



City of Richmond

Report to Committee

To: General Purposes Committee

To General Purposes - July 4, 2005
Date: June 14, 2005

From: Anne Stevens
Manager, Customer Services

File: 12-8275-30-001/2005-Vol
01

Re: **360 Degree Modern Dining, 6091 No. 3 Road**
Food-Primary Liquor Licence Amendment – Change to Hours of Sale.

Staff Recommendation

1. That Council NOT support the application by 360 Degree Modern Dining to amend their Food-Primary liquor licence to extend the hours of sale until 2:00 am Mondays through Sundays, for the reasons outlined in the staff report dated June 14, 2005, from the Manager, Customer Services.
2. That the BC Liquor Control and Licensing Branch be so advised.

Anne Stevens
Manager, Customer Services
(4273)

Att. 1

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 checked="" type="checkbox"/> <i>GD</i>	<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 for certain 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 an application by 666930 BC Ltd, doing business as 360 Degree Modern Dining, for an amendment to their Food-Primary liquor licence to change the hours of sale to: 11:00 am – 2:00am Mondays through Sundays.

Analysis

The 360 Degree Modern Dining restaurant (hereafter referred to as “the Applicant”), is located at 6091 No. 3 Road (intersection of Saba Rd), which is zoned Downtown Commercial District (C7). The zoning permits a Food Catering Establishment as well as Commercial Entertainment. The Applicant’s request for extended hours does not change the use of the restaurant, which is consistent with the zoning for this property. The surrounding area is made up of mixed uses, namely retail trades and services, offices, and restaurants. The properties to the south and east are all commercial sites. The property to the west includes the northern portion of Richmond Centre mall as well as Horizons Towers, a strata-titled residential high-rise complex. The property to the north is Three West Centre and The Wellington Tower, which includes commercial suites at ground-level and a mix of commercial and residential strata-titled suites in above-ground levels.

The Applicant’s letter of intent (Attachment 1) indicates that he is proposing to extend the hours of liquor sales to 2:00 am Mondays through Sundays to better serve their existing customers and to attract new customers.

Summary of Application & Comments

Item	Details
Application	Amendment to Food-Primary liquor licence # 300931
Type	Change to Hours of Sale
Location	6091 No. 3 Road

Present Hours of Liquor Sales	11:00 am – Midnight, Mondays through Sundays
Proposed Hours of Liquor Sales	11:00 am – 2:00 am, Mondays through Sundays
Zoning	C7
Business Owners	666930 BC Ltd, Judy Wong & William Ng
Date Received	November 26, 2004
Date Sign Posted	April 16, 2005
Ads in newspaper	April 16, 20, 23, 2005
Letters to residents	April 22, 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 this application ended on May 23, 2005.

Views of nearby residents, businesses, and property owners

There are 547 properties located within the public consultation area. Letters were sent to 829 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 9 responses, all of which opposed the application. Reasons sighted were:

- potential for increased safety concerns, vandalism, break-ins, littering, vehicle accidents in the area;
- conflict with residential uses in the area;
- noise, increased traffic in the area, parking concerns, policing problems.
- increased drinking and driving, disturbance to the neighbourhood.

Two of the responses were received from the property management firm representing the strata councils of The Wellington Tower and Three West Centre, located at the corner of No. 3 Road and Westminster Hwy. These buildings include approximately 260 strata-titled lots adjacent to the Applicant's restaurant. The property management firm offers specific reasons behind their opposition:

- concern exists over the potential increase in vandalism, break-ins, and vehicle theft if this application is approved. The property management firm has already engaged the services of security personnel every evening of the year to curtail such incidents, which have increased in the past few years. They are concerned that these incidents would increase as patrons leaving the restaurant make their way through the complex at later hours. Security personnel have had to remove unauthorized and intoxicated persons who attempt to follow residents into the buildings, and to remove intoxicated people from sleeping in the adjoining fire exist stairwells. The personal safety of residents and office tenants has come into question.

- residents are already experiencing excessive noise problems from late night patrons of establishments in the area (including the restaurant), which is disturbing the peace and comfort of their residences.
- concern exists over the potential increase in people loitering in the area after consuming liquor.
- concern exists over existing costs spent removing graffiti, repairing signs, replacing plants and feel that the need will increase if the application is approved.
- parking problems are regularly being experienced by the office tenants who observe patrons of the restaurant parking in parking stalls reserved exclusively for use of the office tenants, service and trades personnel, and this has not been resolved to-date.
- repeated requests by the property management firm to the Applicant on the issue of using their waste disposal bins for disposal of the restaurant's garbage have been largely ignored.

