



To: General Purposes Committee

Date: February 9, 2010

From: W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager

File:

Re: Royal Ballroom Dance Studio Inc., doing business as
Royal Restaurant, Unit #200 - 8040 Garden City Road

Staff Recommendation

That the *application* by Royal Ballroom Dance Studio Inc, doing business as Royal Restaurant, for an amendment to *add patron participation* under Food Primary Liquor License No. 302360, in order to offer dining and dancing, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:

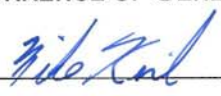


1. Council recommends the amendment to the food primary liquor licence permitting patron participation for ballroom dancing on the premises as it will not have a significant negative impact on the community.
2. Council's comments on the prescribed criteria (set out in section 53 of the Liquor Control and Licensing Regulations) are as follows:
 - a) The potential for additional noise and traffic in the area if the application is approved was considered.
 - b) The impact on the community if the application is approved was assessed thru a community consultation process and considered.
 - c) That the amendment to permit patron participation under the Food Primary liquor licence should not change the establishment so that it is operated in a manner that is contrary to its primary purpose was considered.
3. As the operation of a licensed establishment may affect nearby residents the City gathered the views of the residents as follows:
 - a) Property owners and businesses within a 100 metre radius of the subject property were contacted by letter detailing the application and provided instructions on how community comments or concerns could be submitted.
 - b) In addition, signage was posted at the subject property and three public notices were published in a local newspaper. This signage and notice provided information on the application and instructions on how community comments or concerns could be submitted.

4. Council's comments and recommendations respecting the views of the residents are as follows:

- a) That the letters received opposed to the amendment to permit patron participation were reviewed and was determined that the type of entertainment proposed would not impact the neighbourhood significantly and that based on the number of letters sent and the lack of responses received, Council considers that the amendment is acceptable to the majority of residents in the area.



W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager
(604-276-4136)

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:		CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
RCMP		Y <input type="checkbox"/> N <input type="checkbox"/>	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> 	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 (the “Act”) and the Regulations made pursuant to the Act.

Local government is given opportunity to provide comments and recommendations to the LCLB, with respect to liquor licence applications and amendments. For amendments to food primary licences, the process requires local government notice and to provide comment with respect to the following criteria;

- the potential for noise if the application is approved
- the impact on the community if the application is approved
- whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

This report deals with an amendment application submitted to LCLB and to the City of Richmond, by Scott Iu, principal of Royal Ballroom Dance Studio Inc., doing business as Royal Restaurant (the Applicant), operating from premises located at Unit 200 – 8040 Garden City Road, *in order to permit patron participation* in the form of ballroom dancing under his food primary liquor license.

Analysis

The building at 8040 Garden City is located in the Blundell Shopping Plaza and is one of 4 commercial buildings on the site (Attachment 1). There are a variety of businesses operating from the plaza that cater to the day-to-day needs of the general public and include a grocery store, bank, restaurants, fitness studio, private liquor retail store and pharmacy. Directly across the street from the applicant is a neighbourhood pub and multiple townhouse complexes, to the west are additional townhouse complexes and a smaller shopping complex.

The Applicant’s business is located on the 2nd floor of 8040 Garden City Road, and has been operating from this location since 2002. The Applicant holds two business licences, one for the instruction in the art of ballroom dancing and a licence for a 250-seat restaurant with a food primary liquor licence.

The Applicant would like to be able to offer his restaurant patrons a dine and dance venue, but as he has a Food Primary Licence he cannot offer this entertainment without a patron participation endorsement on the liquor license.

The Applicant’s letter of intent (Attachment 2) indicates that the primary focus is to operate as a restaurant, the patron participation is in the form of social ballroom dancing, offered 8:30 p.m. to Midnight, Tuesday to Sunday. The music provided is by a one pianist/vocalist performance or taped music.

A conversation with the Applicant reveals that dances lessons are offered between 8 a.m. and 9:00 a.m. during the week with classes also being offered on Sundays. The Applicant's target market is middle-aged/senior cliental who enjoy social ballroom dancing venue after dinner.

Of the 252 Food Primary Liquor Licences in Richmond 9 have patron participation endorsements primarily for karaoke entertainment.

