



To: General Purposes Committee **Date:** March 7, 2019
From: Carli Williams, P.Eng.
Manager, Comm Bylaws and Licencing **File:** 12-8275-30-001/2019-
Vol 01
Re: **Application for a New Food Primary Liquor Licence with Patron Participation
Entertainment Endorsement for Karaoke and Extended Hours From 1091919
BC Ltd., at 3300 - 4000 No. 3 Road**

Staff Recommendation

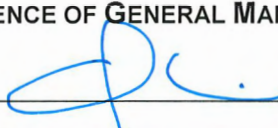


- 1) That the application from 1091919 BC Ltd, operating at 3300 – 4000 No. 3 Road, requesting a Food-Primary Liquor Licence with Entertainment Endorsement for Patron Participation to enable karaoke at the establishment, be supported; and,
- 2) That a letter be sent to Liquor and Cannabis Regulation Branch advising that:
 - A. Council supports the application for a Food Primary Liquor Licence with:
 - i) Patron Participation Entertainment Endorsement which ends at Midnight;
 - ii) Hours of liquor service, Monday to Sunday, from 9:00 AM to 2:00 AM
 - B. Person capacity will be set at 120 seats and 20 staff for total capacity of 140 persons;
- 3) Council's comments on the prescribed criteria (Section 71 of the Liquor Control and Licensing Regulations) are as follows:
 - a) The potential for additional noise and traffic in the area was considered;
 - b) The impact on the community was assessed through a community consultation process; and
 - c) Given that this business is new, there is no history of non-compliance with the operation, the addition to permit patron participation entertainment endorsement under the Food Primary Liquor Licence should not change the establishment such that it is operated contrary to its primary purpose;
 - d) As the operation of a licenced establishment may affect nearby residents, businesses and property owners, the impact assessment was conducted through the City's community consultation process as follows:
 - i) Residents, businesses and property owners within a 50 meter radius of the subject property were notified by letter. The letter provided information on the application with instructions on how to submit comments or concerns; and

- ii) Signage was posted at the subject property and three public notices were published in a local newspaper. The signage and public notice provided information on the application with instructions on how comments or concerns could be submitted.
- e) Council's comments and recommendations respecting the view of the residents, businesses and property owners are as follows:
 - i) The community consultation process was completed as part of the application process; and
 - ii) That based on the number of letters sent and the few opposed responses received and significant supporting responses received from all public notifications, Council considers that the approval of this application is acceptable to the majority of the residents, businesses and property owners in the area and the community.
- f) Council recommends the approval of the Food Primary Liquor Licence with patron participation entertainment for the reasons that the application is acceptable to the majority of the residents, businesses and property owners in the area and the community.



Carli Williams, P.Eng.
Manager, Community Bylaws and Licencing
(604-276-4136)

Att. 3

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| REPORT CONCURRENCE | |
| CONCURRENCE OF GENERAL MANAGER | |
|  | |
| REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE | INITIALS:  |
| APPROVED BY CAO | |
|  | |

Staff Report

Origin

The Provincial Liquor and Cannabis Regulation Branch (LCRB) issues licences in accordance with the *Liquor Control and Licensing Act* (the Act) and the Regulations made pursuant to the Act.

This report deals with an application to the LCRB and the City of Richmond by, 1091919 BC Ltd., for a new Food Primary Liquor Licence to:

- operate, Monday to Sunday, 9:00 AM to 2:00 AM next day;
- to add patron participation entertainment endorsement, for karaoke, which must end by midnight;
- permit a total person capacity of 140 persons;
- operate a hybrid dining/social lounge concept featuring buffet-style food service combined restaurant.

The City is given the opportunity to provide written comments by way of a resolution to the LCRB with respect to the proposed Food Primary application. Regulatory criteria a local government must consider are:

- the location of the establishment;
- the person capacity and hours of liquor service of the establishment;
- the impact of noise on the community in the immediate vicinity of the establishment;
- the impact on the community if the application is approved; and
- whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

Analysis

Location of the Establishment

The applicant is proposing to operate with both a Food Primary Liquor Licence and a Liquor Primary Liquor Licence. This report deals only with the application for the Food Primary Liquor Licence. The Liquor Primary Liquor Licence application received Council approval on Monday, July 9, 2018, but has not yet been approved by the LCRB. The premises, being new, is still under construction and scheduled to be completed by May 2019. LCRB must have the premises complete and ready to operate in order for the Liquor Inspector to conduct the final inspection approval. Once approval by the Liquor Inspector is granted, their report is sent to the licensing office in Victoria for final approval and issuance of the Liquor Licence. The process for a Liquor Primary Liquor Licence is generally longer than the Food Primary Liquor Licence and subsequently the applicant is looking to operate under the Food Primary Liquor Licence until the issuance of the Liquor Primary Liquor Licence.

