



To: General Purposes Committee **Date:** July 31, 2018
From: Carli Edwards, P.Eng.
Manager, Community Bylaws and Licencing **File:** 12-8275-30-001/2018-
Vol 01
Re: **Application For a Permanent Change to Food Primary Liquor Licence #
170609 Requesting Patron Participation Entertainment Endorsement – Earls
Restaurant (Lansdowne) Ltd – 304-5300 No. 3 Rd., Richmond, B.C.**

Staff Recommendation

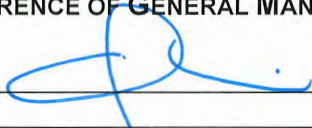

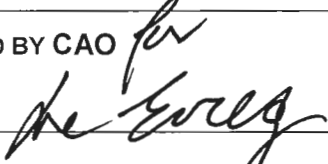
- 1) That the application from Earls Restaurant (Lansdowne) Ltd, operating at 304 – 5300 No. 3 Road, requesting a Food-Primary Entertainment Endorsement for Patron Participation to Food-Primary Liquor Licence # 170609, to enable patrons to dance at the establishment, be supported; and,
- 2) That a letter be sent to Liquor and Cannabis Regulation Branch advising that:
 - a) Council supports the amendment for a Patron Participation Entertainment Endorsement on Food-Primary Liquor Licence # 170609 as the endorsement will not have a significant impact on the community;
 - b) The hours of liquor sales will remain the same at:
 - i) 9:00 AM to 1:30 AM, Monday to Saturday;
 - ii) 9:00 AM to Midnight, Sunday;
 - c) There is no change to the seating capacity for the food primary licence, indoors and patio;
- 3) Council’s comments on the prescribed criteria (Section 71 of the Liquor Control and Licensing Regulations) are as follows:
 - a) The potential for additional noise and traffic in the area was considered;
 - b) The impact on the community was assessed through a community consultation process; and
 - c) Given that there has been no history of non-compliance with the operation, the amendment to permit patron participation entertainment endorsement under the Food Primary Liquor Licence should not change the establishment such that it is operated contrary to its primary purpose;
 - d) As the operation of a licenced establishment may affect nearby residents, businesses and property owners, the impact assessment was conducted through the City’s community consultation process as follows:

- i) Residents, businesses and property owners within a 50 meter radius of the subject property were notified by letter. The letter provided information on the application with instructions on how to submit comments or concerns; and
 - ii) Signage was posted at the subject property and three public notices were published in a local newspaper. The signage and public notice provided information on the application with instructions on how comments or concerns could be submitted.
- e) Council's comments and recommendations respecting the view of the residents, businesses and property owners are as follows:
- i) The community consultation process was completed as part of the application process; and
 - ii) The community consultation process resulted in only one comment or view submitted from residents, businesses and property owners.
- f) Council recommends the approval of the permanent change to add patron participation entertainment endorsement to the Food Primary Licence for the reasons that the addition of the endorsement proposed is acceptable to the majority of the residents, businesses and property owners in the area and the community.



Carli Edwards, P.Eng.
Manager, Community Bylaws and Licencing
(604-276-4136)

Att. 2

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER	
	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 
APPROVED BY CAO 	

Staff Report

Origin

The Provincial Liquor and Cannabis Regulation Branch (LCRB) issues licences in accordance with the *Liquor Control and Licensing Act* (the Act) and the Regulations made pursuant to the Act.

This report deals with an application to the LCRB and the City of Richmond by, Earls Restaurant (Lansdowne) Ltd., to add patron participation entertainment endorsement, which must end by midnight, to the Food Primary Liquor Licence No. 170609

The City of Richmond is given the opportunity to provide comments and recommendations to the LCRB with respect to liquor licence applications and amendments. For an amendment to a Food Primary Licence, the process requires the local government to provide comments with respect to the following criteria:

- the potential for noise,
- the impact on the community; and
- whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

Analysis

Earls Restaurant (Lansdowne) Ltd. has operated this establishment since 1996, at 304 – 5300 No. 3 Road with a Food Primary Liquor Licence. The intent of this application is to request a patron participation entertainment endorsement. The applicant's proposed permanent changes to add patron participation to the Food Primary Liquor Licence, initiates a process to seek local government approval.

The current Food Primary Liquor Licence for Earls Restaurant (Lansdowne) Ltd., allows for 247 indoor seats and 76 patio seats, which will not change as a result of this application.

