



## CITY OF RICHMOND

### REPORT TO COMMITTEE

**TO:** Planning Committee

**DATE:** January 25, 2000

**FROM:** Joe Erceg  
Manager, Development Applications

**FILE:** 98-138064

**RE: Amendment to Liquor License Application - Shady Island Pub,  
3800 Bayview Street**

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#### STAFF RECOMMENDATION

That the request by Shady Island Enterprises at 3800 Bayview Street to the Liquor Control and Licensing Branch:

- a) for off-premises sales be supported; and
- b) for extended hours to 1:00 am seven days a week be supported on Friday and Saturday evenings only; and

that the Liquor Control and Licensing Branch be advised of the recommendation and that the R.C.M.P. does not object to this request.

Joe Erceg  
Manager, Development Applications

Att. 4

FOR ORIGINATING DIVISION USE ONLY		
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>
R.C.M.P. ....	Y <input type="checkbox"/> N <input type="checkbox"/>	<hr/>

## STAFF REPORT

### ORIGIN

In the spring of 1999, Council gave third reading to the rezoning of 3800 Bayview Street for the Shady Island Pub. The one and only condition of the adoption of this rezoning was the approval of the Liquor Control and Licensing Branch (LCLB). On December 2, 1999, LCLB gave Preliminary Site and Applicant Approval to the proposal (Attachment 1). The application rezoning the property to Comprehensive Development District (CD/96) was subsequently adopted by Council on January 24<sup>th</sup>, 2000.

Separate from this process, the LCLB received a request from Mair Jensen Blair on behalf of Shady Island Enterprises to extend the hours of operation of the proposed Shady Island Pub until 1:00 am seven days a week and to permit off-premises sales (Attachment 2). Because LCLB requires applicants to solicit the input of the local municipality to determine the public interest, a resolution from Council authorising this request is required. The outcome does not affect the original rezoning and would be an amendment to the original "D" license.

### FINDINGS OF FACT

#### **Details of the Request**

In terms of late night openings, the LCLB permits pubs to be open to midnight. In order to stay open until 1:00 am, the establishment must apply to the LCLB for approval and in turn the LCLB requires input from the local municipality.

For off-premises sales, the applicant has indicated that there will be a focus on a small wine boutique. The area for the boutique is required to be in the "red line" area and does not result in an increase in the area of the pub or a change in the parking requirements. Boutiques or retail areas are currently not permitted as part of neighbourhood pubs but staff at the LCLB explain that this will be permitted in the future.

#### **Council Policy**

Council adopted an Hours of Operation Policy for Neighbourhood Pubs in 1981 which limited late night openings to 1:00 am on Friday and Saturday nights only (see Attachment 3).

#### **Public Notification**

During the rezoning process, the information that went to the public, which was drafted by the City based on the original application, indicated that the off-premises sale of liquor will be permitted and that late opening would only be considered for Friday and Saturday nights (Attachment 4).

#### **RCMP**

The RCMP are aware of the application and concur with staff's recommendation.

#### **Applicant's Viewpoint**

While the applicant would prefer to provide late night opening seven days a week, they are aware of staff's recommendation and do not object.

## ANALYSIS

### **Services Provided by other Neighbourhood Pubs in Richmond**

In terms of late night openings, of the 10 “D” pub establishments currently licensed in Richmond, only one, Lulu Island Pub, is open to 1:00 am seven nights a week. The remainder are open until midnight from Sunday to Thursday and until 1:00 am on Friday and Saturday with the exception of the Kingswood Pub which is open until 11:00 pm Monday to Thursday, 1:00 am Friday and Saturday, and midnight on Sunday.

In terms of providing off-premises sales, all neighbourhood pubs in Richmond are permitted to do so.

### **Impact on Residential Areas**

In the case of a neighbourhood pub application, the greatest impact would generally be noise and activity until late in the evening. This would be felt most strongly by neighbouring residential properties. There are currently residential properties located, “as the crow flies”, approximately 200 m (656 ft.) to the north-east, at the corner of No.1 Road and Moncton Street.

