



To: General Purposes Committee
From: W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager
Re: **Staff Referral - J & B Investment Ltd.
doing business as Zodiac Karaoke
Unit 155 - 8291 Alexandra Road**

Date: March 16, 2010

File:

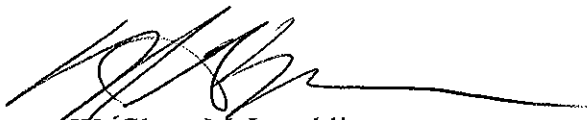
Staff Recommendation

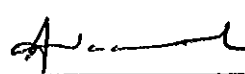


1. That the report from the Chief Licence Inspector dated March 16, 2010, entitled Staff Referral - J & B Investment Ltd. doing business as Zodiac Karaoke Unit 155 - 8291 Alexandra Road be received for information.
2. That the *application* by J & B Investment Ltd., doing business as Zodiac Karaoke, for an amendment to increase the hours of liquor service under Liquor Primary License No. 162535 *from* Monday to Saturday 7:00 p.m. to 2:00 a.m. and Sunday 7:00 p.m. to Midnight *to* Monday to Sunday 7:00 p.m. to 2:00 a.m., *be supported* and that a letter be sent to the Liquor Control and Licensing Branch advising that:
 - A. Council recommends the amendment of the increase in liquor service hours as no negative comments have been received from the community and the increase will not have a significant impact on the community.
 - B. 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 through a community consultation process and considered.
 - C. 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.

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

That based on the number of letters sent and the lack of response received from all public notifications, Council considers that the amendment is acceptable to the majority of the residents in the area and the community.


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

| FOR ORIGINATING DEPARTMENT USE ONLY | | | | | |
|---|--|--|--------------------------|--|--|
| ROUTED TO: | | CONCURRENCE | | CONCURRENCE OF GENERAL MANAGER | |
| RCMP | | Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | |  | |
| REVIEWED BY TAG | | YES | NO | REVIEWED BY CAO | |
| <input checked="" type="checkbox"/>  | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | ACTING <input checked="" type="checkbox"/>  | |

Staff Report

Origin

At the general Purpose Committee of Council meeting of March 15, 2010 the following referral was made:

“That the staff report entitled ‘J & B Investment Ltd. Doing Business As Zodiac Karaoke Unit 155 - 8291 Alexandra Road’ be referred back to staff for more information on: (a) the business’ history with Vancouver Coastal Health and the RCMP; and (b) details of the recent past business licence suspension and the business’ record since the suspension.”

This report responds to the referral.

Analysis

History with Coastal Health and with RCMP

Vancouver Coastal Health Authority’s (VCH) history with this establishment dates back to 2005 and prior with joint inspections resulting in violations for smoking infractions. A noise impact assessment was conducted by VCH in January 2010 and VCH commented that the noise generated by Zodiac’s patrons may become an issue to the single family residential properties on Leslie Road. No comments were received by the City from the residences through the public survey conducted in processing this application. Staff note that the establishment has a series of rooms for Karaoke entertainment which by design should reduce the noise originating from the premises.

The Richmond RCMP attended the Zodiac Karaoke on 13 occasions in 2009 for minor occurrences such as assistance with unwanted guests, fights and intoxicated persons. They also conducted liquor inspections and assisted with Coastal Health with health inspections with no infractions noted. The RCMP does not have any issues with the amendment application.

Details of prior suspension

On July 7, 2008 Council suspended the Business Licence of J&B Investment Ltd dba Zodiac Karaoke for 30 days for smoking violations against the Public Health Protection Bylaw #6989. Prior to this suspension this establishment had been suspended for a 14-day period in 2006 and a 7-day period in 2004 for smoking infractions. The Liquor Control and Licensing Board had also suspended this establishment for 4 days against a 2007 liquor violation.

History since suspension

Since the 2008 suspension for smoking the establishment has been issued 3 violation notices for smoking with the last notice issued in August 2009. The establishment has indicated that they have taken measures to become compliant with Richmond Bylaws.

The amendment application by Zodiac is for a 2-hour extension from 12 a.m. to 2 a.m. on Sunday's to permit the serving of liquor under their liquor primary licence. The Empress Lounge located at 8711 Alexander Road is permitted under their liquor primary licence to serve liquor until 2 a.m. and Council has supported a food primary liquor licence amendment to 2 a.m. with Karaoke patron participation for Apower International Trading which is located across the street from Zodiac Karaoke.

Council's role in the provincial licensing process for this amendment application is to consider the potential for additional noise and traffic in the area and the impact on the community if the application is approved. The following options are presented for Council's consideration

Option 1

Council may opt to *not provide a resolution* to LCLB in which case the General Manager of LCLB may gather the views of residents and when considering the regulatory criteria with the entire application, decide whether granting the amendment would be contrary to the public interest.

