



City of Richmond

Report to Committee

To General Purposes - Oct 20, 2008

To: General Purposes Committee
From: Amarjeet S. Rattan
Chief Licence Inspector
Business & Financial Services

Date: October 2, 2008

File: 12-8275-05/2008 Vol 01

Re: Empress Lounge Ltd. - 8711 Alexandra Road, Richmond, BC

Staff Recommendation

That the application by Empress Lounge Ltd., to amend the hours of liquor service **from** 2:00 pm to midnight, Monday through Sunday **to** 2:00 pm to 2:00 am, Monday through Sunday, be supported, and that a letter be sent to the Liquor Control and Licensing Branch advising that:

- (1) Council recommends the amendment of the license as no substantive negative comments have been received from the public or from internal and external agencies consulted, and the amendment would not pose a negative impact on the community.
- (2) Council's comments on the prescribed considerations are as follows:
 - (a) There is little potential for additional noise if the application is approved; and
 - (b) The amendment would not pose a negative impact on the community, based on the lack of comments received from the public.

- (3) Council's comments on the views of residents are as follows:

As per City Policy, residents, property owners and businesses within a 100 metre radius of the subject property were contacted by letter detailing the amendments and providing instructions on how comments or concerns could be submitted.

In addition, signage was posted at the subject property and three public notices were published in a local newspaper. This notice provided information on the amendments and instructions on how comments or concerns could be submitted. No comments were

received from residents, property owners or businesses within a 100 metre radius of the subject property. One letter of objection was received from a similar business located 400 metres (0.4km) from the applicant's business."

A. Rattan

Amarjeet S. Rattan
 Chief Licence Inspector
 Business & Financial Services
 (604-247-4686)

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:		CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law.....		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>J.P.</i> for <u>A. NAZARETH</u>
R.C.M.P.....		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
REVIEWED BY TAG	YES	NO	REVIEWED BY CAO
	<input checked="" type="checkbox"/> <i>GS</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <i>OK</i>

Staff Report

Origin

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

Local government is given opportunity to provide comments and recommendations to the LCLB, with respect to liquor licence applications and amendments. For an amendment to an existing licence, the process requires local government to provide a council Resolution that addresses the following review criteria:

- the views of nearby residents and businesses, and the methods by which such views were gathered
- the potential for noise
- the impact on the community.

This report deals with an application submitted by Michael Wu (the applicant), President of Empress Lounge Ltd, operating from premises located at 8711 Alexandra Road, for the following:

- to amend the hours of liquor service *from* 2:00 p.m. to midnight Monday to Sunday *to* 2:00 p.m. to 2:00 a.m. Monday to Sunday.

Background

The building at 8711 Alexandra Road, is a 2 level structure which is divided into two areas. The main floor of the building offers karaoke rooms open to the general public and does not have liquor service. This area is operated under the business name Partyworld KTV Ltd. and has a maximum occupant load of 70 persons. The second floor of the building is a Liquor –Primary licensed lounge where patrons nineteen and older can consume alcohol and be entertained via an open karaoke stage or in one of two private karaoke rooms. This area of the structure has a maximum occupant load of 70 persons. The property is zoned Automobile-Oriented Commercial District (C6), which allows Commercial Entertainment and the karaoke and lounge uses are consistent with the zoning for this property.

The area surrounding the structure is mainly commercial with residential to the north. Currently, there are vacant commercial lots immediately west and south of the establishment. There is a shopping plaza to the east with various food and retail services. Immediately north of the property is a single-family residential area that stretches further north. (Attachment 1)

The Applicant is both the owner and operator of the above named businesses and was granted Business Licences to operate in December of 2007. These licences are valid until January 1, 2009.

Summary of Application & Comments

To satisfy LCLB requirements, the City's review process requires that the public be notified of the proposed amendment and be given an opportunity to express any concerns related to the proposal.

The Public Consultation process requires that the Applicant post a sign in front of the business establishment, indicating what the proposed amendment is for. The sign must be displayed for a minimum of 30 days. The Applicant must also place three Notification Ads in a local newspaper.