In the future there is the potential for residential properties to be located approximately 180 m (590 ft.) away at the corner of Bayview Street and No.1 Road on BC Packers property. There is also potential in the Steveston townsite for residential units to locate on the second storey of a commercial building. Under the Steveston Commercial (Two-Storey) District (C4) and Steveston Commercial (Three-Storey) District (C5) zoning it is possible, in the future, for residential units to be located throughout the townsite as well as across the street from the subject site. It is more likely, however, for economic reasons, that residential units would locate in the C5 zone as this permits three-storey development. This means that the residential units would most likely be situated along Chatham Street rather than Moncton and Bayview Streets.

### **Similar Services Available in Area**

The Steveston Hotel, under an “A” license, provides off-premises sales and is open until 1:00 am Monday to Saturday and midnight on Sundays.

However, the Shady Island Pub serves a different market than the Steveston Hotel, catering primarily to the tourists. In terms of off-premises sales, the applicant has stated that they will provide a small wine boutique which will be distinct from the products available through the Hotel off-premises sales.

### **Options**

Council has the following options with regard to making a recommendation to the LCLB:

- Permit off-premises sales or not;
- Permit openings to 1:00 am seven nights a week, just Friday and Saturday nights, or not at all; or
- permitting any or all of the above for a 6 month trial period.

Council also has the option of soliciting public feedback. One method used commonly with similar requests in the Lower Mainland is installation of a sign on the property indicating:

- the applicant’s intention;
- that the City is receiving public feedback until a mutually agreed upon date;
- a contact number of the applicant and a City contact; and
- a mailing address for written submissions.

### **Summary**

1. Council Policy permits late night pub opening only on Friday and Saturday evenings.
2. During the rezoning process, the Information Sheet indicated that off-premises sales would be provided but that late night opening was only being considered for Friday and Saturday evenings.
3. Other neighbourhood pubs in Richmond are permitted to have off-premises sales but the majority are not permitted to open late Sunday through to Thursday.
4. The impact on residential units in the Steveston area is minimal.
5. Shady Island Pub will serve a distinct market (tourists) and is proposing sale of a distinct product (wine sales).

### **FINANCIAL IMPACT**

None.

### **CONCLUSION**

1. Shady Island Enterprises wishes to provide off-premises sales and late night opening to 1:00 am seven nights a week.
2. The LCLB is soliciting input from Council to determine if this request is in the public interest.
3. Since the impacts are minimal and the proposed Shady Island Pub will serve a distinct market and product, it would be appropriate to permit off-premises sales and late night opening on Friday and Saturday. However, staff do not recommend that the Shady Island Pub be permitted to remain open to 1:00 am seven days a week as it would:
  - go against Council Policy;
  - would be contrary to the information provided during the rezoning process; and
  - the majority of the other pubs in Richmond are not permitted late night openings Sunday through Thursday.
4. As off-premises sales and late night opening on Friday and Saturday evenings are commonly permitted in Richmond in other neighbourhood pubs, staff do not believe that there would be a need to solicit public input (ie, via a sign) prior to making its recommendation to the LCLB.

Jenny Beran, MCIP  
Planner 1

JMB:cam





December 2, 1999

via fax: 250-374-6992

Mr. Dennis Coates  
Mair Jensen Blair  
700 - 275 Lansdowne Street  
Kamloops, British Columbia  
V2C 6H6

Dear Mr. Coates:

**Re: Application for Pre-Clearance Approval  
"D" Class Liquor Licence (Neighbourhood Public House)  
At: 3800 Bayview Street, Richmond, British Columbia  
Applicant: Shady Island Enterprises Ltd.**

### Introduction

Shady Island Enterprises Ltd. (the applicant) has fulfilled the procedural requirements set out in a Preliminary Site and Applicant Approval decision of the Liquor Licensing Committee (the committee) in respect of an application for a neighborhood public house. The application is now eligible for consideration of Pre-Clearance Approval (PCA) for a "D" class licence.