Option 2

Council may pass a resolution to *not support the amendment application* in which case the General Manager LCLB will take Councils view into consideration when deciding whether to grant the amendment.

Option 3 – (Staff Recommendation)


Council may opt to support the liquor licence amendment application as detailed in the Staff Recommendation of the original report considered by General Purposes Committee of Council on March 15, 2010 which is appended as Attachment 1.

Financial Impact

None.

Conclusion

This reports supplements the original report dated February 22, 2010 from the Chief Licence Inspector.



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

WGM:wgm



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** February 22, 2010
From: W. Glenn McLaughlin **File:**
 Chief Licence Inspector & Risk Manager
Re: **J & B Investment Ltd. doing business as**
Zodiac Karaoke
Unit 155 - 8291 Alexandra Road

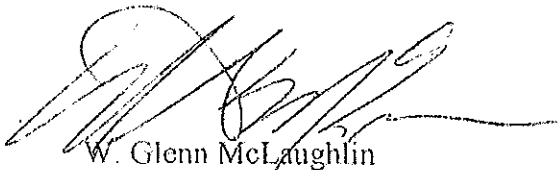
Staff Recommendation

That the *application* by J & B Investment Ltd., doing business as Zodiac Karaoke, for an amendment to increase the hours of liquor service under Liquor Primary License No. 162535 *from* Monday to Saturday 7:00 p.m. to 2:00 a.m. and Sunday 7:00 p.m. to Midnight *to* Monday to Sunday 7:00 p.m. to 2:00 a.m., be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:

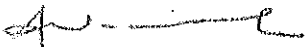


1. Council recommends the amendment of the increase in liquor service hours as no negative comments have been received from the community and the increase will not have a significant impact on the community.
2. Council's comments on the prescribed criteria (set out in section 53 of the Liquor Control 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 through a community consultation process and 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 based on the number of letters sent and the lack of response received from all public notifications, Council considers that the amendment is acceptable to the majority of the residents in the area and the community.



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 checked="" type="checkbox"/> N <input type="checkbox"/> | |
| REVIEWED BY TAG | YES | NO | REVIEWED BY CAO |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  <input checked="" type="checkbox"/> <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 the opportunity to provide comments and recommendations to the LCLB, with respect to liquor licence applications and amendments. For amendments to liquor 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.

This report deals with an amendment application submitted to LCLB and to the City of Richmond, by Francis Yip, principal of J & B Investment Ltd, doing business as Zodiac Karaoke (the "Applicant"), operating from premises located at Unit 155 -- 8291 Alexandra Road, in order *to increase the hours of liquor service* under liquor licence number 162535

from Monday to Saturday 7:00 p.m. to 2:00 a.m. and Sunday from 7:00 p.m. to Midnight

to Monday to Sunday 7:00 p.m. to 2:00 a.m.

Analysis

The building at 8791 Alexandra is a 2 level multi-unit structure from where a variety of businesses operate including a dentist, travel agency, insurance agent and cafes. The Applicant holds two business licences, one licence has been issued for a 80 seat restaurant and the second licence has been issued for commercial entertainment in the form of karaoke with a liquor primary licence.

The zoning of the property is Auto-Oriented Commercial (CA) and the uses of a restaurant and commercial entertainment (karaoke) with a liquor primary licence are consistent with the permitted uses for this property.

The building is located on the north side of Alexandra Road with the surrounding area to the south, east and west made up of commercial complexes and to the north of the building is a residential district (Attachment 1).

The Applicant is both the owner and operator of the business and has operated from this location since 1993. The licences are currently valid until January 1, 2011.

The Applicant states that by allowing him to extend his hours of operation he will be able to compete with similar businesses operating in the area.

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, (iii) change of hours, 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 2). 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 | January 6, 2010 |
| Type | Liquor Primary Amendment |
| Location | Unit 155 – 8291 Alexandra Road |
| Proposed Hours of Liquor Sales | 7:00 pm. to 2:00 a.m., Monday to Sunday |
| Zoning | Auto-Oriented Commercial |
| Business Owner | Francis Yip |
| Date Sign Posted | January 5, 2010 |
| Newspaper Publication Dates | January 13, 15, 20, 2010 |
| Letters to residents/businesses | January 20, 2010 |

The public consultation period for the application ended February 20, 2010.

Views of nearby residents, businesses and property owners

There are 39 property parcels within the consultation area. On January 20, 2010, letters were sent to 135 businesses, residents and property owners to gather their view on the application. No letters were returned as undeliverable.

As of February 22, 2010, no responses have been received from the letters that were mailed to the properties within the consultation area and no community response from the signage posted and notifications published.

Potential for noise

Staff believes that there would be no noticeable increase in noise if the additional 2 hours of liquor service were supported.