Potential for noise

Respondents indicated that they were concerned with the potential for noise, and disturbance of the peace and quiet of the neighbourhood. The restaurant is situated in a mixed use area, which is already impacted by ambient noise from commercial uses, however, the potential exists for noise resulting from patrons leaving the restaurant at later hours, if the extension until 2:00 am is approved. Given the nature of public feedback (although limited), staff feel that there is real potential for increased disturbance to the residential community in the area. 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 and security concerns, increased late night traffic, and parking problems. It is understood that these concerns pose increased enforcement issues.

Specifically, the nature of the feedback provided by the property management firm of the adjacent buildings illustrates that the restaurant's extended hours may exacerbate existing problems being experienced.

The main issue of concern to staff is the potential for non-compliant activity to take place in and around the Applicant's restaurant at later hours, and that there is the potential for further consumption of alcohol by patrons. Staff feel that the level of concern should be based on the Applicant's compliance history. According to the City's records, and those of other agencies consulted, the Applicant's compliance history is not in good standing. Details on the Applicant's compliance history are provided in the section on *Other Agency Comments*.

Potential positive impacts on the community

The Applicant states that patrons have suggested that they would like to enjoy later hours of operation in the restaurant, and that the Applicant wishes to extend their hours to better serve their regular customers as well as to attract new customers. The potential exists for increased revenue from liquor sales for the Applicant if the request for extension of hours is approved.

This indicates a positive economic impact for the Applicant, however the same can not be said for the surrounding business and residential communities.

Other agency comments

Staff have considered comments from Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue, and reports from LCLB in reviewing this application. These agencies provide comments on the compliance history of applicants' operations in light of their mandates. It is apparent from the comments provided by City staff and these agencies that the Applicant's compliance history is not in good standing.

The Joint Inspection Team made up of staff from the City, RCMP, and LCLB, sighted the following infractions during their inspections:

- a smoking violation;
- a bar fight;
- a few reports of "break and enters"; and,
- contraventions to the Liquor Control and Licensing Act for failing to clear liquor from the premises, for allowing patrons to consume liquor beyond licensed hours, and for allowing an employee to serve liquor without the proper accreditation.

Vancouver Coastal Health has indicated that the Applicant has not addressed an outstanding order for the submission of a Food Safety Plan.

Richmond Fire-Rescue has indicated that they would not be supportive of this application based on the Applicant's history of non-compliance to the BC Fire Code requirements.

Financial Impact

None

Conclusion

This report deals with the application by 666930 BC Ltd, doing business as 360 Degree Modern Dining, to amend their Food-Primary liquor licence to extend hours of liquor sales until 2:00 am seven days per week.

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

The response from the community was minimal. Of over 800 letters sent, the City received 9 responses – all of which were opposed to the application. Two of the responses, however, represented over 260 property-owners who were opposed to the application. The response from other agencies consulted was not favourable, and reports from the Joint Inspection Team indicate that the Applicant's compliance history is not in good standing.

The nature of feedback indicates that the potential for increased negative impacts to the community is likely if the application is approved. Given this, and the Applicant's history of

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non-compliance with various agencies consulted, staff recommend that Council NOT support the application for a change to hours of sale, and that the LCLB be so advised.

A handwritten signature in cursive script, appearing to read "Anne Stevens".

Anne Stevens
Manager, Customer Services
(4273)

AS2:cl

360 Degrees Modern Dining

We are providing following background information for your consideration.

The establishment is located in the Richmond Centre commercial area on No 3 Road near Westminster Highway. It is removed from nearby residences and is suitable for late night restaurant operations and traffic where some minimal street noise at closing can be anticipated.

The establishment is not located near any social, recreational or public buildings which would be adversely affected by a late night restaurant operation.

The location has a maximum person capacity of 89 and the establishment proposes to extend the closing hours to 2:00 am Monday to Sunday. The customers are primarily diners at lunch time and in the evenings. The menu comprises Asian fusion dishes with regular menu changes and special dishes. The décor is contemporary and elegantly stylish.

Throughout the later part of the evening, there are hired singers and music performances. The customers are generally mature, about 30 years old or older. The light and pop music performances throughout the week have been very successful and the customers have suggested that they would prefer later hours of operations. We wish to extend the hours of operation to better serve our regular customers and, as well, attract new customers.

The establishment is not expected to negatively affect traffic patterns because it is located on No 3 Road, and there is no parking permitted on No 3 Road. There is parking at the rear of the premises which is adjacent to the Richmond Centre Mall and the Three West Centre Parkade. There is also parking on the 8100 block Saba Road and at the parking lot directly across from the establishment.

The noise level is not expected to be an issue because the establishment is beside commercial premises which are not open in the late evenings. There are no premises above the restaurant. The adjacent premises are an office building and retail stores which are not open in the late evenings. The nearest residences are apartment residences at:

1. Westminster Highway above the Kirin Restaurant (one half block away from location);
2. Westminster Highway at London Plaza, above the Empire Restaurant (one half block away)
3. Saba Road and Cooney Roads (one half block away)

Kindly contact us should you have any concerns or questions.