I have considered information relevant to the PCA stage of the application which is designed to allow for a consideration of public input and, in the case of a "D" application, a resolution of local government addressing certain relevant issues.

### The Issues

- Whether the applicant obtained a resolution from the City of Richmond stating whether or not Council considered the residents to be in favour of granting the licence.
- Whether the applicant obtained a resolution commenting on proximity to social facilities; traffic, road access and parking; noise and appearance; and any other relevant matter.
- Whether Council identified the method chosen to determine the public input.

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Ministry of  
Attorney General

Liquor Control and  
Licensing Branch

Mailing Address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 8J8  
Telephone: (250) 387-1254  
Facsimile: (250) 387-9184

Location:  
Second Floor  
1019 Wharf Street  
Victoria

- Whether to grant a final approval-in-principle known as PCA.
- Whether to place limitations on the approval in light of input from Council.

**Decision/Analysis**

I have considered that the resolution from the Council for the City of Richmond offered the view that the majority of residents favoured the granting of a licence and that the resolution commented on local matters as required by regulation.

I noted that the resolution was offered after Council had considered input resulting from a neighbourhood opinion survey and a public information meeting.

I accept that the resolution conforms to regulatory requirements and that the resolution is a reasonable indication of views from nearby residents and businesses. In light of the committees previous decision in respect of location, I am satisfied that the applicant has established a community need for a neighbourhood public house. On this basis, I have decided to grant PCA.

I noted that the resolution offered no comment with respect to 1:00 a.m. closing on Friday and Saturday nights and no comment with respect to off premises sales. In the absence of input on these topics from Council, I am not prepared to endorse the licence for these benefits at this time, however, the applicant is free to apply for these licence endorsements in the future.

**Conditions Resulting From PCA**

- Off premises sales are not permitted.
- Liquor service cannot extend past 12:00 midnight.

**Plans Approval**

This approval allows the applicant to proceed with development of plans for the proposed neighbourhood public house.

When complete, the applicant should forward to this office to the attention of the Licensing Department, two (2) large scaled plans of the proposed establishment (including outdoor patio) bearing local health and fire approval (building inspector) stamps. Upon receipt, the plans will be reviewed to ensure compliance with the Liquor Control and Licensing Regulations and branch policies. If all is in order, the plans will be stamped "Plans Approved" and one (1) set will be returned along with further instructions on the next step in the licensing process.

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**THE APPLICANT SHOULD NOT PROCEED UNTIL THE PLANS HAVE BEEN APPROVED BY THIS BRANCH.** If there are any questions on this step of the licensing process or specific requirements regarding floor plans, the applicant may contact Bob Loughheed, Licensing Administrator, Liquor Control and Licensing Branch, 1019 Wharf Street, Victoria, British Columbia, V8W 2Y9, telephone 250-387-9150.

### **Responsible Beverage Service**

Legislation requires that the licensee or designate must successfully complete the Responsible Beverage Service course within 120 days of receiving a liquor licence. The licensee is also responsible to ensure that all managers and employees who serve liquor successfully complete the course within 120 days of their commencement of employment. For information on how to register for this course, the applicant may contact the Hospitality Industry Education Advisory Committee at 204-15225-104th Avenue, Surrey, British Columbia, V3R 6Y8, telephone 604-930-9770.

### **Term of PCA**

The aforementioned requirements should be met in a timely manner and in any event, the PCA will expire one (1) year from the date of this letter. An extension to this approval will be considered only where a written request is received by the branch no later than 30 days prior to the expiry of the PCA. The written request (addressed to the attention of the licensing administrator) must satisfy the branch that the need for an extension is reasonable and that the delays causing the need are not directly attributable to the applicant.

The request should be accompanied by written evidence demonstrating that the delay is beyond control of the applicant. Where another authority is responsible for the delay, a letter from the authority outlining current status and schedule for completion should accompany the request for extension. If the applicant fails to comply with the above requirements, we will view this application as terminated on the expiry date mentioned above.

