alan:

Re: Manhattan Karaoke Application for Class "C" Business License

As requested, find attached the divisional concurrence sheet. Richmond RCMP does not support the application for a class "C" licence to be granted to the a/n business. The concerns that lead to this decision are as follows;

Manhattan Karaoke currently has a Class "B" licence which permits the sale of liquor as part of a meal. The licence permits the sale of liquor between the hours of 1000 hrs. and midnight, seven days a week. The business is open from 1500 hrs. to 0200 hrs. A "C" licence would permit the sale of liquor without food from 1900 hrs. to 0200 hrs. No minors would be permitted on the premises.

On 2000 Mar 24, our liquor licensing liaison officer, Cpl. K. Jones, attended Manhattan Karaoke and introduced himself to the owner, Mr. Paul CHUNG. Cpl. Jones found the business to be clean and organized, however it was just after opening and there were no customers. There are four private karaoke rooms and the main dining area which also has karaoke. Cpl. Jones informed Mr. CHUNG that the police have been asked if they support his application and that before doing so the police would first enquire with the local liquor Inspector about any concerns they may have and whether or not the "C" licence would permit the sale of liquor without the sale of food. Cpl. Jones further advised Mr. CHUNG that checks would be made by himself to insure the current licencing requirements are being adhered to.

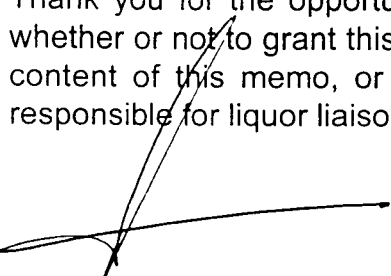
On 2000 Mar 24, Cpl. Jones attended Manhattan Karaoke at 0035 hrs. Several patrons were in the business still drinking and the waitress was walking from the bar to the tables with a tray full of fresh beers. The doors were locked and Cpl. Jones had to be let in by

Unclassified

a staff member. As this was being done the waitress turned back to the bar with the tray full of beer and the bartender dumped them out. The waitress and waiter then began collecting drinks from the tables. Cpl. Jones advised Mr. CHUNG that the sale of liquor after midnight was a violation of his liquor licence. When questioned as to why the doors were locked, Mr. CHUNG said that he locks them at midnight to stop anyone from getting in but actually stays open until 0200 hrs. for those customers who are already inside and serves them coffee to sober them up. Mr. CHUNG was advised that his patrons should not require sobering up as this would be a further violation. The Liquor Board has been advised of the above violations to the *Liquor Control and Licencing Act*. The Inspector for the Liquor Board stated that she has had some complaints from businesses competing with Manhattan Karaoke that they sell after hours. Attached is a copy of a Warning Letter, dated 2000 Mar 31, from the Liquor Control and Licensing Branch for the above noted violations.

A "C" (cabaret) licence is a nightclub licence. There are numerous karaoke clubs and other restaurants in Richmond that would not be able to compete if this application was granted. They too would then be seeking a cabaret licence. Many of these establishments serve little more than snacks as it is now. Once the precedent has been set, it will be difficult to refuse them. The policing of a cabaret and its clientele requires an increased police presence over that of a "B" licence. Inherently, calls for police service also increase as a result of intoxicated persons, impaireds, assaults, thefts, mischief, drugs, gang activity, etc. The karaoke clubs have private karaoke rooms which would make them even more difficult to control, both for the nightclub owner and the police.

Thank you for the opportunity to express these views, prior to making a decision on whether or not to grant this application. Should you have any questions concerning the content of this memo, or otherwise, do not hesitate to contact myself or our officer responsible for liquor liaison, Cpl. Kevin Jones.

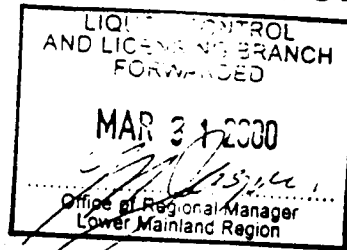


Peter M. German, Insp.
Operations Officer
Richmond Detachment

p.c. Cpl. K. Jones
Insp. Deighton, LCLB

MINISTRY OF ATTORNEY GENERAL

March 31, 2000



File: 71050-19/CM28A/MAN^W
Occ: 00-0466

The Owner/Manager
MANHATTAN KARAOKE RESTAURANT
2168-3779 Sexsmith Road
RICHMOND, B.C., V6X 3Z9

Hand Delivery

Dear Sir/Madam:

**Re: Manhattan Karaoke Restaurant
Richmond, Class "B" (Dining Lounge) Liquor Licence #201123
WARNING LETTER**

This letter is further to a Licensed Premise Check report submitted to this office by Cpl. Jones of the Richmond RCMP Detachment concerning the close of liquor service.

