



To: General Purposes Committee **Date:** June 1, 2005
From: Anne Stevens **File:** 12-8275-30-015/Vol 01
 Manager, Customer Services
Re: **Seventh Heaven Cafe Ltd, Unit 2792 - 4151 Hazelbridge Way**
Food-Primary Liquor Licence Amendment – Change to Hours of Sale &
Patron Participation Entertainment Endorsement.

Staff Recommendation

That Council support the following amendments to the Food-Primary liquor licence held by Seventh Heaven Café Ltd located at unit 2792-4151 Hazelbridge Way:

- Change to hours of sale from 9:00 am – 2:00 am Mondays through Saturdays, and until 12:00 midnight on Sundays;
- Patron Participation Entertainment Endorsement (entertainment must end by midnight),

for the reasons outlined in the staff report dated June 1, 2005, from the Manager, Customer Services.

Anne Stevens
Manager, Customer Services
(4273)

Att. 3

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
R.C.M.P.....	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>			
Business Licences.....	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>			
Zoning.....	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>			
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/> <i>DW</i>	<input type="checkbox"/>	YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>

Staff Report

Origin

The provincial Liquor Control and Licensing Branch (LCLB) issues licences in accordance with the Liquor Control & Licensing Act and Regulations.

The LCLB notifies local government to give them the opportunity to provide comments and recommendations to the LCLB on liquor licence applications and amendments. For an amendment to an existing licence, the process requires local government to provide a Council resolution that addresses the following review criteria:

- the views of nearby residents and businesses, and the method by which views were gathered;
- the potential for noise;
- the impact on the community.

This report deals with two applications by Norman Ng, principal of the Seventh Heaven Café Ltd., for the following amendments to the Food-Primary liquor licence:

- Change to hours of sale from 9:00 am – 2:00 am Mondays through Sundays;
- Patron Participation Entertainment Endorsement (entertainment must end by midnight).

The proposed form of entertainment is to allow patrons to use the dance floor during the course of dinner. Seventh Heaven Café Ltd is located inside Aberdeen Centre at unit 2792 – 4151 Hazelbridge Way, which is zoned Comprehensive Development District (CD/86).

Analysis

Seventh Heaven Café Ltd. (hereafter referred to as “the Applicant”) is located in the newly re-built Aberdeen Centre. The zoning permits a Food Catering Establishment as well as Commercial Entertainment. The use of patron participation entertainment proposed by the applicant is consistent with the zoning for this property. The properties to the north, west and south are all commercial sites and to the east is an older single-family subdivision, which is in transition to commercial.

The Applicant’s letter of intent (Attachment 1) indicates that he is proposing to provide patron participation entertainment during the course of dinner. However, the potential exists for such entertainment to take place on a regular basis, ending at midnight. The patron participation entertainment endorsement, if approved, applies during all licensed hours until midnight. Such entertainment is not permitted beyond midnight, regardless of the application for extension of hours.

Summary of Application & Comments

Item	Details	
Application	Amendments to Food-Primary liquor licence # 301072	
Type	1. Change to Hours of Sale	2. Patron Participation Entertainment Endorsement
Location	Unit 2792-4151 Hazelbridge Way	
Present Hours of Liquor Sales	9:00am – Midnight, Mondays through Sundays	
Proposed Hours of Liquor Sales	9:00 am – 2:00 am, Mondays through Sundays	
Zoning	CD/86	
Business Owners	Norman Ng, Andy Lam	
Date Received	September 20, 2004	January 25, 2005
Date Sign Posted	October 8, 2004	February 25, 2005
Ads in newspaper	October 9, 13, 16, 2004	February 27, March 2, 5, 2005
Letters to residents	February 25, 2005	March 11, 2005

To satisfy the provincial requirements, the City's review process requires the Applicant to notify the public and to request their comments on the applications. This includes the posting of a sign for a minimum of 30 days, the placement of three ads in the local newspaper, and letters sent to businesses, residents, and property owners within 50 metres of the establishment. The public consultation period for both applications ended on March 25th and April 11th respectively.

