

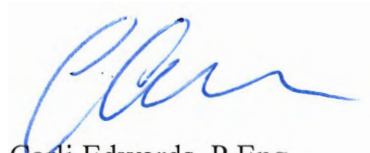


To: General Purposes Committee **Date:** June 4, 2018
From: Carli Edwards, P.Eng. **File:** 12-8275-30-001/2018-
Manager, Community Bylaws and Licencing Vol 01
Re: **Application for a New Liquor Primary Liquor Licence From 1091919 BC Ltd, at
4000 No 3 Road Unit 3300.**

Staff Recommendation



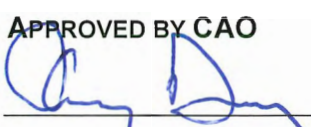
1. That the application from 1091919 BC Ltd., for a new Liquor Primary Liquor Licence to operate a karaoke lounge establishment, at premises located at 4000 No 3 Road Unit 3300, with liquor service, be supported for:
 - a) A new Liquor Primary Liquor Licence with primary business focus of entertainment, specifically a karaoke lounge with total person capacity of 160 persons;
 - b) Liquor service hours for Monday to Sunday, from 10:00 PM to 2:00AM.
2. That a letter be sent to Liquor Control and Licensing Branch advising that:
 - a) Council supports the applicant's new Liquor Primary Liquor Licence application and the hours of liquor service with the conditions as listed above;
 - b) The total person capacity set at 160 persons is acknowledged;
 - c) Council's comments on the prescribed criteria (Section 71 of the Liquor Control and Licencing Regulations) are as follows:
 - i. The impact of additional noise and traffic in the area of the establishment was considered;
 - ii. The potential impact on the community was assessed through a community consultation process;
 - iii. Given that this is a new business, there is no history of non-compliance with this establishment.
 - d) As the operation of a licenced establishment may affect nearby residents, businesses and property owners, the City gathered the views of the community through a community consultation process as follows:
 - i. Residents, businesses and property owners within a 50 meter radius of the establishment 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 to submit comments and concerns.
- e) Council's comments on the general impact of the views of residents, businesses and property owners are as follows:
 - i. The community consultation process was completed within 90 days 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.



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

Att. 3

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

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.

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

- operate, Monday to Sunday, 10:00 PM to 2:00 AM next day;
- permit a total person capacity of 160 persons;
- operate a karaoke lounge 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 LCLB with respect to the proposed Liquor Primary application. Regulatory criteria a local government must consider are:

- 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 impact of noise on the community in the immediate vicinity of the establishment; and
- the impact on the community if the application is approved.

Analysis

Location of the Establishment

The applicant is proposing to operate with dual licencing, with both a Food Primary Liquor Licence and a Liquor Primary Liquor Licence although the City has not received an application for the Food Primary Liquor Licence. This report deals only with the application for Liquor Primary.

The overall business plan is to operate an upscale karaoke lounge offering food and beverage service. The applicant proposes to operate under a Food-Primary Liquor Licence with a Patron Participation Endorsement from 9:00 AM to 10:00 PM to cater to families and patrons of all ages for food and singing until 10:00 PM at which time the applicant proposes to operate as a Liquor Primary establishment. The applicants 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) with the following permitted uses relevant to this application: liquor primary establishment; 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 karaoke restaurant with a Food Primary Liquor Licence from 9:00 AM to 10:00 PM and 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.

Proximity of the Establishment to Other Social, Recreational and Public Building

There are no schools, parks or other public buildings within 500 meters of proposed location for 1091919 BC Ltd. There is one liquor primary establishment within 210 meters of 1091919 BC Ltd.

Person capacity and Hours of Liquor Service of the Establishment

The applicant is proposing to operate 1091919 BC Ltd with an occupant load of 160 persons. The applicant's proposed operating hours of liquor service under the Liquor Primary Liquor Licence are Monday to Sunday, 10:00 PM to next day 2:00 AM which is consistent with the City's Policy 9400.

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 8348 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.

Attached letter from the Property Manager, FirstService Residential BC Ltd., Senior Strata Manager, Duncan Deng, addressed to the applicant, confirming he advised Environmental Health Officer, Van Hang that he does not foresee any noise problems arising from this applicants business.

(Attachment 1)

Further, the applicant advises that he 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 April 11, 2018 and three advertisements were published in the local newspaper, on April 12, 2018, April 19, 2018 and April 26, 2018.