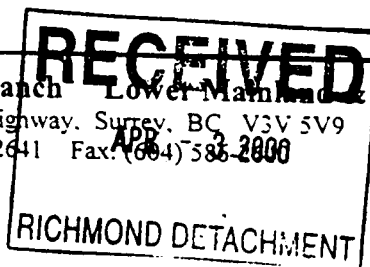
On Tuesday, March 28, 2000, at 00:35 hrs., Cpl. Jones conducted an inspection at the above-noted establishment. The door was locked and Cpl. Jones had to wait for staff to let him in. During this time he observed alcohol on the tables as well as a server with a full tray of beer leaving the bar to distribute to patrons. Upon seeing Cpl. Jones enter, the server made a "U turn" back to the bar and the bartender began to quickly dump the contents of the drinks down the sink.

Section 8(1)(2) of the Liquor Control and Licensing Act/Regulations states:

- 1) "Unless otherwise authorized by the general manager, all licensed establishments shall be cleared of patrons within 1/2 hour after the establishment is closed.
- 2) Unless otherwise authorized by the general manager, no licensed establishment shall allow a person to consume liquor in the licensed establishment beyond 1/2 hour after the establishment is closed."

Manhattan Karaoke's liquor licence clearly states that liquor sale and service must stop at 12:00 a.m. Consumption must stop at 12:30 a.m. This issue was discussed in detail during the final inspection conducted on December 20, 1999, when Po Wah Chung, Sze Wai Lau, Sau Man Kwok of Manhattan Karaoke signed a document agreeing to the terms and conditions of the licence.

Liquor Control & Licensing Branch - Lower Mainland Region
#101 - 9180 King George Highway, Surrey, BC V3V 5V9
Telephone: (604) 586-2641 Fax: (604) 586-2800



SEARCHED: INDEXED:
SERIALIZED: FILED:
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Also discussed during the final inspection was the requirement for the licensee, managers and all servers to be certified under the Responsible Beverage Service Program (also known as "Serving It Right"). This is a reminder that the 120 day period to have staff certified ends on April 22, 2000. Failure to comply with this requirement will result in enforcement action.

The purpose of this letter is to serve as a warning that should violations continue to come to the attention of this office you could be requested to attend an enforcement hearing.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