The property is zoned Auto-Oriented Commercial (CA) and the use of a Restaurant with food and beverage services are consistent with the permitted uses in this zoning district. Earls Restaurant (Lansdowne) Ltd. is situated at Lansdowne Mall which currently has 127 licenced businesses in the City Centre area.

The applicant's request for a patron participation entertainment endorsement for the food primary licence is to enable patrons to dance at the establishment. This would add greater flexibility to the venue and provide a more entertaining venue for patrons.

Impact of Noise on the Community

The location of this establishment is such that there should be no noise impact on the community. The patron participation entertainment must end by midnight and the establishment should not operate contrary to its primary purpose as a food primary establishment.

Impact on the Community

The community consultation process for reviewing applications for liquor related licences is prescribed by the Development Application Fees Bylaw No. 8951 which under Section 1.8.1 calls for:

- 1.8.1 Every **applicant** seeking approval from the **City** in connection with:
 - (a) a licence to serve liquor under the *Liquor Control and Licensing Act and Regulations*; must proceed in accordance with subsection 1.8.2.
- 1.8.2 Pursuant to an application under subsection 1.8.1, every **applicant** must:
 - (a) post and maintain on the subject property a clearly visible sign which indicates:
 - (i) type of licence or amendment application;
 - (ii) proposed person capacity;
 - (iii) type of entertainment (if application is for patron participation entertainment); and
 - (iv) proposed hours of liquor service; and
 - (c) publish a notice in at least three consecutive editions of a newspaper that is distributed at least weekly in the area affected by the application, providing the same information required in subsection 1.8.2(b) above.

The required signage was posted on June 25, 2018 and three advertisements were published in the local newspaper on June 28, 2018, July 5, 2018 and July 12, 2018.

In addition to the advertised signage and public notice requirements, staff sent letters to businesses, residents and property owners within a 50 meter radius of the establishment. On June 25, 2018, 2178 letters were sent to residents, businesses and property owners. The letter provided information on the proposed liquor licence application and contained instructions to comment on the application. The period for commenting for all public notifications ended July 28, 2018.

As a result of the community consultative process described, the City has received only one response opposed to this application. The concern of the resident notes noise between 11PM and 7AM when people are required to sleep. The patron participation entertainment must end by midnight and the establishment should not operate contrary to its primary purpose as a food primary establishment which should not impact the community. Further the building where response was received is approximately 248 metres away from the applicant's location. Staff do not feel noise will be a concern at this distance.

Other Agency Comments

As part of the review process, staff requested comments from other agencies and departments such as Vancouver Coastal Health, Richmond R.C.M.P., Richmond Fire-Rescue, Building Approvals and the Business Licence Department. These agencies and departments generally provide comments on

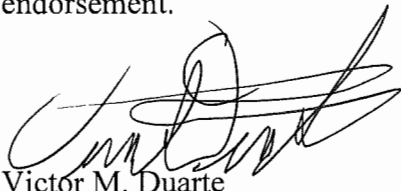
the compliance history of the applicant's operations and premises. No concerns were raised by these agencies.

Financial Impact

None

Conclusion

The results of the community consultation process of Earls Restaurant (Lansdowne) Ltd. application for patron participation entertainment endorsement, was reviewed based on the LCRB criteria. The analysis concluded there would be no noticeable potential impact from noise, no significant impact to the community and no concerns raised by City departments, other agencies and only one letter received from the public. Earls Restaurant (Lansdowne) Ltd. has operated in the community for over 22 years with no noted negative community impact. Staff recommend approval of the application to permit a patron participation entertainment endorsement.



Victor M. Duarte
Supervisor, Business Licences
(604-276-4389)

VMD:vmd

- Att. 1: Complaint Letter
- 2: Arial map with 50 metre buffer area

City of Richmond.
Business Licenses,
Liquor License Applications,
6911 No.3 Road,
Richmond BC V6Y 2C1
24 July 2018

Hi Liquor Licensing manager,

Re: Notice of a New Liquor Primary Liquor License Application in The Neighborhood

Earls is in Richmond downtown and is surrounded by thousands of residences living on surrounding high-rise apartments. The noise disturbance in the city of Richmond is from 11.00 pm to 7.00 am has a good reason. Everyone needs a good night sleep. Some may have to work for the weekends and their right of quietness to sleep should not be infringe. Moreover, there will be many high rises coming up on the Lansdowne mall itself. Will the majority residences have to bear the late night noises? Will you like to live in a late night residence?