Potential for impact on the Community

Any typical potential impacts associated to a liquor primary licence such as drinking and driving, criminal activity and late-night traffic are not expected to be unduly increased with this amendment. Having received no response from the community and residents living near the area, staff is of the opinion that the amendment would not have a negative 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, Richmond Task Force, 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.

RCMP commented that in 2009 they attended at the Applicant's premises on 13 occasions, but they were all for minor occurrences and had no issues with the increase in liquor service hours requested by the Applicant.

Vancouver Coastal Health identified that the business has a residential district directly behind it and that the City should ensure the Applicant complies with the Richmond Public Health Bylaw in regards to noise. Vancouver Coastal Health also commented that there were previous non-compliance issues (permitting smoking) with the business.

On November 28, 2009 and again on January 16, 2010, the Richmond Task Force did site inspections at the Applicant's place of business and no infractions were noted.

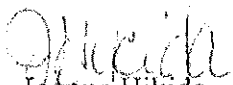
No objections to the application were received from any of the other above mentioned agencies and divisions.

Financial Impact

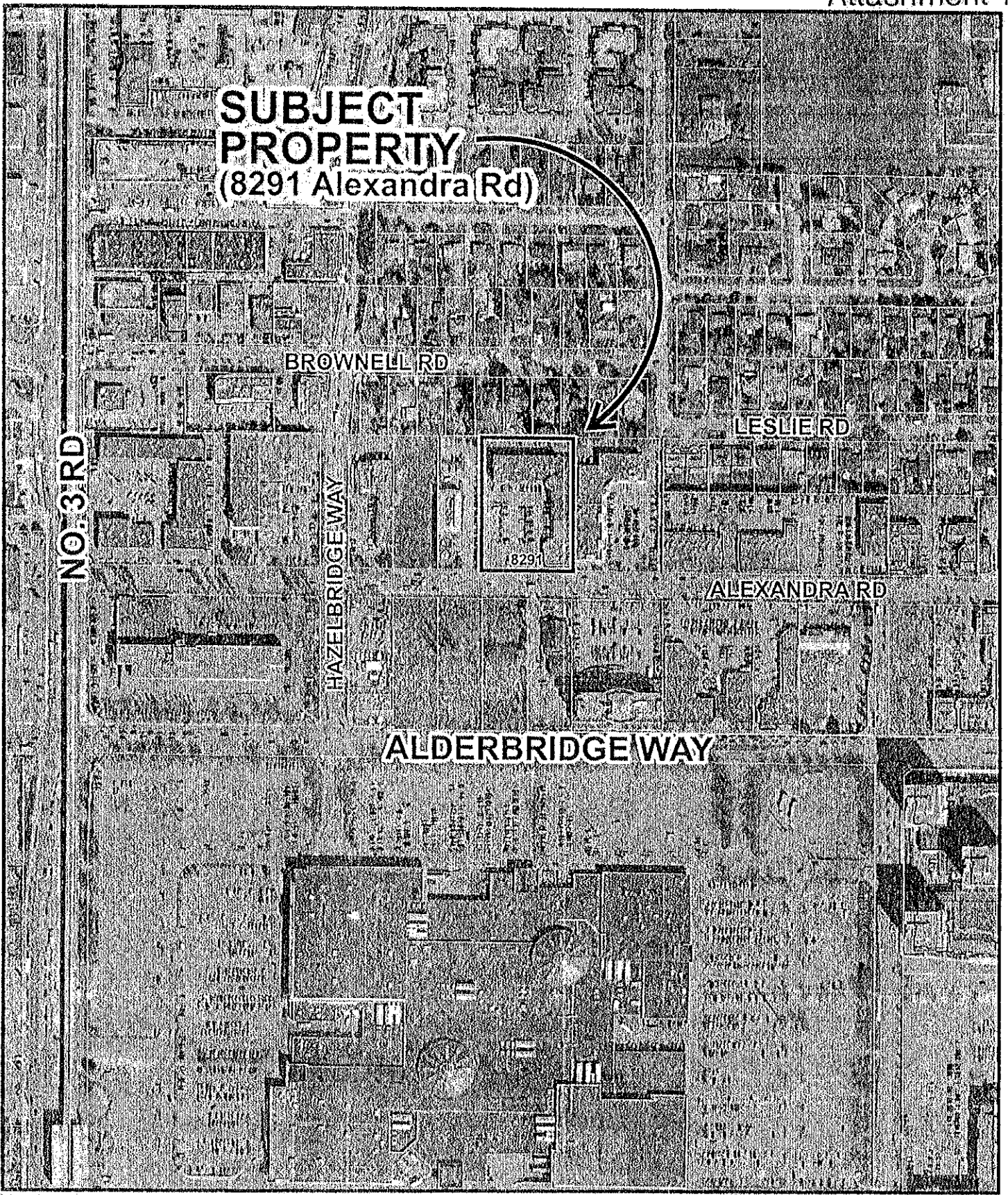
None

Conclusion

Following the public consultation period, staff reviewed the Liquor Primary Licence Amendment application against the legislated review criteria and recommend Council support the amendment to increase liquor service hours. The amendment is not expected to increase noise or have a negative impact on the community.


