City of Richmond

Report to Committee

To:	General Purposes Committee	**Date:**	October 9, 2012
From:	W. Glenn McLaughlin Chief Licence Inspector & Risk Manager	**File:**	12-8275-05/2012-Vol 01
Re:	**Millennium Karaoke Ltd.** **Unit 201 - 4451 No. 3 Road** **Liquor Primary Application**		

Staff Recommendation

That the application by Millennium Karaoke Ltd., for a Liquor Primary Licence at 4451 No. 3 Road Unit 201, in order to offer liquor service, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:

1) Council recommends the issuance of the proposed licence based on the lack of community responses received and that the operation will not have a significant negative impact on the community.

2) Council's comments on the prescribed criteria (set out in section 10(3) of the Liquor Control and Licensing Act Regulations) are as follows;

   a) The location of the establishment is zoned Auto-Oriented Commercial (CA) and the proposed use was reviewed and conforms to the regulations for the area.

   b) The proximity of the proposed location to other social or recreational and public buildings was considered. There are no public schools or parks within a 50 metre radius of the proposed liquor primary location.

   c) That a LCLB application for a 100 person capacity operation, with liquor service hours of 2:00 p.m. to 2:00 a.m. Monday to Sunday, be supported. Support for a 150 person capacity operation is not given.

   d) The number and market focus or clientele of liquor primary licence establishments within a reasonable distance of the proposed location was considered.

   e) The potential for additional noise in the area if the application is approved was considered.

3) As the operation of the establishment as a liquor licensed establishment might affect nearby residents, the City gathered the view of the residents as follows:

a) As per City Policy, residents, property owners and businesses within a 50 metre radius of the subject property were contacted by letter detailing the application and were provided with instruction on how 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 instruction 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) There were no responses to all public notifications and based on the lack of any responses received from the community, Council considers that the application is acceptable to the majority of the community and residents and businesses in the nearby area.

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

Att.

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER	
REVIEWED BY SMT SUBCOMMITTEE	INITIALS:
REVIEWED BY CAO	INITIALS:

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 new Liquor Primary Licences, the process requires that local government, in providing comments with respect to the licence application, take into account the following criteria:

- the location of the establishment
- the proximity of the establishment to other social or recreational facilities and public buildings
- the person capacity and hours of liquor service of the establishment
- the number and market focus or clientele of liquor primary licence establishments within a reasonable distance of the proposed location
- the impact of noise on the community in the immediate vicinity of the establishment and;
- the impact on the community if the application is approved.

If the operation of the establishment as a licensed establishment may affect nearby residents, the local government must gather the view of the residents.

This report deals with an application submitted to LCLB and to the City of Richmond by Don Lui (the Applicant), owner of Millennium Karaoke Ltd., operating from premises located at Unit 201 – 4451 No. 3 Road, for the following;

- to add a Liquor Primary Licence to the existing karaoke service operation in order to sell all types of liquor from 2:00 p.m. to 2:00 a.m. Monday to Sunday with a capacity of 150 patrons.

Analysis

Location of the establishment

The property is situated in the planning area of City Centre and is one of two buildings on the property parcel. The two buildings are comprised of several commercial businesses that offer the general public a variety of retail services as well as commercial entertainment services.

The property is zoned Automobile-Oriented Commercial District (CA) and the Applicant's current business licence is for a 13 room karaoke service with retail sales of light refreshments (bubble tea, pop) and snacks. The Applicant's proposal to add a liquor primary licenced establishment in conjunction with the existing business licence is consistent with the permitted uses in this zoning district. The business has been in operation since 2007.

Proximity to other social or recreational and public buildings

There is a private badminton centre and a karate club but no public schools or parks with a 50 metre radius of the property.

Person capacity and hours of liquor service

The Applicant has applied for a 150 person capacity operation with operating hours of 2:00 p.m. to 2:00 a.m. Monday to Sunday. As the occupant load under the building permit was approved and issued for a maximum of 100 persons, the City can only provide support for this approved occupant load.

If the Applicant proposes to increase the occupant load, a building permit and City approval would be required.

Other Liquor Primary establishments in the area

There are 6 establishments that have a Liquor Primary Liquor licence within a 800 metre radius of the Applicant's location.

Impact of noise

The location is surrounded by a mix of commercial uses. The lack of negative feedback from the occupants in the area indicates that it is not expected that the proposal will generate any additional noise other than the street noise generally associated with closing time dispersals.

Impact on the Community

The City relies, in part, on the response from the community to any negative impacts of the liquor licence application. Having received no responses from those contacted in the consultation area and none from the city-wide public notifications, staff feel that support of this application is warranted due to the lack of negative public feedback.

Views of nearby residents, businesses and property owners

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

The City's process for reviewing applications for liquor related permits is prescribed by the Development Application Fees Bylaw 7984 which under section 1.9.1 calls for:

1.9.1 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 1.9.2.

1.9.2 Pursuant to an application under subsection 1.9.1, 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 at least weekly in the area affected by the application.

In addition to the advertised public notice requirements set out in Section 1.9.2, staff have adapted from a prior bylaw requirement, the process of the City sending letters to businesses, residents and property owners within a 50-metre radius of the establishment (Attachment 1). This letter provides details of the proposed liquor licence application and requests the public to communicate any concerns to the City.

There are 9 property parcels within the consultation area. On August 28, 2012, letters were sent to 453 businesses, residents and property owners to gather their views on the application, two of these letters were returned as undeliverable. As of September 28, 2012, there have been no responses from the community from the mail out, the posted signage or newspaper publications.