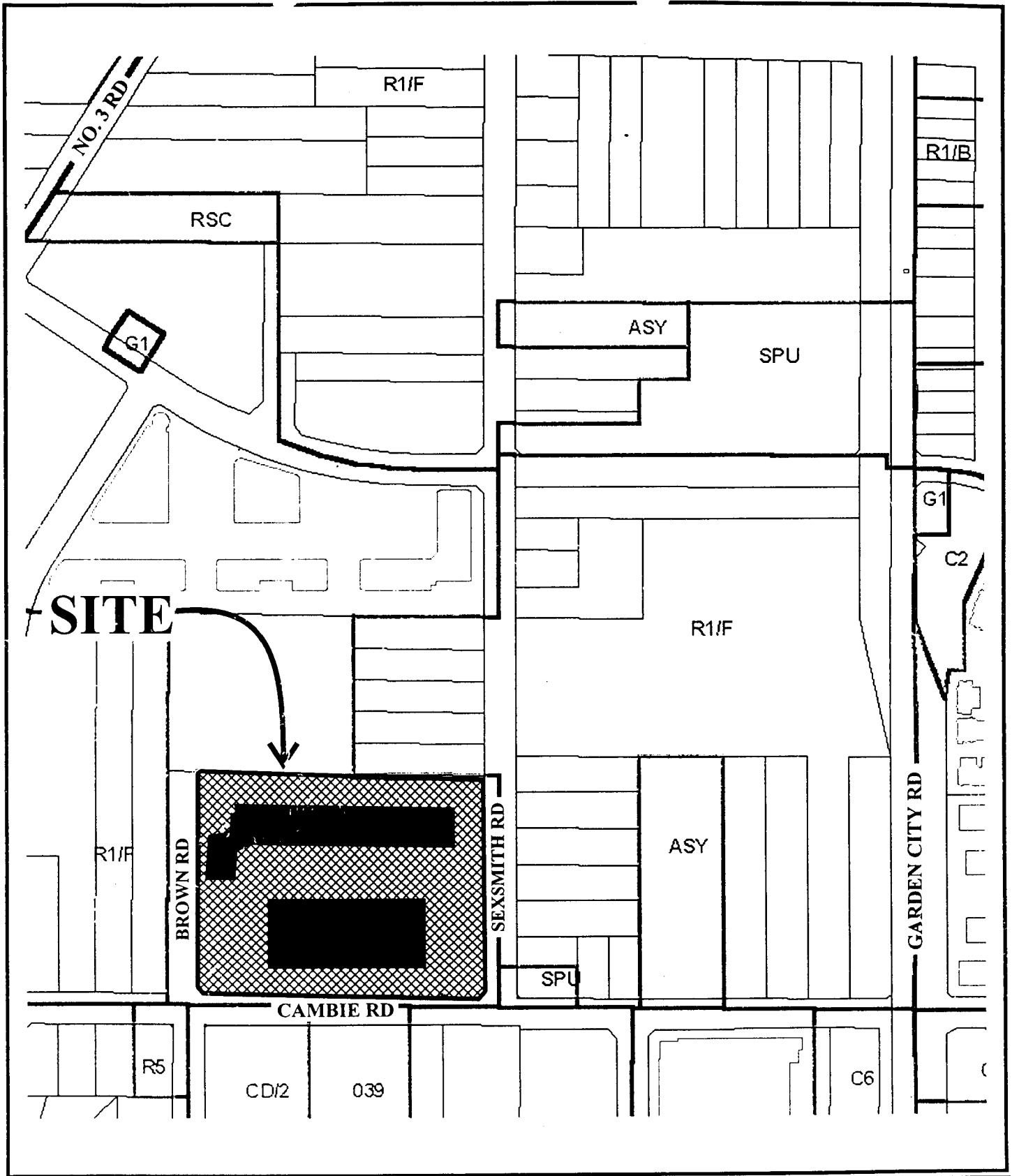


Kim Deighton, Liquor Inspector
LCLB - Lower Mainland & Region

Attachments: LPC

cc: DGM - Regional Operations, LCLB - Victoria (for master record purposes)
Cpl. Kevin Jones, Richmond RCMP

73500-20/MAN - KD/pl



#2168-3779 Sexsmith Road
28, 5-6

Original Date: 10/04/00

Revision Date:

Note: Dimensions are in METRES

J. KEENAN - Consultant

Nov.9/2000

The Mayor
City of Richmond
7577 Elmbridge Way
Richmond, B.C. V6X 2Z8

BY FAX

UNIT	
JRM	✓
DW	✓
KY	
AS	
DB	
SF	

Re: Manhattan Karoke - 2168-3779 Sexsmith Rd., Richmond - Request for Council approval of "Cabaret Liquor Licence"

Dear Sir,

82 75-05

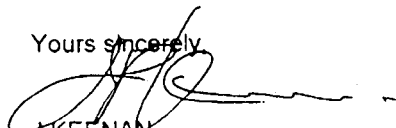
In early February this year, on behalf of the owners of "The Manhattan Karoke Restaurant", I applied to the City Planning Department for Council support for a resolution support ing the above request. After a period of about 8 months, I was informed on Nov. 3rd./2000, 3 business days prior to a Planning Committee meeting, that this item would be coming up for consideration on Nov.7/2000.

Mr. Clarke, the Manager of Zoning phoned me on the Friday and I asked him if he could put a copy of the Staff Report into the mail so that it would reach me prior to this meeting. I'm not sure if this was done but to this date I have not received anything from him or the City. Luckily I remembered that the City usually puts these items on the Net on their webpage and I was able to print it off that source. However due to the shortage in time to prepare for this meeting and the fact that the RCMP members in attendance at that meeting provided further evidence to the committee which was not revealed in their report to staff, I was ill prepared to represent the applicants based on the information supplied by the City.

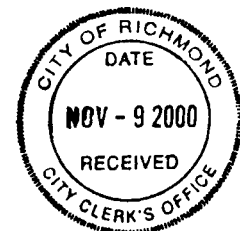
Therefore, I am requesting that this item be tabled or delayed for a period of up to a month so that the applicant is able to seek legal advice and perhaps retain an attorney to represent him prior to this coming up for a vote at City Council.

As information was presented at the Planning Meeting which was unavailable to us prior to the meeting for rebuttal, I would hope that you would agree that this is grounds for such a request being fair. Thank you for your anticipated cooperation in this matter.

Yours sincerely,


J KEENAN,
CONSULTANT

533 CARLSEN PLACE, PORT MOODY, B.C. V3H4A1 - PHONE 377-5751





City of Richmond

6911 No.3 Road, Richmond, BC V6Y 2C1
Telephone (604) 276-4000
www.city.richmond.bc.ca

November 9, 2000
File: 8275-05

City Clerk's Office
Telephone: (604) 276-4007
Fax: (604) 278-5139

VIA FAX (604) 945-1069

Mr. J. Keenan, Consultant
533 Carlsen Place
Port Moody, BC
V3H 4A1

Dear Sir:

**Re: Manhattan Karoke - 2168-3779 Sexsmith Road, Richmond
Request for Council Approval of "Cabaret Liquor Licence"**

This is to acknowledge and thank you for your letter of November 9th, 2000 in connection with the above matter. Since this application has been considered by a Standing Committee of Council, it will be presented to City Council at 7:00 pm on Tuesday, November 14, 2000. Council will be made aware of your request for a deferral of a decision for approximately one month; however, whether or not Council grants your request will not be known until the application is under consideration during the time of the Council meeting. I would therefore recommend that you be present at 7:00 pm on November 14th to make any representation on the application you feel is appropriate, in case Council does not agree to your request for a deferral.

Yours truly,

J. Richard McKenna
City Clerk

JRM:dm