

RE: COCONUTS NITE CLUB - 7012 RANDOLPH AVENUE

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Chief Licence Inspector be adopted.

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ITEM	4
MANAGER'S REPORT NO.	39
COUNCIL MEETING	85/06/03

TO: MUNICIPAL MANAGER

1985 May 28

FROM: CHIEF LICENCE INSPECTOR

RE: COCONUTS NITE CLUB - 7012 RANDOLPH AVENUE
(Item 8A, Correspondence, In-Camera, 1985 May 21)

RECOMMENDATION:

1. THAT a copy of this report be sent to Mrs. Jean Speers, 7275 Randolph Avenue, and Ms. Pat Gentile, 7207 Randolph Avenue, and Diamond Head Holdings Incorporated, Coconuts Nite Club, 7012 Randolph Avenue.

SUMMARY

This report reviews the status of the Coconuts Nite Club, and the action to date in dealing with area residents' complaints of nuisance attributed to the club's customers parking on Randolph Avenue.

REPORT

Background

Diamond Head Holdings Incorporated is the licenced operator for Coconuts Nite Club. They are classified as a cabaret (225 persons) and hold a Class C Provincial liquor licence. Operations commenced in the latter part of 1984. The site and the building comply with the applicable regulations governing public facilities and meet off-street parking requirements pursuant to the zoning by-law.

It is important to recognize that the public assembly rating for the building which Coconuts occupies is in excess of 400 persons. The maximum number of persons permitted in any facility under a Class C liquor licence, however, is 225, plus staff.

On 1985 March 11, as a result of area residents delegation to Council, the principal shareholders of the company met with Mayor Lewarne and the Chief Licence Inspector to review residents' complaints of nuisance attributed to the operations of Coconuts. Discussion centred on three issues:

1. Conduct of customers of Coconuts utilizing parking on Randolph Avenue.
2. Overloading of the club facilities.
3. Noise emanating from the building.

The company representatives agreed to examine ways and means to minimize, and eliminate where possible, the adverse affect that the operation of their business has on the neighbourhood. It was stated that occupancy of the premises would be held strictly to the maximum of 225 customers. Further, it was agreed that company representatives would attempt to meet with residents of the area to seek solutions to the problems attributed to club customers parking on Randolph Avenue.

Action

Following the 1985 March 11 meeting, the operators of Coconuts met with the R.C.M.P. and discussed the hiring of a private security service to control customers' activities in the area around the club. It was determined that such private service has no authority to control the actions of persons once they are off the company's property. As an alternative, the company advised that they would increase direct supervision over their own parking lot, particularly during the closing hour. At about the same time the operators initiated other steps in an attempt to improve the situation. These consisted of:

1. daily neighbourhood cleanup of litter by their own staff.
2. closing hour announcements requesting customers to leave the area in a quiet and orderly manner.
3. extra off-street parking located at a neighbouring business on Kingsway.
4. further search for additional off-street parking.
5. increased supervision of customer line up while waiting access to the club.

On 1985 March 17, the operators of Coconuts met with residents of the area. The principal concerns of the residents were identified as noise, litter, and intimidation attributable to Coconuts' customers parking on the street. Residents were advised of the steps being taken to alleviate these problems. The information was conveyed to the Licence Department.

During the period, the R.C.M.P. determined through customer occupancy count that the Coconuts Nite Club frequently exceeded the maximum capacity of 225 customers. This information was forwarded to the Provincial Liquor Control and Licencing Branch, Ministry of Consumer and Corporate Affairs. Additionally the R.C.M.P. conducted extensive patrols for parking violators on Randolph Avenue and the surrounding streets. Substantial numbers of tickets for illegal parking have been issued and a great number of vehicles have been impounded because they were parked in a manner hazardous for impeding to traffic, or private driveways were blocked. These patrols continued to be on-going.

The portion of Randolph Avenue between Kingsway and Beresford Street, except those properties fronting on Kingsway, is zoned Special Industrial District - M4. The M4 zone permits light industrial or residential use of property. Both uses are present on Randolph Avenue, including properties on which are combined industrial and residential uses.

Observation of Randolph Avenue by Licence Department staff confirmed that traffic on the street is almost continuous throughout the evening and that street parking is totally utilized, including some infringement onto private property by customers attending the club. A seat count of the premises determined that they did not exceed the 225 seats as provided in the Planning Department approval.

The Municipal Engineer advised that to date council policy has been not to provide resident only parking, except in the immediate area of the Burnaby General Hospital. Virtually any form of restrictive parking aimed at controlling club patrons use of Randolph Avenue would create inconvenience to business operators on the street, and would probably have the same effect on residents. Therefore signed restrictive parking is not recommended.

The Chief Public Health Inspector advised that noise level readings taken in the early part of this year determined that noise from the club itself does not exceed permitted levels pursuant to the anti-noise by-law.

Current Status

On 1985 May 16, the Provincial Liquor Commission assessed a three day suspension against the operators of Coconuts Nite Club for exceeding the maximum of 225 customers permitted on their premises under the Class C liquor licence. The licensee has 30 days in which to appeal the suspension. Assuming the suspension is upheld, the Commission will set the effective date for closure which will be on a Thursday, Friday and Saturday.

Following receipt of Mrs. Speers letter to Council, on 1985 May 21, Licence Department and R.C.M.P. staff held discussions with Mrs. Speers and with Ms. Pat Gentile, spokesperson for the local residents. Discussions centred on the status of Coconuts operation, the suspension of the Provincial liquor licence, R.C.M.P. action on street parking, the Municipality's position regarding resident only parking and that action for disturbance on the street or damage to private property must be directed against those persons responsible for such actions. In this regard, a search of R.C.M.P. complaint records beginning the second week in March revealed that area residents have not been lodging complaints of disturbance or damage to property. It was emphasized that to a great extent enforcement to control such actions could only be effective if the offended parties notified the police at the time of the incident.

On 1985 May 26, residents of Randolph Avenue had a second meeting with the operators of Coconuts. Mrs. Speers advises that there was general agreement that the operators of Coconuts and the local property owners would probably seek restrictive parking, such as resident only parking from 6:00 p.m. until 2:00 a.m. on Randolph Avenue. In her opinion, the operators are trying to minimize the problems attributed to Coconuts customers. It was suggested by Licence Department staff that in view of the Municipality's position regarding resident only parking, it would be to their benefit to discuss the problem with the Engineering Traffic Supervisor.

Conclusion

The operation of Coconuts Nite Club is in compliance with applicable municipal regulations. Should there be future difficulties with their liquor licence it will be dealt with by the Provincial Liquor Commission. Persons creating disturbances on the street or causing damage to private property are responsible for such actions and are subject to enforcement proceedings by the R.C.M.P. Staff will continue to monitor the enforcement of the club to ensure that compliance to applicable regulations is maintained. The R.C.M.P. will continue with walk-through patrols of the club and additional patrols to deal with parking problems on Randolph Avenue. Any indication of club occupancy exceeding 225 persons will be referred to the Provincial Liquor Commission for the appropriate action. Residents of the area are urged to immediately contact the R.C.M.P. regarding any disturbance or willfull damage to property.

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P. Kenzie
CHIEF LICENCE INSPECTOR

cc. O.I.C., R.C.M.P.
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Burnaby, B.C.
Attention: Doug Evanson
Director Engineering
Chief Public Health Inspector
Director Finance