Summary of Application & Comments

The City's process for reviewing applications for liquor related permits is prescribed by the Development Application Fee's Bylaw No 7984 which under section 1.9.1 calls for "Every **applicant** seeking approval from the **City** in connection with: (b) any of the following in relation to an existing licence to serve liquor, (iv) patron participation, must proceed in accordance with subsection 1.9.2.

every **applicant** must:

- (b) post and maintain on the subject property a clearly visible sign which indicates the intent of the application; and
- (c) publish a notice in at least three consecutive editions of a newspaper that is distributed at least weekly in the area affected by the application."

The City, on behalf of the Applicant, sends letters to businesses, residents and property owners within a 100-metre radius of the establishment (Attachment 3). The letter provides details of the proposed liquor licence application and requests the public to communicate any concerns to the City.

Following is a summary of the application process and dates:

ITEM	DETAILS
City of Richmond application received	December 11, 2009
Type	Patron Participation Endorsement to Food Primary Liquor License
Location	8040 Garden City Road Unit 200
Proposed Hours of Liquor Sales	9:00 a.m. to Midnight, Monday to Sunday
Zoning	Community Commercial
Business Owner	Scott Iu
Date Sign Posted	January 2, 2010
Newspaper Publication Dates	January 6, 13, 20, 2010
Letters to residents/businesses	January 7, 2010

The public consultation period for the application ended February 8, 2010.

Views of nearby residents, businesses and property owners

There are 59 property parcels within the consultation area. On January 7, 2010, letters were sent to 725 businesses, residents and property owners to gather their view on the application. There were 6 letters returned as undeliverable.

Four letters were received by the City (Attachment 4) opposing the endorsement, the concerns expressed in the letters were:

- will create unsafe things for children
- risk of drugs and violence if permitted
- already enough noise and traffic from the pub and coffee shops in the area
- traffic and pollution on Garden City and Blundell Road is horrendous day and night and does not want smokers and liquor drinking people to add to the already foul air
- feels that the amendment would destroy peaceful living neighbourhood.

Potential for noise

Staff believe that there would be no increase in noise if the patron participation endorsement were supported as noise would be no different with the endorsement than that which already exists at the premises.

Potential for impact on the Community

Any typical potential impacts associated to a food primary liquor licence patron participation endorsement such as drinking and driving, criminal activity and late-night traffic are not expected to be associated with this amendment. Royal Ballroom maintains a venue that provides a dinner and dance atmosphere attracting a specific group of mature dance enthusiasts, as such, supporting the amendment would not have a negative impact on the surrounding community.

Potential for the amendment resulting in the business operating primary to its purpose

Staff feel that by supporting the amendment this business would not change its primary focus as a Food Primary establishment. The only change would be that liquor could now be served when dancing occurs.

Other agency comments

As part of the review process, staff requested comments from Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue the City Building Permit, Business Licence and Zoning Departments. These agencies generally provide comments on the compliance history of the Applicant's operations and premises.

Richmond Fire-Rescue did report some fire code related issues with the operation and the Applicant was issued a Notice of Violation. It was further reported that some of the concerns had been addressed and that the Applicant was working on the remaining items. Richmond Fire-Rescue has no concerns with supporting the application. No objections to the application were received from any of the other above mentioned agencies and divisions.