The overall business plan is to operate a hybrid dining/social lounge concept restaurant which will feature buffet-style food and offering luxurious rooms. The intent is to hold business meetings, host family or group gatherings while operating under the Food Primary Liquor Licence, with patron participation entertainment endorsement during the mall's general operating hours, to encourage families and minors to attend the business. At 10:00 PM, the applicant will then operate under the Liquor Primary Liquor Licence until closing at 2:00 AM. As the Liquor Primary Liquor Licence has

not yet been approved, the operator is looking to temporarily operate under the Food Primary Liquor Licence to 2:00 AM. Once the Liquor Primary Liquor Licence is issued, the operator will amend the Food Primary Liquor Licence to end at 10:00 PM. This amendment will not require a resolution or input from Richmond City Council.

The applicant's establishment is located on the 3rd floor of Aberdeen Square Mall, located at 4000 No. 3 Road Unit 3300. This property is zoned Residential Mixed Use Commercial (ZMU9) – Aberdeen Village (City Centre) which is in downtown core area at the intersection of No. 3 Road and Cambie Road. This location allows the following permitted uses relevant to this application: recreation, indoor and restaurant.

This business is new and has no history in the City of Richmond. The primary focus of this establishment will be to operate as a restaurant with karaoke entertainment, with a Food Primary Liquor Licence from 9:00 AM to 10:00 PM, with a patron participation entertainment endorsement. At 10:00 PM, the focus will change to a Karaoke Lounge with a Liquor Primary Liquor Licence from 10:00 PM to 2:00 AM. The target market for this business will be patrons of all ages throughout the day, families, tourists, business professionals, residents of Richmond and the lower mainland.

Person capacity and Hours of Liquor Service of the Establishment

The applicant is proposing to operate 1091919 BC Ltd. with an occupant load of 140 persons. In the interim, while waiting for the Liquor Primary Licence, the applicant is looking to operate under the Food Primary Liquor Licence to 2:00 AM, with patron participation ending at midnight. The applicant's proposed operating hours of liquor service under the Food Primary Liquor Licence are Monday to Sunday, 9:00 AM to next day 2:00 AM, consistent with the City's Policy 9400, and patron participation ending at midnight. This will be a temporary measure until such time the Liquor Primary Liquor Licence is issued. The Food Primary Liquor Licence will then be in effect from 9:00 AM to 10:00 PM.

The Impact of noise on the Community in the Immediate Vicinity of the Establishment

The proposed establishment will be located on the third floor within a high-density, non-residential multi floor mall offering 8,348 square feet for this upscale karaoke restaurant and lounge. It is staff's belief that no noticeable increase in noise would be present if the liquor primary licence application is supported.

During the Liquor Primary Liquor Licence application process, staff also conducted consultation process for the impact on the Community in the immediate vicinity of the establishment and it was determined that there would be no immediate impact on noise. The applicant did advise that they will take measures to obey the noise bylaw at all times and will install sound barrier protection within the establishment to ensure noise will not be a factor.

The Impact on the Community if the Application is Approved

The community consultation process for reviewing applications for liquor related licences is prescribed by the Development Application Fees Bylaw 8951 which under Section 1.8.1 calls for:

- 1.8.1 Every **applicant** seeking approval from the **City** in connection with:
 - (a) a licence to serve liquor under the *Liquor Control and Licensing Act and Regulations*;

must proceed in accordance with subsection 1.8.2.

1.8.2 Pursuant to an application under subsection 1.8.1, every **applicant** must:

- (b) post and maintain on the subject property a clearly visible sign which indicates:
 - (i) type of licence or amendment application;
 - (ii) proposed person capacity;
 - (iii) type of entertainment (if application is for patron participation entertainment); and
 - (iv) proposed hours of liquor service; 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, providing the same information required in subsection 1.8.2(b) above.