The City, on behalf of the applicant, is required to send a letter to businesses, residents and property owners within a 100 metre radius of the establishment. This letter provides details of the proposed amendment and requests the public to communicate any concerns to the City.

The table below is a summary of the application and indicates the dates each of the required processes were started.

ITEM	DETAILS
Application Received	August 15, 2008 for an amendment to hours of service permitted under Liquor Licence No. 302790
Type	Liquor Primary Licence
Location	8711 Alexandra Road
Requested Hours of Liquor Sales	Monday to Sunday 2:00 p.m. to 2:00 a.m.
Zoning	C6
Business Owner	Michael Chien Hung Wu, President
Date Received	August 15, 2008
Date Sign Posted	August 19, 2008
Newspaper Publication Dates	August 22, August 26, August 29, 2008
Letters to residents/businesses	August 20, 2008

The public consultation period for the application ended on September 22, 2008.

Views of nearby residents, businesses and property owners

There are 118 properties located within the consultation area. On August 20, 2008, letters were sent to 174 businesses, residents and property owners to gather their views on the application. Nineteen letters were returned as undeliverable.

As of September 22, 2008, no community responses were received from the letters that were mailed to properties located within the consultation area.

As a result of the public notifications outlined in the above table, this office did receive one letter from a similar business, located 400 metres (0.4 km) from the applicant business, that opposed the amendment for the following reasons:

- didn't feel that the business had been in operation long enough to deal with the potential problems that serving alcohol can create;
- felt that similar businesses with shorter serving hours would be impacted if this business is permitted to sell for longer hours;
- that there are tutoring centres surrounding the premises and being permitted to sell liquor around such centres is not a good mix.

In response to the above, staff reviewed the licence records for the three Liquor Primary establishments operating in close proximity to the applicant:

- Zodiac Karaoke which is approximately 0.4 km away, has a total person capacity of 196 and the hours of liquor service are from 7:00 p.m. until 2:00 a.m. Monday through Saturday, and from 7:00 p.m. until midnight on Sunday.
- VII is located at Unit 130 – 8500 Alexandra Road, which is approximately 0.1 km away, has a total person capacity of 72 and the hours of liquor service are from 12:00 p.m. until 2:00 a.m. seven days a week.
- Four Points Sheraton Vancouver Airport Hotel, which is approximately 0.3 km away, has a total person capacity of 29 and the hours of liquor service are from 10:00 am until 1:00 am. Monday through Saturday, and from 11:00 am until midnight on Sunday.

Based on the above, the Applicant's request for an amendment to the hours for liquor service would not appear to be an unfair advantage over similar businesses operating in the area.

In response to concerns raised in the letter regarding tutoring centres, licence records identify that a Business Licence has been issued to the "Harvest Montessori Preschool & Daycare Ltd." which is within 50 metres of The Applicant. The lounge and school have been in co-existence since the Lounge opened and this office has not received any concerns raised by the school regarding the operation of the establishment nor was any response received during the recent public consultation period.

Potential negative impacts on the Community

The City, in part, relies on response from the community to any negative impacts such a proposal would have. Due to the lack of response from the letters that were mailed and from the public notices posted, staff are of the opinion that the amendment to the hours of liquor service would not pose a significant impact on the community.

Other Agency Comments

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

All agencies and departments had no objections to the application.