Financial Impact

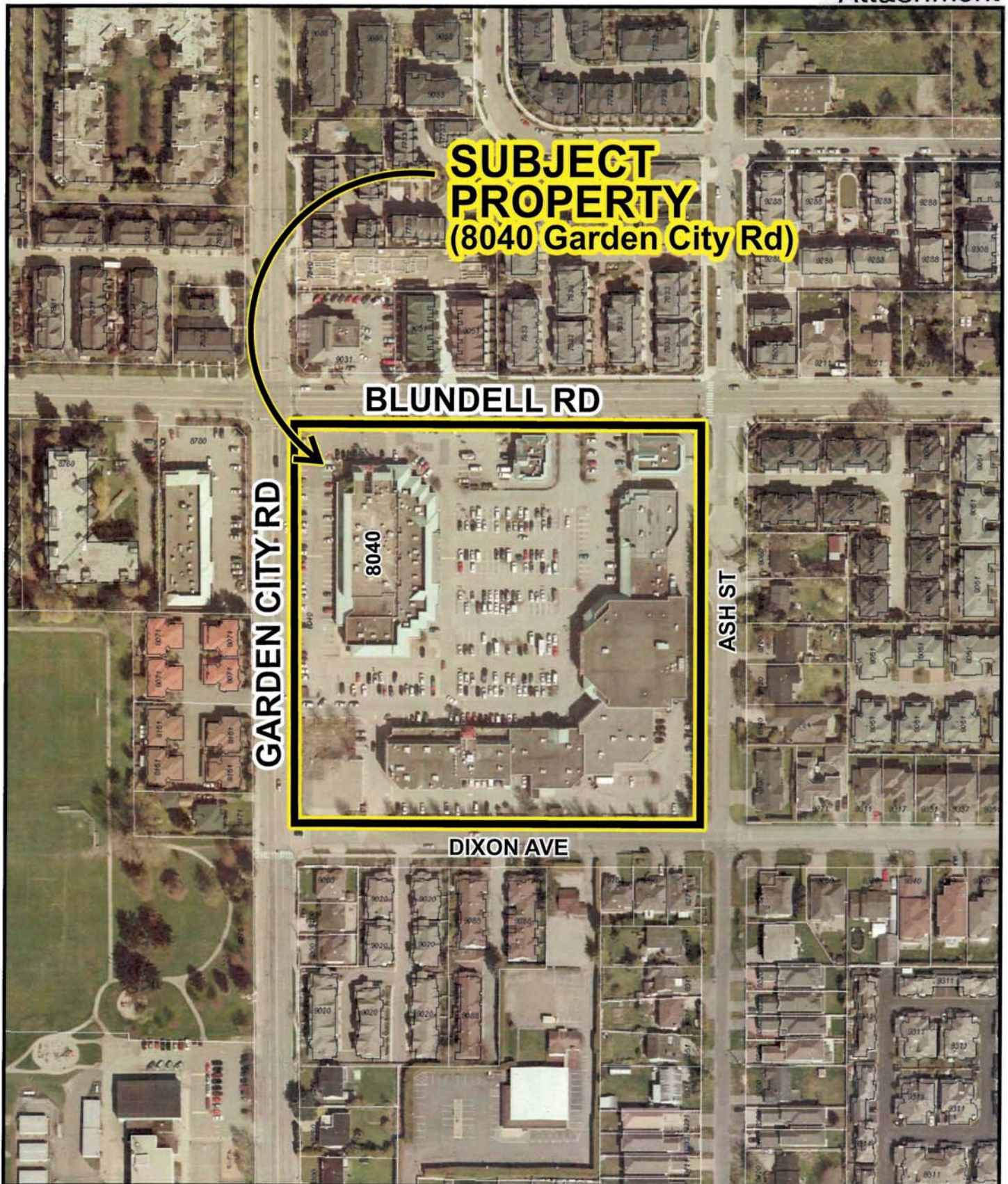
None

Conclusion

Following the public consultation period, staff reviewed the Food Primary Liquor License Amendment application against the legislated review criteria and recommend Council support the patron participation endorsement. The amendment is not expected to increase noise or have a negative impact on the community nor result in the Applicant operating the business contrary to it's primary purpose.


Joanne Hikida
Licence Inspector
(604-276-4155)

JMH:jmh



8040 Garden City Road

Original Date: 02/18/10

Amended Date: 02/23/10

Note: Dimensions are in METRES

Attachment 2

Royal Ballroom Dance Studio Inc.
Unit 200 – 8040 Garden City Road
Richmond, B.C.
V6Y 2N9

August 28, 2009

Liquor Control and Licensing Branch
PO Box 9292 Stn Prov Govt
Victoria, B.C.
V8W 9J8

Dear Sirs:

RE: Letter of intent in support of patron participation entertaining endorsement
Licensee Name: Royal Ballroom Dance Studio Inc.
Establishment: Royal Restaurant
Address: Unit 200 – 8040 Garden City Road, Richmond, B.C.