The required signage was posted on January 29, 2019 and three advertisements were published in the local newspaper, on January 31, 2019, February 7, 2019 and February 14, 2019.

In addition to the advertised signage and public notice requirements, staff sent letters to residents, businesses and property owners within a 50 metre radius of the new establishment. February 1, 2019, a total of 996 letters were mailed out to residents, businesses and property owners. The letter provided information on the proposed liquor licence application and contained instructions to comment on the application. The period for commenting for all public notifications ended March 4, 2019. A binder of all the correspondence received as part of the notification process has been placed in the Councillors lounge for your reference.

As a result of the community consultative process, the City received 29 letters opposed to this application. Many of the letters were in similar envelopes and appeared to have similar handwriting. Staff contacted the submitters as per information on the correspondence and found 11 letters to be incorrect information and not meeting the criteria in order for the views to be considered. The letters should include the full name, address and telephone number of the submitter and these were found to be in error as incorrect telephone numbers provided, inaccurate addresses provided or individuals stated they never submitted any correspondence to the City and were not aware of this application or letter received by the City. The authenticity of a further six letters could not be verified as the telephone numbers provided did not go to voicemail and just identified the subscriber as unavailable and ended the call. Twelve letters were identified as having correct information and verifiable.

The majority of the opposed views were from individuals who lived in Richmond and stated they visited the mall regularly. Concerns raised included potential noise; smoking of cigarettes and cannabis; impaired driving; late hours contravening strata bylaws and security concerns as the mall would be closed at this time. Some letters also expressed concern that the new business would lead to more traffic at a busy intersection and that the business should not be close to Canada line. As this business has not opened or previously operated, the assumptions that regulations will not be followed or predetermine operating practices of the operator cannot be verified.

The application received 124 supporting correspondence from the Aberdeen Square Strata Council as well as letters of support from both Aberdeen Square strata owners/operators and the Retail Section owners/operators and other Richmond residents. The letters of support from the Strata

Council indicated that this business would be an anchor tenant which would attract more diverse shoppers and shopping options (Attachment 1).

The applicant has proposed the following operating procedures to address the concern raised about the proposed route to the business outside of the mall's operating hours, when most businesses will be closed. At times when the mall is otherwise closed, the elevator will be set so access will only be permitted to the 3rd floor. There will also be sliding dividers installed which will prevent patrons from wondering throughout the rest of the mall area (Attachment 2).

In summary, the application has received 124 correspondences of support from owners, tenants, residents and other Richmond businesses and associations and 12 verifiable objections. Some of the concerns expressed by the opposition relate to provincial and municipal smoking regulations that are already in place. Should these issues arise, they would be managed through routine inspections. It is the City's expectation that the business operators will put in measures to prevent patrons from smoking to ensure compliance with City and Provincial regulations required to keep the business licence in good standing..

Other Agency Comments

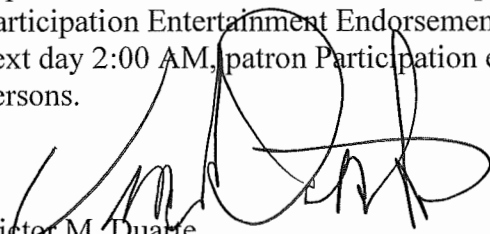
As part of the review process, staff requested comments from other agencies and departments such as Vancouver Coastal Health, Richmond R.C.M.P., Richmond Fire-Rescue and Building Approvals. These agencies and departments generally provide comments on the compliance history of the applicant's operations and premises. As this is a new business, no concerns were expressed from any of the agencies or departments regarding this application.

Financial Impact

None.

Conclusion

The results of the community consultation process of 1091919 BC Ltd.'s proposed Food Primary Liquor Licence application was reviewed based on the LCRB criteria. The analysis concluded there should be no noticeable increased impact from this proposed extension hours of operation through the new food primary liquor licence application. The proposed Karaoke is in a commercial only complex and away from residents. The support letters received significantly outnumbered the objection letters. There were no concerns raised from City departments or other agencies through the review process. Staff therefore, recommend approval of the application from 1091919 BC Ltd. to operate a Food Primary Liquor Licence with Patron Participation Entertainment Endorsement for karaoke from Monday to Sunday from 9:00 AM to next day 2:00 AM, patron Participation ending at Midnight, with an occupant load of 140 persons.