In addition to the advertised signage and public notice requirements, staff sent letters to residents, businesses and property owners within a 50 meter radius of the new establishment. On March 29, 2018, a total of 1008 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 May 14, 2018.

As a result of the community consultative process described, the City received 35 complaint letters from 21 individuals, with many sending multiple letters. The majority of the complaints were from owners and operators within the same strata. Concerns raised included noise, impaired driving, late hours contravening strata bylaws and security concerns as the mall would be closed at this time. Other unit owners and operators were worried of loitering, vandalism or damage caused by patrons of this business. One complainant included a news story of a Karaoke in Hong Kong (which has no bearing or relevancy in this application).

Staff were concerned with the number of letters received and advised the applicant to undertake further discussions with the strata. The applicant subsequently reached out to the Strata and received supporting correspondence from both the Aberdeen Square Strata Council and the Retail Section Executive Council. The letter of support from the Strata Council indicated that this business would be a landmark project to attract publicity and customers to the mall and that the Strata Corporation would not pass or approve or make any bylaws which contravened any Municipal or Provincial laws regarding operating hours. Correspondence also included reference to strata bylaw 42.3 which confirmed that the proposed business is classified as a Restaurant Strata lot and exempt from the mall operating hour restrictions. (**Attachment 2**)

The applicant also addressed the concern raised about the proposed route to the business outside of the mall's operating hours, when most business 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 3**)

Despite opposition from some businesses, the applicant has received an overwhelming amount of support from owners, tenants, residents and other Richmond Businesses and Associations. The applicant provided 197 supporting letters from 154 individuals.

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 and development, 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 proposed Liquor Primary Licence application was reviewed based on the LCLB criteria. The analysis concluded there should be no noticeable potential impact from noise, no significant impact to the community and the overwhelming amount of support letters received with no concerns raised from City departments or other agencies. Staff therefore, recommend approval of the application from 1091919 BC Ltd. to operate a Liquor Primary Licence with liquor service Monday to Sunday from 10:00 PM to next day 2:00 AM, with an occupant load of 160 persons.



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

VMD:vmd

- Att. 1: Correspondence from Property Management
- 2: Correspondence from Strata President
- 3: Correspondence from applicant
- 4: Ariel Map with 50 meter buffer area

Attachment 1

FirstService
RESIDENTIAL

May 4, 2018

VIA REGULAR MAIL

One Nine Entertainment Group Ltd.
6080- 4000 No. 3 Road
Richmond, BC V6X 0J8

Attention: Tony Cao

Dear Sir(s),

**Re: Strata Plan EPS 1069E – Aberdeen Square Retail
3300 – 4000 No. 3 Rd., Richmond
Acknowledgement of Correspondence**

We are responding to your May 1, 2018 letter, on behalf of the Retail Section Executives.

The Strata Manager of the Retail Section of Aberdeen Square is Duncan Deng of FirstService Residential. The Strata Corporation and Office Section are managed by AWM Alliance Real Estate Group.

We are assuming that your May 1, 2018 letter was intended to write to the Council of the Strata Corporation which implicates the Strata Manager and Executives of the Retail Section.

The Strata Manager and Executives of the Retail Section confirmed that nobody has organized or is engaged to raise any formal objections to your proposed project and proposed liquor license application. We don't know who the "Strata Manager" of Aberdeen Square Mall is as you are referring to in your letter.

The Retail Section Executives did not authorize the Strata Manager of the Retail Section to voice any objections to your liquor license application.

The Strata Manager of the Retail Section confirms that the only formal correspondence he received is from Van Hang, Environmental Health Officer of Richmond Public Health/Vancouver Coastal Health Authority inquiring if the retail section foresees any problems with noise from this application since there are Aberdeen Centre residents living nearby. The Strata Manager responded to Mr. Hang on behalf of the Retail Executives that the Retail Section Executive does not foresee any noise problem and that Duncan Deng does not manage Aberdeen Centre Residents Building.

Hope this letter clarifies your concerns in your letter. Please feel free to contact the undersigned if you have any questions or concerns on this matter.

Yours truly,

FirstService Residential BC Ltd.

Duncan Deng
Senior Strata Manager
Per the Owners
Strata Plan EPS 1069E

DD/cm

Attachment 2

May 2, 2018

Mr. Tony 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

Dear Mr. Cao,

As President of both the Aberdeen Square Strata Council (STRATA PLAN EPS1069) and the Retail Section Executive Council (STRATA PLAN EPS1069E), I am writing to you in response to your letter dated May 1, 2018.