Views of nearby residents, businesses, and property owners

There are 111 properties located within the public consultation area. Letters were sent to 360 businesses, residents, and property owners associated with such properties to gather their views on the applications. The level of response from the community was minimal. The City received four responses, three of which do not support the applications. Reasons sighted were:

- noise, drinking and driving, late night partying
- disturbance of the peace, criminal activity and safety concerns
- negative changes to the character of the neighbourhood
- increased late night traffic

One letter of support was received by Aberdeen Centre administration, indicating that they have no objection to both applications (Attachment 2).

Potential for noise

Respondents indicated that they were concerned with the potential for noise, disturbance of the peace and quiet of the neighbourhood, and late night-partying if the applications are approved.

The restaurant is located inside Aberdeen Centre with public access only from within the mall. The mall is situated in a mixed use area, which is already impacted by ambient noise from commercial uses. Staff feel that the potential for an increase in noise from patron participation entertainment originating in the restaurant is minimal. Potential exists for noise resulting from patrons leaving the restaurant at later hours, if the extension until 2:00 am is approved. However, the lack of negative public feedback in response to these applications indicates that noise concerns from the community are minimal. The potential for additional impacts resulting from extended hours is discussed in the next section.

Potential negative impacts on the community

Aside from noise concerns, respondents sighted other potential negative impacts on the community including drinking and driving, criminal activity, safety concerns, increased late night traffic, and an overall change in the character of the neighbourhood. The latter concern came from 3 residents living to the east of Aberdeen Centre, a single-family residential area which is in transition to commercial. The residents from this area would like to maintain a peaceful and pleasant environment.

Concerns of activities generally associated with extended hours of liquor sales, such as drinking and driving, criminal activity, late-night traffic are understood. It is also understood that extended hours pose increased enforcement issues. Despite these concerns being valid, staff feel that consideration of the applications is warranted due to the lack of negative public feedback received, as well as the nature of the business as a Food-Primary establishment.

Data received from LCLB shows that from roughly 230 Food-Primary establishments in Richmond, there are roughly 30 establishments licensed to sell liquor until 2:00 am Mondays through Saturdays. This number decreases to 13 such establishments on Sundays, with the majority of establishments licensed until midnight. Data also shows that there are only 11 Food-Primary establishments currently licensed with a patron participation entertainment endorsement (Attachment 3).

To remain equitable, the Applicant's request for patron participation entertainment until midnight, and an extension of hours until 2:00 am Mondays through Saturdays should be considered. However, with only 13 Food-Primary establishments in Richmond licensed until 2:00 am on Sundays, (all of which were approved prior to the provincial legislative changes in 2002) staff feel that the City should not be encouraging support for later hours on this day.

The main issue of concern for staff is the potential for non-compliant activity to take place in the Applicant's restaurant after Aberdeen Centre is closed. The hours of operation for Aberdeen Centre are from 11:00 am to 7:00 pm from Sundays until Wednesdays, and until 9:00 pm from Thursdays until Saturdays. Although the mall doors remain open beyond operating hours for public access to the restaurant, the ability of enforcement staff to monitor compliance beyond mall hours would be hindered as the restaurant is not visible from outside. However, staff feel that the level of concern should be based on the applicant's history of compliance. According to the City's records, and those of other agencies consulted, the Applicant's compliance history is in good-standing.

Potential positive impacts on the community

Patron participation entertainment during the course of dinner at the Applicant's restaurant would enhance patrons' dining experience and expand the local market of venues providing such a service. Potential exists for positive economic impact on the community.

Potential for improper operation as a Liquor-Primary establishment

Where an application for an amendment to a Food-Primary licence involves a patron participation entertainment endorsement, the local government must also consider whether the amendment, if approved, may result in the restaurant operating improperly as a Liquor-Primary establishment.

According to the Applicant's letter of intent, the proposed form of entertainment is to allow patrons to use the dance floor during the course of dinner. Although the entertainment endorsement would apply to all hours that the establishment is licensed, until midnight, food service would remain the primary nature of the business.

The question of whether the potential exists for the restaurant to operate improperly as a Liquor-Primary establishment is subjective, and staff feel should be based on the Applicant's history of compliance. According to the City's records, there is no history of non-compliance in this regard.

Other agency comments

Staff have considered comments from Vancouver Coastal Health, Richmond RCMP and Richmond Fire-Rescue in reviewing these applications. These agencies provide comments on the compliance history of applicants' operations in light of their mandates.

No objections to the application were provided by Vancouver Coastal Health or Richmond RCMP.