Victor M. Duarte
Supervisor, Business Licences
(604-276-4389)

VMD:vmd

- Att. 1: Correspondence from Strata Council
2: Correspondence from business President
3: Arial Map with 50 metre buffer area

March 1, 2019

Mr. Hui Cao, Director
One Nine Entertainment Group Ltd.
6080 – 4000 No.3 Road
Richmond, BC
V6X 0J8

Re: Liquor License Application for Unit 3300 – 4000 No.3 Road

Mr. Cao,

As President of the Aberdeen Square Mall Strata Council (STRATA CORPORATION EPS1069), I am writing to you in response to your request to confirm the Strata Council's support for your proposed food-primary liquor license application.

I am pleased to advise that all members of the Strata Council support your project and wish you every success with your application. We appreciate your transparency with us during your project design and construction planning process. Members of our Council are very excited to have your project inside the Aberdeen Square Mall (the "Mall") and believe that your establishment will bring great value to not only the retail section of the Mall, but to the entire Mall community. With an "anchor tenant" such as you, we believe that the Mall can attract more diverse shopping options. Good luck!

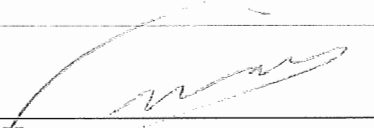
Sincerely,

Aberdeen Center Strata Council – STRATA CORPORATION EPS1069

Per:



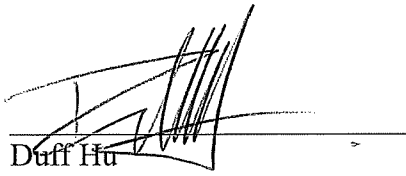
Gen Wong
President, Aberdeen Square Strata Council



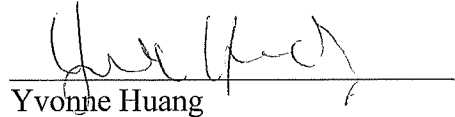
Lisa Ko
Secretary, Aberdeen Square Strata Council



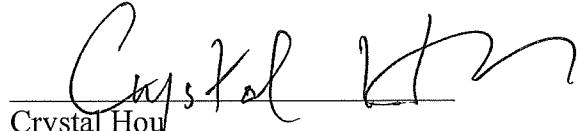
Stefanie Smith
Member, Aberdeen Square Strata Council



Duff Hu
Vice President, Aberdeen Square Strata
Council



Yvonne Huang
Treasurer, Aberdeen Square Strata Council



Crystal Hou
Member, Aberdeen Square Strata Council

Date: March 1, 2019

To: Victor Duarte - Supervisor, Business License
Community Safety
City of Richmond

From: Tony Cao – Director
One Nine Entertainment Group Ltd.

Re: Liquor License Application for Unit 3300 – 4000 No.3 Road

Dear Victor,

Many thanks again for your continued guidance throughout this process. We really appreciate your feedback as we seek to finalize construction of our project.

I am writing today to provide you with an update on discussions we have had with the Joint Strata Council of Aberdeen Square Mall (EPS 1069 or the “**Strata**”) regarding strategies to provide safe and secure corridors for patrons visiting our 3rd floor establishment in a way that is least disruptive to any of the other business operating in the retail mall. The following is a summary of the key points of our discussions with the Strata:

1. STRATA AND RETAIL OWNER SUPPORT

Both the Strata and a significant majority of retail mall unit owners and tenants strongly support our pending liquor license application and our project in general (as evidenced by the large amount of support letters collected from these groups). During our recent outreach campaign to inform owners/tenants in the mall about our project, the key concerns communicated to us related to 2 issues: (a) ensuring that the operation of our establishment will not interfere with the operation of their business; and (b) ensuring that patrons of our establishment do not loiter around the mall after mall operating hours. With this feedback in hand, we have had several meeting with the Joint Strata Council President, Mr. Gen Wong, to address these concerns and develop an action plan (detailed below) that has the Strata’s full support.