1. The Strata Council fully supports your proposed liquor application and your project for Unit 3300. The Aberdeen Square retail mall welcomes your ambitious project as a “landmark” project to attract publicity and customers to the mall.
2. The Strata Council never authorized any “strata manager” or other person to file an objection to your proposed liquor license application. We are very distressed to hear that somebody is trying to mislead the City of Richmond that they are acting on our behalf. We are immediately commencing an investigation into this matter and will make best efforts to advise the city of this serious matter. You are welcome to send this letter to the City of Richmond if you wish to clarify the record.
3. Regarding operating hours, there is no bylaw preventing Unit 3300 which is classified as a “Restaurant Strata Lot” from operating beyond regular mall operating hours. Our relevant bylaw articles are reproduced below and highlighted for your reference:
 42. Hours of operation
 - 42.1 The Strata Corporation will not pass, approve or make any bylaw or rule that prohibits an Owner or its tenant from carrying on business in the Owner’s Office Strata Lot during any hours not prohibited by municipal or provincial law, bylaw or regulation.
 - 42.2 The business hours of the Retail Strata Lots will be from 11:00 a.m. to 7:00 p.m. Monday to Wednesday; 11:00 a.m. to 9:00 p.m. Thursday to Saturday; 11:00 a.m. to 7:00 p.m. Sunday and Statutory Holidays.

42.3 Notwithstanding the business hours established pursuant to section 42.1, **Restaurant Strata Lots**, Food Court Strata Lots and Retail Strata Lots at street level and with direct street access **may remain open for business for longer hours than those established for the Retail Strata Lots.**

Because your unit is classified as a “Restaurant Strata Lot” under the bylaws, the operating hour restrictions do not apply. Direct street access is only a requirement for “Strata Lots at street level” which does not apply to your unit as a “Restaurant Strata Lot.”

4. As discussed with you previously, we appreciate steps you have taken to assume responsibility for various costs to the mall that may be incurred as a result of your operating hours extending beyond the current mall operating hours (such as additional electricity consumption by your unit). We look forward to formalizing these commitments with you over the next several weeks.
5. Council acknowledges receiving your request to circulate your template letter of support from Aberdeen Square Mall retail units. In accordance with our bylaws we will distribute your request to unit owners.

The Strata Council wishes you every success with your application and 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 Mall and believe that your establishment will bring great value to not only the retail section of the Mall, but to the entire Aberdeen Square Mall community. With an “anchor tenant” such as you, we believe that the Mall can attract more diverse shopping options to the mall. Good luck!

Sincerely,

The Aberdeen Square Strata Council

Per:



Gen Wong
President, the Strata Plan EPS1069 & EPS1069E
genwong@ymail.com
604-603-1178

cc. Tyler Johnson of AWM Alliance, the Strata Manager of Joint Council.
Duncan Deng of First Service Residential, the Strata Manager of Retail Section.

Attachment 3

Date: May 11, 2018

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 meeting with Mr. Jan Kindler and I on April 26, 2018. We really appreciate your feedback as we seek to finalize the interior design elements for the hallway-facing walls of the karaoke rooms. As discussed, we will be presenting you with a set of revised drawings that increases the percentage of clear acrylic panels on these walls for your review and comment.

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 3 potential access areas that would 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.

(c) Access Point 3: Parking Garage Exit on 1st Floor

The final proposed access door is located on the 1st floor and has direct access to the mall's parking lot (accessed from Browngate Road). The hallway dividers mentioned in part (a) above will be installed in this area to ensure that patrons will have only one corridor to walk down leading them directly to the main lobby elevators on the 1st floor. Again we plan to have this door staffed by one of our attendants to ensure that only patrons with reservations at our businesses will be allowed to enter. We are currently in the process of deliberations with Strata to see if it might make more sense to have a compulsory valet for all patrons after the mall closes so that we could just rely on the access strategies referenced in part (a) and (b) above. In any event, with the hallway dividers in place and a door attendant in place, patrons will only have a direct corridor access in and out of the first floor and therefore will have no opportunity to wander down other areas on the mall.

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. 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 currently working with the Strata on preparing floor plans detailing the above access strategies and will present them to you once completed.

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



50-Meter Buffer

50 Meter Buffer

1091919 BC Ltd
3300 - 4000 No 3 Rd

50 Meter Buffer

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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