The Establishment is primarily a restaurant serving food and alcohol. The Licensee now wishes to apply for a food-primary entertainment endorsement to the liquor license.

The form of patron participation entertainment proposed is as follows:

- There will be one pianist/vocalist performing at the Establishment every night from 8:30 pm to midnight except for Monday nights.
- The form of patron participation will be social/ballroom dancing from 8:30 pm to midnight every night except for Monday nights.
- Only customers who order food will be allowed to dance, the ordering of alcohol is optional.

We feel that our proposed form of patron participation entertainment will not have a negative impact on the community, nor result in the establishment being operated in a manner that is contrary to its primary purpose because:

- The Establishment caters to a middle-aged/senior clientele who enjoys social/ballroom dancing after dinner.
- There will be no rock bands performing at the Establishment. The only music will be provided by a pianist/vocalist by the name of Ricky. Therefore, we feel that the noise generated will be minimal.

- The Establishment is located in a medium-sized mall that is away from the residential area. There are no residential units attached to the Establishment.
- Only diners are allowed to participate in the dancing, no customers will be permitted to dance without ordering food.

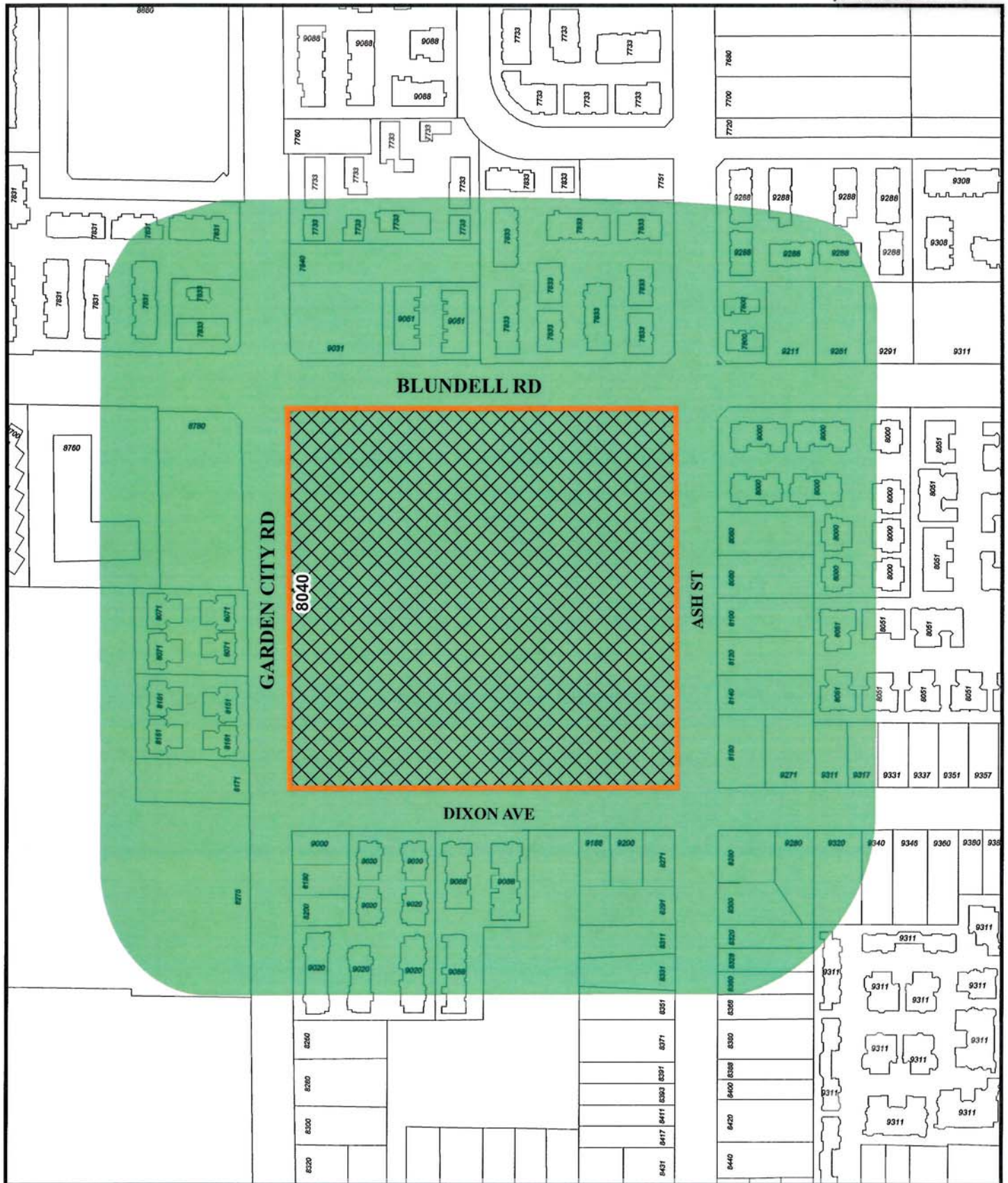
Please consider our application for a food-primary entertainment endorsement. If you have any questions, please do not hesitate to contact the writer at 604-720-2288.