Joanne Hikida
Licence Inspector
(604-276-4155)

JMH:jmh



**SUBJECT
PROPERTY**
(8291 Alexandra Rd)

BROWNELL RD

LESLIE RD

NO. 3 RD

HAZELBRIDGEWAY

ALEXANDRA RD

ALDERBRIDGEWAY

8291

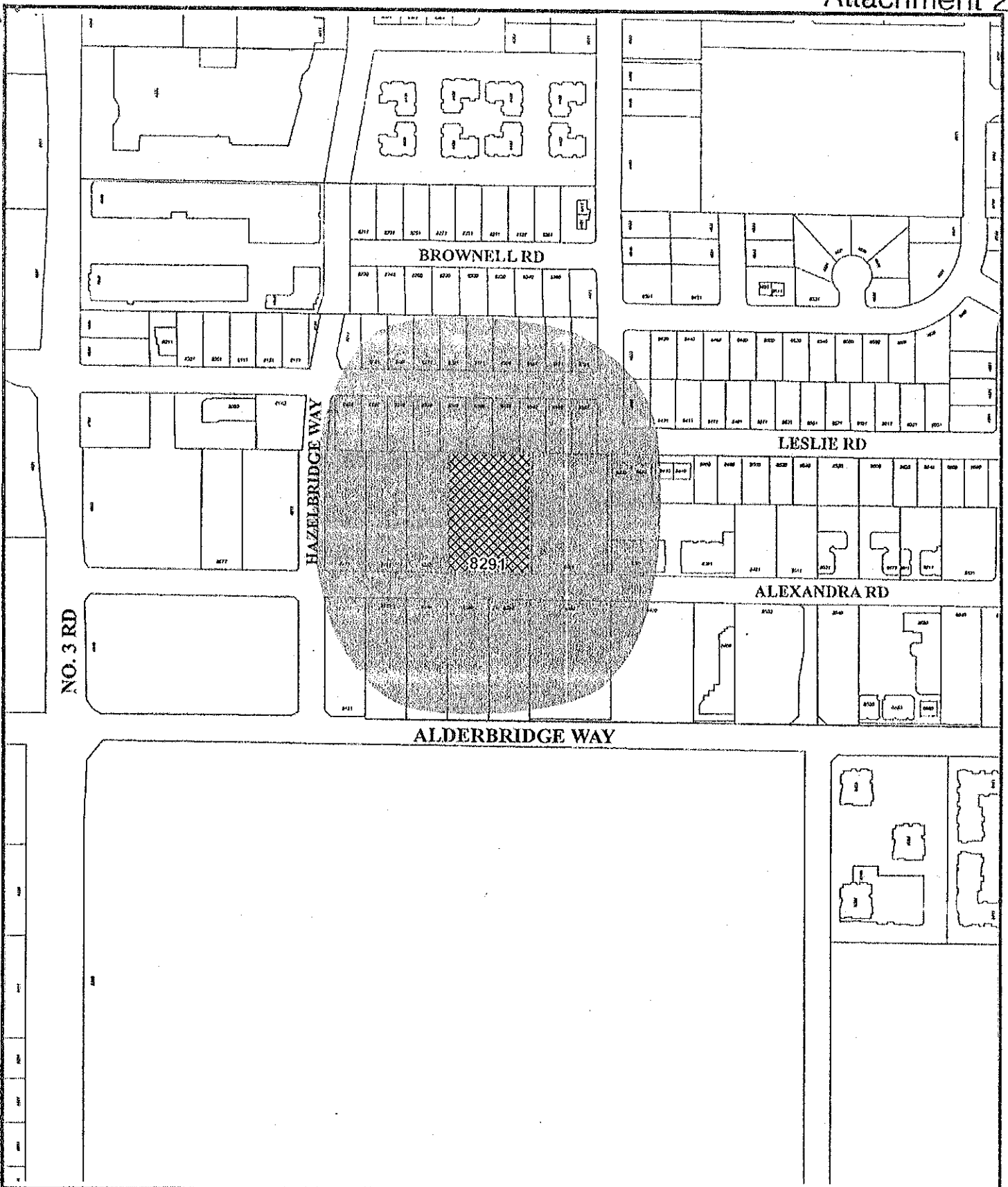


8291 Alexandra Rd

Original Date: 02/23/10

Amended Date:

Note: Dimensions are in METRES



8291 Alexandra Rd

Original Date: 02/23/10

Amended Date:

Note: Dimensions are in METRES