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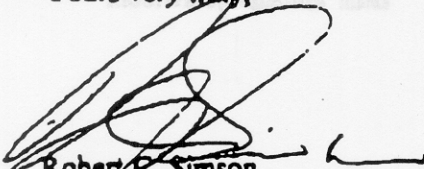
Mr. Dennis Coates

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December 2, 1999

This approval is personal to the applicant and cannot be sold or transferred without the prior approval of the general manager.

Yours very truly,

  
Robert C. Simson  
General Manager

cc: Senior Inspector Jasper (occ #94-1084)  
Inspector Deighton (Occ #94-1084)  
City of Richmond



# MAIR JENSEN BLAIR

BARRISTERS & SOLICITORS

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CHASE: (250) 679-3121  
CLEARWATER: (250) 674-2255  
LILLOOET: (250) 256-7822  
LOGAN LAKE: (250) 323-9687  
MERKITT: (250) 378-6686  
VALEMOUNT: (250) 566-4364

OUR FILE NO. DPC 45774-01  
REPLY TO: Mr. Coates  
LEGAL ASSISTANT: Anita Oelker

DIRECT LINE: 372-4923  
DIRECT LINE: 372-4962

email: dpc@mjbblaw.com  
email: anita@mjbblaw.com

December 16, 1999

VIA FAX: (604) 276-4177

City of Richmond  
7577 Elmbridge Way  
Richmond, BC V6X 2Z8

Attention: Holger Burke, Director of Planning

Dear Mr. Burke:

RE: Shady Island Enterprises - 3800 Bayview Street - "D" (Pub) Liquor License

Further to our recent conversation after which you subsequently ordered me a copy of the resolution from April, 1999, we have, in fact, received the Pre-Clearance Approval letter dated December 2, 1999 from the Liquor Control and Licensing Branch. There was a copy directed to the City of Richmond, but a copy is attached in case you have not seen it. We will now be proceeding with plans approval relative to this pub, to be operated in conjunction with the restaurant. However, on page 2 of the December 2nd letter, two issues are flagged by Mr. Loughheed which we would like to address with you. The first issue is the hours of operation and the second issue is the off-premises sales.

We would appreciate receiving from you a Council resolution, authorizing the premises to stay open until 1:00 a.m., seven days of the week. Hopefully, this is not in contravention of any of your current municipal policies. It is thought that having the operation of the pub and its hours coinciding with the operation of the restaurant would be beneficial to the community and would also be an easier administrative exercise from the point of view of the owners.

The second issue deals with off-premises sales. Originally when the neighbourhood pub application was put together for submission both to the Liquor Control and Licensing Branch and the municipality, it was not felt that the issue of off-sales was relevant in the type of setting that is presently demonstrated by the operation of the Shady Island Bar and Grill Restaurant. However, there is a new off-sales privilege to be implemented sometime in the next two or three months which would allow the sale of wine in conjunction with beer as an

December 16, 1999

off-sales authorized product. It seems that the wine sale privilege would be a very complimentary use in terms of the other businesses that presently operate in the wharf area of Steveston. The intent would be to have some select British Columbia and higher quality wines which would compliment the other food products that might be available for sale, and decorate a wine boutique that might be similar to what is found at Granville Island, the Lonsdale Quay or the New Westminster Quay. It is not intended that the wine off-sales area would be particularly large but we feel it would compliment the philosophy of the Steveston development and would compliment the present operation of the restaurant and the soon to be restaurant/pub combination.

We would be happy to provide you with additional information.

Also, if necessary, either Larry Biggar, Gerry Biggar or myself would be happy to attend at a planning meeting or Council meeting to speak to this, if appropriate.

We shall anticipate hearing from you. Thank you.

Yours very truly,

MAIR JENSEN BLAIR

*for*   
DENNIS P. COATES, Q.C.

