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MANAGER'S REPORT #	31
COUNCIL MEETING	95/06/26

TO: CITY MANAGER 1995 JUNE 20

FROM: CHIEF ENVIRONMENTAL HEALTH OFFICER

SUBJECT: NOISE DISTURBANCES FROM ZIPPERS NIGHT CLUB,
7012 RANDOLPH AVENUE, BURNABY

PURPOSE: TO INFORM COUNCIL OF ACTIONS TAKEN BY STAFF IN
ADDRESSING NEIGHBOURING RESIDENTS' CONCERNS REGARDING
NOISE DISTURBANCES FROM ZIPPERS NIGHT CLUB LOCATED AT
7012 RANDOLPH AVENUE, BURNABY.

RECOMMENDATIONS:

1. THAT a copy of this report be forwarded to:
 - a) Mr. A. Paul, Manager, Kingsview Apartments,
#101 - 6189 Kingsway, Burnaby, B.C., V5J 5B8;
 - b) Mr. R. Kelbrick, #304 - 6105 Kingsview, Burnaby,
B.C., V5J 5B8;
 - c) Zippers Night Club, 7012 Randolph Avenue, Burnaby,
B.C., V5J 4W6;
 - d) Provincial Liquor Control and Licensing Branch,
#217 - 1899 Willingdon Avenue, Burnaby, B.C.,
V5C 5T1.
 - e) Hon. Fred Randall, M.L.A, 7671 Edmonds Street,
Burnaby, B.C., V3N 1B6.

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2. THAT Council forward a request to the Provincial Liquor Control and Licensing Branch to amend the existing Liquor Licence issued to Zippers Night Club, 7012 Randolph Avenue, Burnaby, by changing the closing time from 02:00 h to midnight everyday of the week.

REPORT

1.0 INTRODUCTION

At the regular Council Meeting on 1994 October 03, Council received correspondence from Mr. Arthur Paul, Manager, Kingsway Apartments, regarding noise disturbances from Zippers Night Club located at 7012 Randolph Avenue in Burnaby.

Arising from the discussion, Council adopted a Motion requesting staff to prepare a report on all available means to control the noise problem emanating from Zippers Night Club.

This report informs Council of actions taken by staff in addressing neighbouring residents' concerns and staff's recommendation to further reduce noise complaints.

2.0 NEIGHBOURING RESIDENTS' CONCERNS REGARDING ZIPPERS NIGHT CLUB

On 1994 November 23, staff from the R.C.M.P., Planning, Licence, and Health Departments met with twenty residents to identify their concerns regarding noise disturbances from Zippers Night Club. To ensure that all concerns were heard, a questionnaire was also made available for those residents preferring to submit their concerns in writing.

Based on the information received at the meeting and from the returned questionnaires, the residents' major concerns were listed in order of priority (from most important to least important) as follows:

1. Motorcycle Noise;
2. Unacceptable patron behaviors such as fights and rowdiness at closing time;
3. Band noise;
4. Drug traffic in neighbourhood.

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Meetings were subsequently held between staff from the R.C.M.P., Planning, Licence, City Solicitor and Health Departments to discuss the above-noted concerns, review all past actions taken by each department, and collectively identify other actions which could be taken to resolve these concerns.

3.0 ACTIONS TAKEN BY STAFF IN ADDRESSING NEIGHBOURING RESIDENTS' CONCERNS REGARDING THE ZIPPERS NIGHT CLUB

The Zippers Night Club has always been regularly patrolled by the RCMP. Since three of the four major concerns identified by neighbouring residents relate to noise disturbances from motorcycles, patrons entering or leaving the site and drug traffic, the RCMP increased their presence and patrolling both inside and outside of the night club. They also advised the management of Zippers Night Club of their responsibility to monitor and regulate patrons' behaviour within their property and that the RCMP will respond and assist them at all times. Unfortunately, these actions can at best provide only some relief to the issues and are not a permanent solution unless a RCMP officer is assigned and stationed at the night club. The assignment of a RCMP officer at the night club is not a viable option as it is not an effective deployment of scarce resources.