If the application is approved by the LCLB, Richmond Fire-Rescue has advised that any assembly use involving patron participation entertainment requires a Fire Safety Plan designed to meet the requirements of the BC Fire Code. Aberdeen Centre has an existing Fire Safety Plan in place for the entire mall. Richmond Fire-Rescue would require the mall administration to submit revisions to their Plan to incorporate both the extended hours and patron participation entertainment into the evacuation concepts. They would also require the Applicant to submit a written statement describing the fire safety planning methods used by the restaurant, and their obligations as a tenant with respect to the mall's Fire Safety Plan. If the application is approved, staff would advise the Applicant to contact Richmond Fire-Rescue for more information on complying with the appropriate fire safety requirements.

Similarly, any assembly use involving patron participation entertainment may affect BC Building Code requirements. If the application is approved, staff would advise the Applicant to contact the City's Building Approvals department for more information on complying with the appropriate building code requirements.

Staff recommend that a letter be sent to the LCLB requesting that these conditions be placed on the approval of these applications.

Financial Impact

None

Conclusion

This report deals with two applications by Seventh Heaven Café Ltd to amend their Food-Primary liquor licence to include patron participation entertainment, and to extend hours of liquor sales until 2:00 am seven days per week. The proposed form of entertainment includes allowing patrons to use the dance floor during the course of dinner. The use proposed by the applicant is consistent with the zoning for this property.

Staff reviewed the applications following the public consultation period, and considered them in light of the legislated review criteria.

There was a lack of strong response from the community. Of approximately 360 letters sent, negative response was received from 3 members of the public, while positive response was received from Aberdeen Centre administration supporting the application.

Given the lack of negative public feedback, the rationale provided in response to feedback received, and the Applicant's history of compliance with various agencies consulted, staff recommend that Council provide a resolution to the LCLB in support of the following:

- Change to hours of sale from 9:00 am – 2:00 am Mondays through Saturdays, and until 12:00 midnight on Sundays;
- Patron Participation Entertainment Endorsement (entertainment must end by midnight),

Staff also recommend that a letter accompanying the resolution be sent to LCLB requesting that fire and building safety conditions be placed on approval of the applications.



Anne Stevens
Manager, Customer Services
(4273)
AS:cl

05792688

ATTACHMENT 1

Seventh Heaven Café Ltd.
c/o #130 – 4400 Hazelbridge Way
Richmond, B.C.
V6X 3R8

January 26, 2005

Liquor Control and Licensing Branch
PO Box 9292 Stn Prov Govt
Victoria, B.C.
V8W 9J8

Dear Sirs :

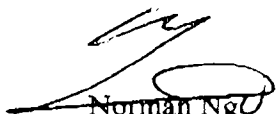
Re : Patron Participation Entertainment – Dance Floor

This letter is in support of our application for permanent change to a liquor licence in respect of patron participation entertainment at the Seventh Heaven Café located at #2792 – 4151 Hazelbridge Way, Richmond, B.C.

The purpose of such application is to allow our patrons to participate in the dance floor during the course of dinner. There is no extra charge for such participation.

I should be grateful if you could expedite our application at your convenience. If you have any questions please don't hesitate to contact Ms. Grace Lam or Ms. Cecilia Lee at 604-273-1234. Thank you for your attention in this matter. X103 X107

Yours truly,


Norman Ngo
Director

cc : Bruce Murray – City of Richmond

Aberdeen Property Management Ltd.

ATTACHMENT 2

By Fax (604-276-4157)

March 23, 2005

City of Richmond,
Permits Section,
Liquor Licence Applications,
6911 No.3 Road,
Richmond, BC,
V6Y 2C1.
Attention : **Ms. Anne Stevens,**
Manager, Customer Services

Dear Ms. Stevens,

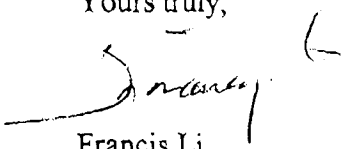
**Re: Unit #2792 - 4151 Hazelbridge Way, Richmond, BC (Aberdeen Centre)
Seventh Heaven Café Ltd. (the "Tenant")
Applications (1) to extend the hours of sale to 2 a.m. from Mondays thro' Sundays, and
(2) for patron participation entertainment endorsement (i.e. dancing),
during the course of dinner until midnight**

We are the property manager for Fairchild Developments Ltd. (the "Landlord") of Aberdeen Centre, and are in receipt of your schedule A which the landlord received on March 2, 2005 and your letter dated March 11, 2005 (copy of both enclosed) in respect of the subject two applications.