Thank you.

Yours truly,



Scott Lu, Director of Royal Ballroom Dance Studio Inc.



8040 Garden City Rd

Original Date: 02/18/10

Amended Date:

Note: Dimensions are in METRES

CITY OF RICHMOND

Attachment 4

JAN 13 2010

RECEIVED

#207-8760 Blundell
Richmond, B.C. V6Y 1K1
Jan. 8/010

City of Richmond
Business Licenses
Liquor License Applications.
6911 #3 Rd.
Richmond, B.C. V6Y 2C1

I am very much against the issuing of licence
#302360 for a Liquor licence to Royal Ballroom Studio
If these people who will be dancing certainly do
not need liquor to keep them on their feet!

We have enough noise from (and traffic) from
Malones Pub, and all night Blenz coffee, and
all night Sub restaurant. The traffic and
pollution on Garden City Road + Blundell is
horrendous day and night. I am already
choking on the carbon emissions created by the
cars and certainly do not need smokers and
liquor drinking people to add to the already
foul air!!!

Brina Peritz
#207-8760 Blundell Rd.
604-213-8109.

CITY OF RICHMOND

JAN 25 5 2 2010

RECEIVED

Law Chok Hi
8180 Garden City Road,
Richmond, B.C
V6Y 2P2 Canada.

Jan 21, 2010

To: City of Richmond
Business Licences Liquor Licence Applications Department
Attn: Ms Joanne Hikida
Subject: Notice of Liquor Licence Amendment Application in our Neighbourhood

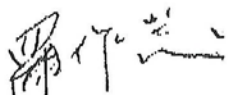
Dear Ms Hikida,

I well received a letter dated on Jan 07, 2010 about the notice of Liquor licence amendment application at the unit 200-8040 Garden City Road, I am as the owner herby to object the idea of approval, allowing their business operates the activities of dancing from Monday to Sunday 9:00 to Midnight at the mentioned site. As if the liquor store business license is approved for amendment, their crowded customers would destroy our peaceful living neighborhood. Please kindly considerate my view and vote. Thank you very much.

In case I am out of town while you call in, I can also be reached by email at organicgoods@yahoo.ca for instant reply.

Best regards,

Law Chok Hi



GP - 30

Jan. 18, 2010.

CITY OF RICHMOND

JAN 18 2010

RECEIVED

Dear Sirs:

Re: Notice of Liquor Licence Application

From Unit 200 - 8040 Garden City Road.

We are against because there will be risks of drugs and ~~fighting existing~~ violence in our neighbourhood.

We wish our children can grow up in the healthy and safe environment!

Highly appreciate your understanding!

Best Regards

Lin Yu

Ming Zhang

Ph: 604-512-1658

CITY OF RICHMOND
FEB 9 2010

RECEIVED

Re: Notice of Liquor Licence
Amendment Application

From: Royal Ballroom Dance Studio Inc.
from Unit 200-8060 Garden City Rd.

Sirs,

I am against because there
will have some unsafe things
and not be useful for
my children.

Name :

Cell: 778-883-9060

Add: #3 9051 Blundell Rd.
Richmond B.C.



Date: Jan. 20, 2010.