With respect to the issue of band noise including bass noise, Environmental Health Services conducted a comprehensive noise survey in February 1995 which took into consideration background noise levels. The results of the noise survey indicate that background noise levels outside Zippers Night Club are high because of the traffic volume on Kingsway and that band noise from the Zippers Night Club, including bass noise, does not increase the overall noise levels. To date, band noise from the Zippers Night Club has not been found to exceed the level prescribed in the Burnaby Noise or Sound Abatement Bylaw.

In addition, Environmental Health Services, in August 1994, submitted a Summary of Charges to Crown Counsel's Office against the night club owners for violation of the general section of the Burnaby Noise or Sound Abatement Bylaw. However, the Charges were rejected by the Crown Counsel's Office.

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In exploring other options to address residents' concerns, staff also examined the ability of the City to revoke Zippers Night Club's Business Licence. Although Section 513 (3) of the Municipal Act empowers Council to revoke a Business Licence for reasonable cause, it is the City Solicitors' opinion that a decision to suspend a Business Licence should be based on one of the five grounds specified in Section 513 (1)(a) through (e). In the case of the Zippers Night Club, none of the noted grounds exists and the City, therefore, has no reasonable ground to revoke their Business Licence.

In order to determine other means of resolving residents' concerns, staff had met, in early December 1994, and discussed with the part owner of Zippers Night Club and their solicitor, amongst other issues, the possibility of a neighbourhood pub at their present location. Since that meeting, staff have continued working with Zippers Night Club's solicitor in determining the viability of pursuing a Class "D" Neighbourhood Public House Licence. Although staff have been corresponding with Zippers Night Club regarding the subject matter, the Planning and Building Department to date has still not yet received either a specific proposal or adequate information from Zippers Night Club on pursuing a neighbourhood pub at their present location which would then allow Planning Department staff to further evaluate the proposal.

The Planning Department has also received correspondence from the Zippers Night Club expressing an interest in pursuing a neighbourhood pub at another location in Burnaby.

4.0 RESOLUTION OF NEIGHBOURING RESIDENTS' CONCERNS

The Health Department and the RCMP received the majority of complaints regarding noise disturbances from Zippers Night Club between 23:00 h and 03:00 h from neighbouring residents which correlates accurately with the residents' top two concerns: motorcycle noise and fights and rowdiness at closing time.

According to the RCMP, the closing hour for night clubs in New Westminster is midnight. As such, Zippers Night Club takes in many patrons after midnight from night clubs that have just been closed.

After carefully evaluating the actions taken by City Departments in addressing residents' concerns before and after staff's meeting with the residents, an option which will partially address the main concerns of residents is to restrict the operating hours of Zippers Night Club to midnight everyday of the week.

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At the present time, Zippers Night Club is currently licensed by the Provincial Liquor Control and Licensing Branch to operate until 02:00 h Monday through Saturday and until midnight on Sunday. They are further permitted an additional half an hour to clear the tables.

Restricting Zippers Night Club's operating hours to midnight everyday of the week will eliminate the problem of patrons coming from other closed night clubs, down shift the noise disturbances at night, and reduce the number of complaints.

Since the hours of operation of a night club are regulated under Section 17 of the Liquor Control and Licensing Act Regulations, staff therefore recommend that Council forward a request to the Provincial Liquor Control and Licensing Branch to amend Zippers Night Club's current liquor licence operating hours from 02:00 h to midnight everyday of the week.

5.0 CONCLUSION

Although City staff have taken all available actions to address neighbouring residents' concerns regarding noise disturbances from the Zippers Night Club, these actions have at best provided some relief and are not real solutions. After evaluating the nature of the major concerns, staff believe that a partial solution is to restrict Zippers Night Club's operating hours from the current 02:00 h to midnight everyday of the week thereby eliminating the behavioral problems of patrons coming from other night clubs, down shifting the noise disturbances, and reducing the number of complaints.



T. Shum
CHIEF ENVIRONMENTAL HEALTH OFFICER

TS/gl

- cc: () Director Planning & Building
() Director Finance
() Medical Health Officer
() City Solicitor
() R.C.M.P., Officer-In-Charge
() Chief Licence Inspector