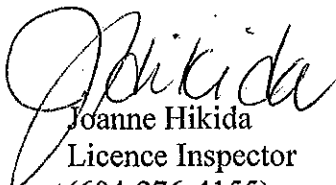
Financial Impact

None

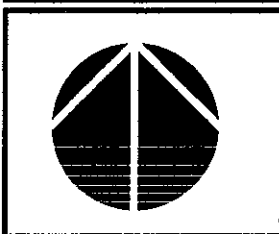
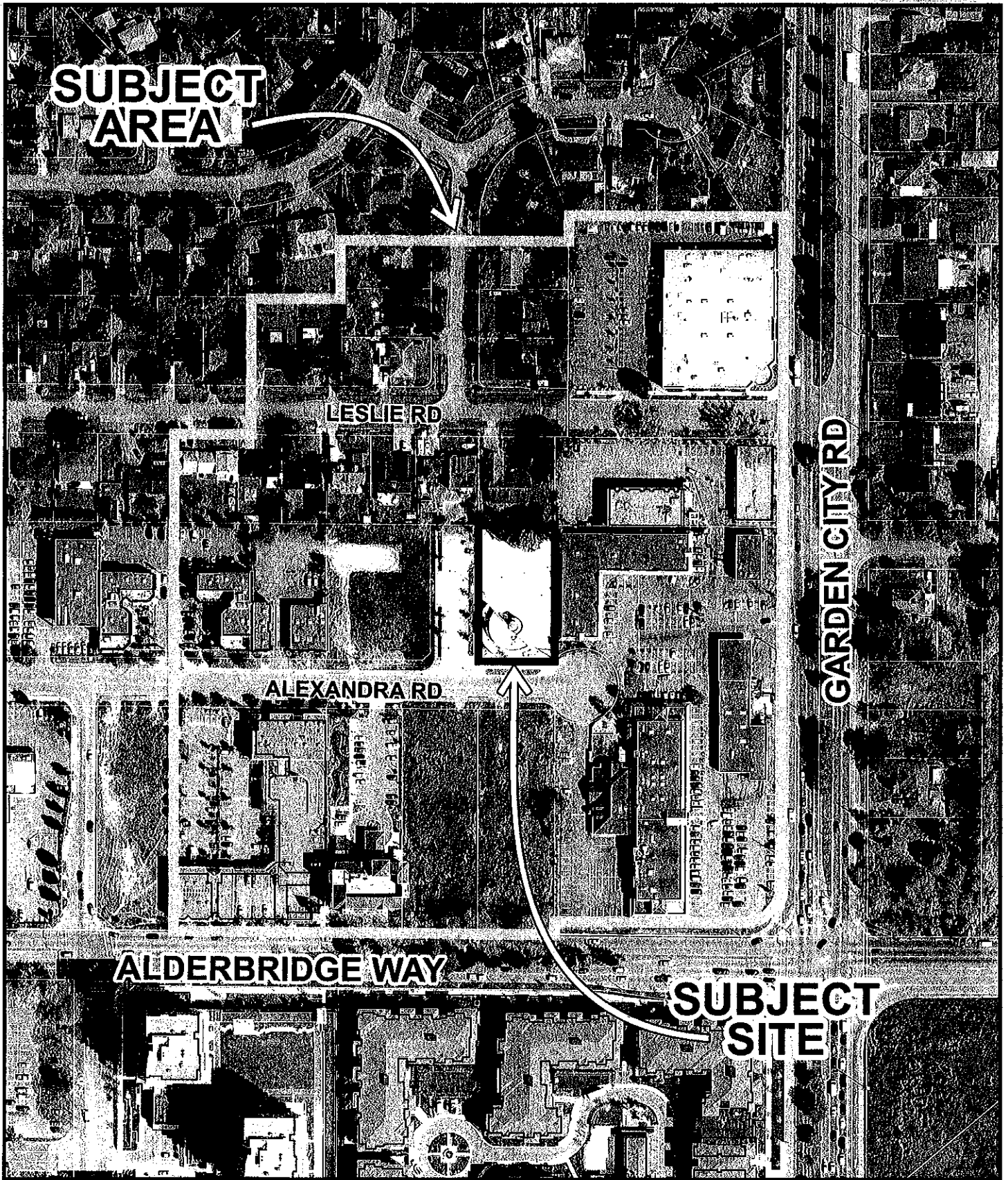
Conclusion

Following the public consultation period, staff have reviewed the application and considered it in light of the legislated review criteria.

Given that there were no issues related to non-compliance from the various agencies consulted, and, with the exception of the one letter received, the lack of any negative feedback from the public; staff recommend that Council provide a Resolution to LCLB in support of this application to amend the hours of liquor service under the applicant's existing Liquor Primary licence.


Joanne Hikida
Licence Inspector
(604-276-4155)

JMH:jmh



8711 Alexandra Road

Original Date: 10/06/08

Amended Date:

Note: Dimensions are in METRES