2. IMPACT ON OTHER MALL UNITS DURING MALL OPERATING HOURS

During regular mall operating hours, both the Strata and the retail mall owners that we spoke to were very happy to learn that our project is going to be a major departure from the traditional “karaoke box” businesses in Richmond which operate similar to nightclubs. Instead, our new hybrid dining/social lounge concept which will feature a buffet-style food offering as well as a luxuriously appointed private rooms to hold business meetings, host family gatherings, etc., and, will operate under a food primary license during the mall’s operating hours (to encourage families and minors to attend the business). This concept was very warmly received by the owners we spoke to inside the Aberdeen Square Mall who are very keen to attract families and a mixed demographic of mall foot traffic. With this concern addressed, we worked with Strata to create the

following plan to ensure that after mall operating hours, our patrons would not loiter in the mall.

3. SAFE AND SECURE ACCESS FOR PATRONS AFTER MALL OPERATING HOURS

Our unit in the mall (Unit 3300) is the largest strata unit on the 3rd floor of the retail mall. There are no storefront units directly adjacent to our unit. In meetings with the Strata, we developed a plan to identify 2 access areas that will allow patrons to enter and exit the mall safely and securely, and in such a way that minimizes exposure to the other strata units in the retail mall.

(a) Access Point 1: Main mall entrance on No.3 Road street

The first proposed route for patrons to access our unit after hours is the main mall entrance door on No. 3 Road. From this door, patrons will walk approx. 5 metres (directly in front of the mall security desk which would be staffed) to the main mall elevator which will be programmed only to stop on the 3rd floor directly in front of our unit. Other potential access corridors from the main entrance will be blocked off with sliding dividers that we are working with Strata now to purchase for this project (see image below for example).



Example of sliding mall dividers to block off ground floor access corridors

Once inside the elevator, our patrons will exit directly in front of our unit on the 3rd floor where there will be an attendant in place to ensure that they enter our unit and do not wander off. After leaving our unit, patrons will have the option of taking the same elevator down to the ground floor and exiting through the No. 3 Road entrance, again in direct view of the main mall security desk which will be staffed during all hours of our operation. Both the Strata and I really like the idea of this access concept because the No. 3 Road door is adjacent to the Aberdeen Canada Line transit station, which will offer a great options for patrons that consumed alcoholic beverages to safely return home.

(b) Access Point 2: Car-drop off area inside loading zone off of Cambie Street

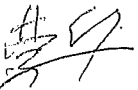
The next proposed access point that has received the Strata's support is the loading bay doors into the mall on Cambie Road. In this area, after the mall has closed at approx. 7:00 PM, we plan to allow patrons to drop off their cars to valet attendants (who will park the cars in the mall parking lot) and access the mall on the ground floor. From this access door, there is a dedicated corridor to the main floor elevators mentioned in the section above. There are no businesses or storefronts along this corridor ensuring no disruption or impact on any of the other mall units. We plan to have a doorman at this entrance at all times to ensure that only patrons with evening reservations at our business will be allowed to enter. Again, both the Strata and I support this access strategy because our valet attendants will have an opportunity to ensure that only patrons that had not consumed alcoholic beverages will be provided with their car keys upon exiting our business. In this way, we will have another opportunity to ensure we are in compliance with our "Serving it Right" obligations.

To conclude, we are cooperating very closely with the Strata to develop strategies to ensure that the concerns from mall unit owners and tenants are being fully addressed. My Director of Operations, Mr. Jan Kindler was recently appointed to the Retail Strata Council to ensure that the comments and suggestions of all Strata Lot owners can be taken under consideration as we seek to open our luxury entertainment offering soon. We are taking a very proactive approach to ensuring that hallway dividers are installed so that our patrons have safe and direct access to enter and exit our business, either under the direct supervision of mall security, or, our hired door personnel. We are now finalizing plans with the Strata on preparing floor plans detailing the above access strategies and will present them to you once completed.

Based on the large number of support letter received both as part of our earlier Liquor-Primary application, as well as this current Food-Primary application, it is clear that the Aberdeen Square Community, as well as the entire Strata Council, believes that our project will be positive for the mall. To this point, please find a letter signed by the entire Aberdeen Square Strata Council voicing their support for our project.