DPC/rm/richmond dec 13

Enclosure

cc: Shady Island Enterprises

MAIR JENSEN BLAIR

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**POLICY 9302:**

It is Council policy that:

Pub closing hours in Richmond are midnight, with the exception of Friday and Saturday nights, when they may remain open one hour longer (i.e., 1 a.m. Saturday and 1 a.m. Sunday).

(Planning Department)



# INFORMATION SHEET

## SHADY ISLAND PUB

### REZONING APPLICATION & SURVEY

#### PROPOSAL

An application has been made to the Liquor Control and Licensing Branch and the City of Richmond by Shady Island Enterprises for a Class "D" Liquor License to operate a neighbourhood public house at #112 - 3800 Bayview Street, Richmond BC. The applicant proposes to locate the pub on the second floor of the existing restaurant, with minor alterations in the future for a patio. A neighbourhood pub is permitted to have a maximum of 65 seats, plus 20 outdoor patio seats. All types of liquor may be sold, with or without the purchase of a meal, for consumption on the premises. Sale of liquor for consumption off-premises will be permitted. Pub closing hours are limited in Richmond to midnight, except Friday and Saturday nights, when they may remain open one hour longer.

#### PROCESS

The proposal has been given preliminary approval from the Liquor Branch and is now subject to the City's recommendation. As the site requires a rezoning, Council policy requires that a neighbourhood opinion survey be conducted. The City has hired MarkTrend Research to conduct the survey.

Prior to the survey process, a **Public Information Meeting will be held on February 17<sup>th</sup>, 1999 at Steveston Community Centre** (multipurpose room). The **door-to-door survey will take place from February 18<sup>th</sup> to March 19<sup>th</sup>, 1999**. All persons whose principal residence falls within the boundaries of the survey area (1/2 mile radius from the subject site) who are 19 years old or over are eligible to vote. Each business (represented by an owner or manager who is at least 19 years of age) whose premises falls within the survey area is entitled to one vote. Only one vote per person is permitted. MarkTrend makes up to two visits to each property and if unable to speak with someone after the second visit, they leave a package with further instructions. **Ballots must be completed in full, signed and received by MarkTrend Research Inc. or postmarked on or before March 19<sup>th</sup>, 1999 in order to be valid.** All ballots are confidential and will be seen, under normal circumstances, only by the survey company. In the case of an appeal, representatives of the City of Richmond may also see selected ballots.

Following the survey period will be a 13-day appeal period from March 20<sup>th</sup> to April 1<sup>st</sup>, 1999 in order to address any questions about the survey process, after which the results of the survey will be released by MarkTrend to the City. City staff will then prepare the rezoning report, including the survey results, for Planning Committee and Council. If approved by Council, the rezoning report would then proceed to Public Hearing for Council to hear input from the community before they make their final determination. Results of the survey will likely be available to the applicant and the public in May 1999, however, you may want to contact the City at the numbers listed below to confirm specific dates.

#### QUESTIONS & COMMENTS

- To obtain general information about the survey or rezoning application attend the Public Information Meeting on February 17<sup>th</sup>, 1999 or phone the City at the numbers listed below;
- To ask specific questions about the survey contact MarkTrend Research at the number listed below;
- To make a formal inquiry or complaint about the survey process submit a letter in writing to the City before April 1<sup>st</sup>, 1999 at the address listed below; and
- To express an opinion about the rezoning application:
  - write a letter (quote rezoning file number 98-138064) to be included in the rezoning report;
  - make a presentation to Planning Committee, Council or Public Hearing. Contact the City at one of the numbers listed below to confirm dates of the meetings.

MarkTrend Research Inc.  
 1000 E. Tower, City Square, 555 West 12<sup>th</sup> Ave  
 Vancouver, BC V5Z 3X7  
 Phone: 664-2400

City of Richmond, Urban Development Division  
 7577 Elmbridge Way  
 Richmond, BC V6X 2Z8  
 Phone: 276-4212 or 276-4164