The following table is a summary of the application data and dates:

ITEM	DETAILS
City of Richmond Application Received	August 16, 2012
Type	New Liquor Primary Licence
Location	Unit 201 – 4451 No. 3 Road
Proposed Hours of Liquor Sales	Monday to Sunday, 2:00 p.m. to 2 a.m.
Zoning	Auto-Oriented Commercial (CA)
Business Owner(s)	Don Lui
Date Sign Posted	August 22, 2012
Newspaper Publication Dates	August 22, 24, 29, 2012
Letters to residents/businesses	August 28, 2012

The public consultation period for the application ended on September 28, 2012.

Non-Regulatory Criteria

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.

The only comment received was that the building permit occupancy load was approved for a maximum of 100 persons, if the Applicant wishes to increase this number, plans would be required to be submitted and approved.

Financial Impact

There is no financial impact.

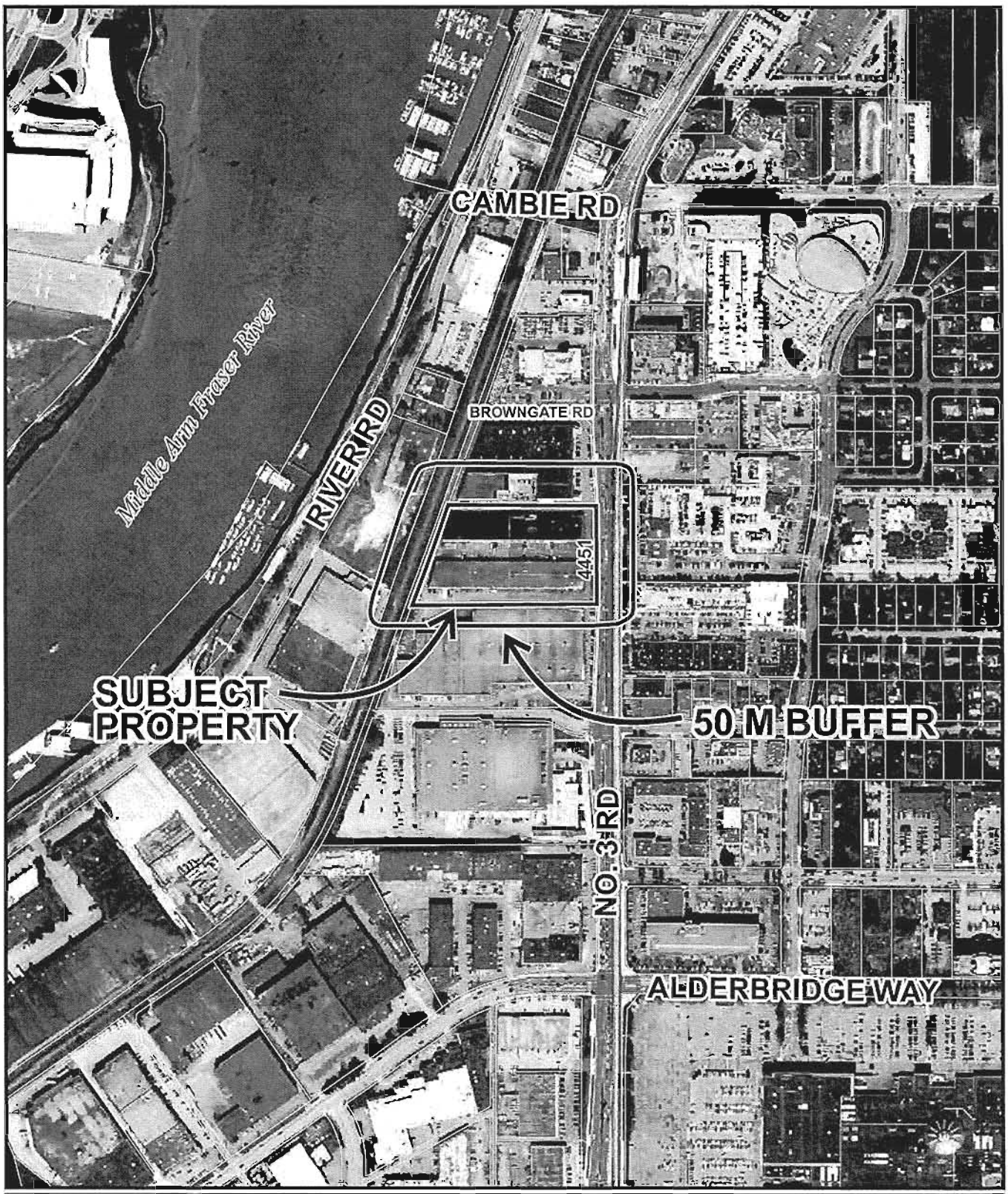
Conclusion

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

Given that the only comment received from the various agencies contacted was in regards to the maximum occupant load and that no responses were received from the public consultations, staff recommend that Council provide a Resolution to LCLB supporting the application for a Liquor Primary licence with the operating hours of Monday to Sunday 2:00 p.m. to 2:00 a.m. with a maximum occupant load of 100 persons.

Joanne Hilcida
Supervisor, Business Licence
(604-276-4155)

JMH:jmh



	4451 No. 3 Road	Original Date: 10/11/12 Revision Date: Note: Dimensions are in METRES