We would be pleased to discuss any questions you may have regarding these strategies, and as always, are grateful for your feedback and comments. Thank you for your kind attention to this letter.

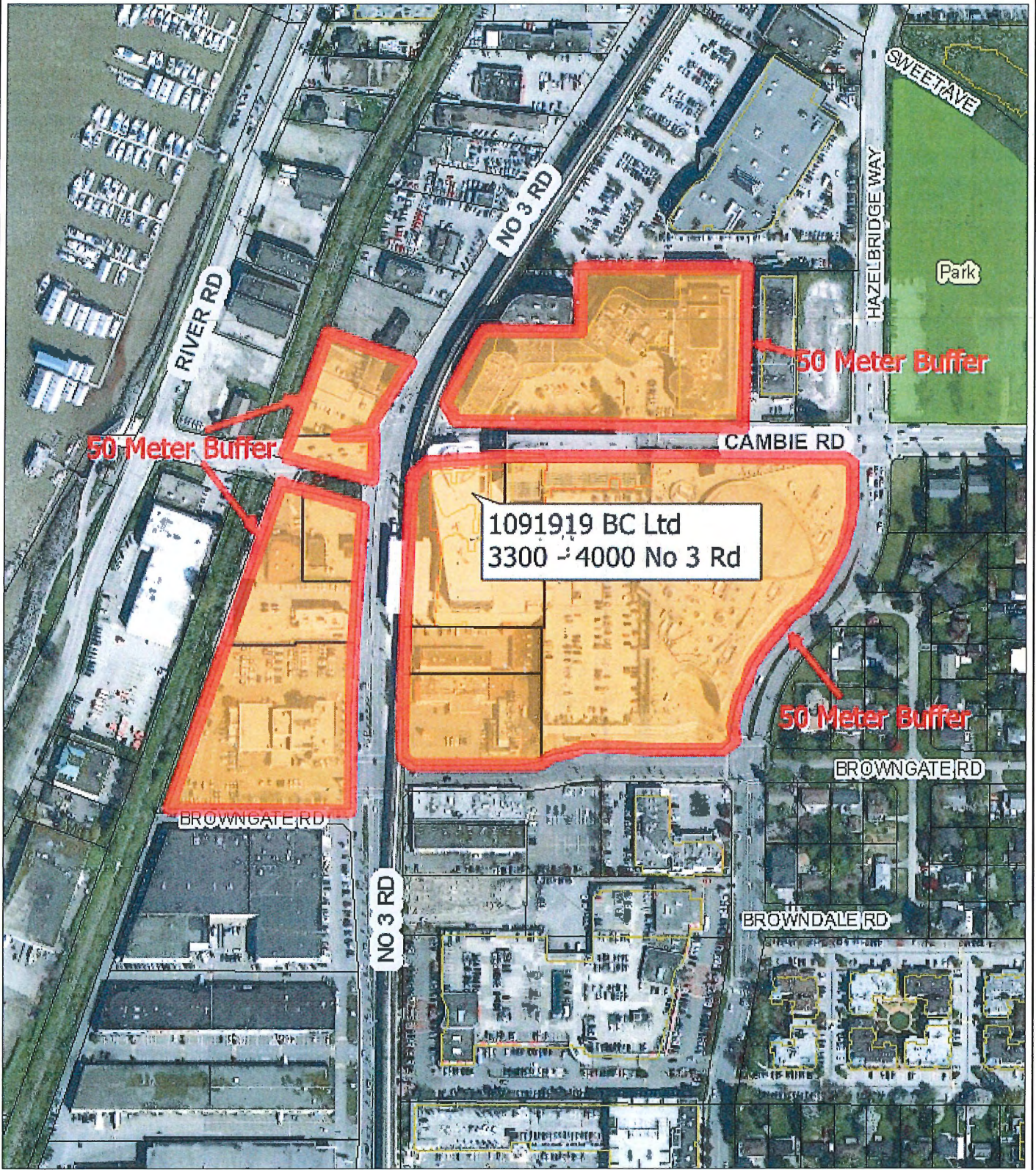
Sincerely,



Tony Cao
Director

One Nine Entertainment Group Ltd.

City of Richmond Interactive Map



157.2 0 78.60 157.2 Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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