In accordance with the above-mentioned schedule and letter, and the telephone conversation between your Ms. Cynthia and Ms. Cecilia Lee of the tenant, we hereby advise that the landlord has no objection to the subject two applications submitted by the tenant to the City of Richmond.

We thank you for your kindest assistance in the matter. Should there be any problems, please do not hesitate to contact me at (604) 273-1234 ext. 106.

Yours truly,



Francis Li
Senior Property Manager

encl.

c.c. Fairchild Developments Ltd. (the "Landlord")
Seventh Heaven Café Ltd. (the "Tenant")

Summary of Food-Primary Establishment Closing Times					
Mon, Tues, Wed Closings	Thurs Closings	Fri Closings	Sat Closings	Sun Closings	
1 @ 12pm	1 @ 12pm	1 @ 12pm	1 @ 12pm	1 @ 12pm	
1 @ 9pm	1 @ 9pm	2 @ 10pm	2 @ 10pm	2 @ 10pm	
2 @ 10pm	1 @ 10pm	1 @ 10:30pm	1 @ 10:30pm	1 @ 10:30pm	
1 @ 10:30pm	1 @ 10:30pm	11 @ 11pm	11 @ 11pm	9 @ 11pm	
11 @ 11pm	11 @ 11pm	2 @ 11:30pm	2 @ 11:30pm	1 @ 11:30pm	
3 @ 11:30pm	3 @ 11:30pm	66 @ 12am	66 @ 12am	181 @ 12am	
68 @ 12am	68 @ 12am	2 @ 12:30am	2 @ 12:30am	1 @ 12:30am	
2 @ 12:30am	2 @ 12:30am	106 @ 1am	105 @ 1am	23 @ 1am	
102 @ 1am	103 @ 1am	9 @ 1:30am	9 @ 1:30am	13 @ 2am	
10 @ 1:30am	10 @ 1:30am	32 @ 2am	33 @ 2am		
31 @ 2am	31 @ 2am				

List of Food-Primary licensed establishments with Patron Participation Entertainment Endorsements					
Establishment	Type	Address	Terms and Conditions		
Continental Seafood Restaurant	Dining Establishment	Unit #150 - 11700 Cambie Road	Patron participation entertainment other than games permitted within the premise.		
West Lake Vietnamese Cuisine	Dining Establishment	128 4600 - NO 3 RD	Patron participation entertainment other than games permitted within the premise.		
Tugboat Annie's Pub, Restaurant, Cold Beer & Wine	Public House - Marina	100 - 6911 GRAYBAR RD	Patron participation entertainment other than games permitted within the premise.		
Fantasy Garden World	Dining Establishment	10800 NO 5 RD	Patron participation entertainment other than games permitted within the premise.		
Banquet Facilities	Dining Establishment	110/120 - 8351 ALEXANDRA RD	Patron participation entertainment other than games permitted within the premise.		
Grand Buffet	Dining Establishment				
Shady Island Seafood Bar & Grill	Public House - Neighbourhood	#112 - 3800 BAYVIEW ST	Patron participation entertainment other than games permitted within the premise.		
Floata Seafood Restaurant	Dining Establishment	STE 1425 - 4380 NO 3 RD	Patron participation entertainment other than games permitted within the premise.		
Melody Shake Karaoke Restaurant	Dining Establishment	1150 - 4380 NO 3 RD	Patron participation entertainment permitted including "karaoke boxes". All forms of entertainment must end by no later than 12:00 midnight daily.		
Insomnia Karaoke Restaurant	Dining Establishment	100-7911 ALDERBRIDGE WAY	Patron participation entertainment other than games permitted within the premise.		
Station 23 Bistro	Dining Establishment	130- 8291 WESTMINSTER HWY	Patron participation entertainment other than games permitted within the premise.		
Barcode Karaoke Restaurant	Dining Establishment	1028 - 8300 Capstan Way	Patron participation entertainment other than games permitted within the premise, including "karaoke boxes". All forms of entertainment must end by no later than 12:00 midnight daily.		