We will really appreciate it if you can consider the thousands of residences around Lansdowne mall!

Yours sincerely,



Pat Cheng

901-5088 Kwantlen Street

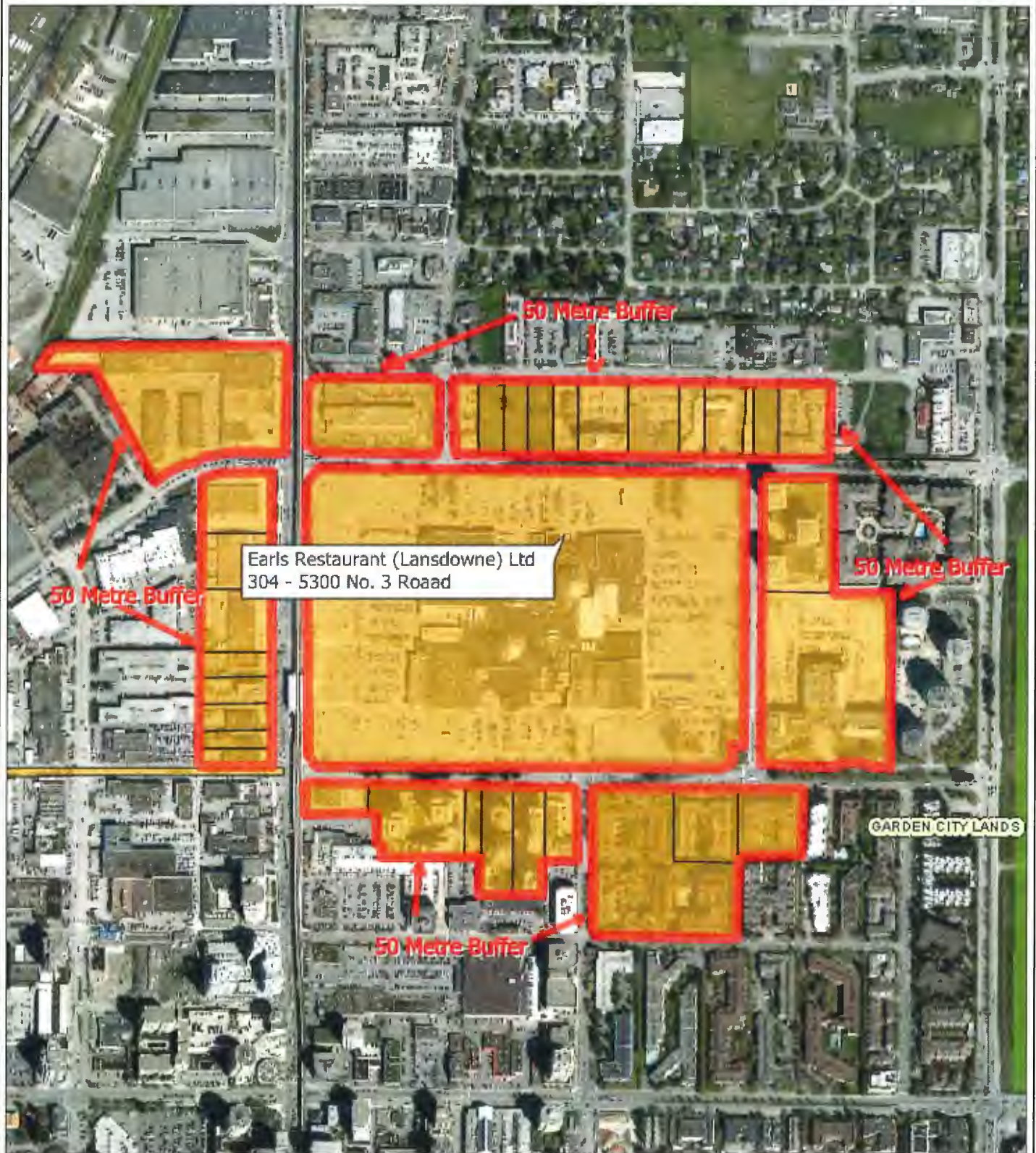
Contact No.604-816-8227

CITY OF RICHMOND BC

JUL 24 2018

RECEIVED

City of Richmond Interactive Map



321.2 0 160.60 321.2 Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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THIS MAP IS NOT TO BE USED FOR NAVIGATION