



To: General Purposes Committee **Date:** January 5, 2015
From: W. Glenn McLaughlin **File:** 12-8275-05/2014-Vol
Chief Licence Inspector & Risk Manager 01
Re: **IPC Restaurant Ltd., doing business as**
ABC HK Café
Unit 2792 - 4151 Hazelbridge Way

Staff Recommendation

That the application from IPC Restaurant Ltd., doing business as ABC HK Café, for an amendment to add a *patron participation endorsement* under Food Primary Licence No. 304643, in order to offer entertainment in the form of dancing, karaoke and live musicians, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:

1. Council supports the amendment of an endorsement for patron participation as the issuance will not pose a significant impact on the community.
2. Council comments on the prescribed criteria (set out in Section 53 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.
 - c. Given that there has been no history of non-compliance with the operation, the amendment to permit patron participation under the Food Primary Licence should not change the establishment so that it is operated in a manner that is contrary to its primary purpose as a food establishment.
3. As the operation of a licenced establishment may affect nearby residents the City gathered the view of residents as follows:
 - a. Property owners and businesses within a 50 metre radius of the subject property were contacted by letter detailing the application, providing instructions on how community comments or concerns could be submitted.
 - b. Signage was posted at the subject property and three public notices were published in a local newspaper. The signage and notice provided information on the application and instructions on how community comments or concerns could be submitted.




4. Council's comments and recommendations respecting the views of the residents are as follows:

- a. That based on the number of letters sent and the lack of response received from all public notifications, Council considers that the amendments are acceptable to the majority of the residents in the area and the community.



W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager
(604-276-4136)

Att. 1

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

Staff Report

Origin

The Provincial Liquor Control and Licensing Branch (LCLB) 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 submitted to LCLB and to the City of Richmond by IPC Restaurant Ltd. (the Applicant), doing business as ABC HK Café, for City support to allow patron participation under its Food Primary Liquor Licence No. 303143 to be able to provide their customers with entertainment in the form of dancing, karaoke, live musicians and speakers.

The Local Government has been given the opportunity to provide comments and recommendations to the LCLB with respect to liquor licence applications and amendments. For amendments to Food Primary licences, the process requires 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

The Applicant’s business is located in the south-east corner on the second floor in the Aberdeen Mall. There has been a 140 seat restaurant in operation at this location since 2004 and the current owner, IPC Restaurant Ltd., has been operating the restaurant since 2011.

The zoning for the property is Residential Mixed Use Commercial – Aberdeen Village (ZMU9) and the business use of a restaurant is consistent with the permitted uses for this zoning district. To the north, south and west of the property are commercial businesses that cater to the day to day needs of the general public. To the east of the property is a single family residential district.

The Applicant has in the past sought the City’s support in their application to LCLB for a temporary change to their liquor licence to allow for patron participation for special events. The City has supported four (4) such requests since 2012. There have been no complaints received from these temporary amendments.

In the letter of intent, submitted by the Applicant, they advise that the endorsement will not change the manner or focus of the restaurant but will allow them to enhance their patrons dining experience, and they will not longer have to apply for temporary amendments for special events. All entertainment will end by midnight.

Summary of Application and Comments

The City’s process for reviewing applications for liquor related permits is prescribed by the Development Application Fee’s 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*; or
- (b) any of the following in relation to an existing licence to serve liquor:
 - (i) addition of a patio;
 - (ii) relocation of a licence;
 - (iii) change of hours; or
 - (iv) patron participation

must proceed in accordance with subsection 1.8.2.

1.8.2 Pursuant to an application under subsection 1.8.1, every **applicant** must:

- (b) 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 October 29, 2014, and the three ads were published in a local newspaper on October 31, November 5 and November 7, 2014.

In addition to the advertised public notice requirements set out in Section 1.8.2, staff have adapted from a prior bylaw requirement, the process of the City sending letters to businesses, residents and property owners within a 50-metre radius of the establishment (Attachment 1). This letter provides details of the proposed liquor licence application and requests the public to communicate any concerns to the City.

There are 776 properties identified within the consultation area. On October 29, 2014, letters were sent to 1081 businesses, residents and property owners to gather their view on the application. Three letters were returned as undeliverable.

All public consultations ended November 28, 2014, and no responses were received from the public.

Potential for Noise

Staff believe that there would be no noticeable increase in noise if the entertainment endorsement is supported.

Potential for Impact on the Community

Based on the lack of any negative public feedback staff is of the opinion that there would be no impact on the community associated with the amendment.

Potential to operate contrary to its primary purpose

Staff are of the opinion that due to a lack of any non-compliance issues related to the operation of this business, there would be minimal potential of the business being operated in a manner that would be contrary to its primary purpose as a food establishment.

Other agency comments

As part of the review process, staff requested comments from Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue, Richmond Joint Task Force, the City Building Permit and Business Licence Departments. These agencies generally provide comments on the compliance history of the Applicant's operations and premises.

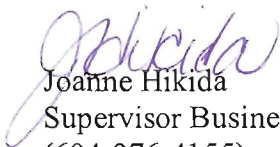
No objections to the application were received from any of the above mentioned agencies and divisions.

Financial Impact

None

Conclusion

Following the public consultation period, staff reviewed the Food Primary Liquor Licence amendment application against the legislated review criteria and recommends City Council support the application for a patron participation endorsement. The amendment is not expected to increase noise or have a negative impact on the community nor result in the Applicant operating the business contrary to its' primary purpose.

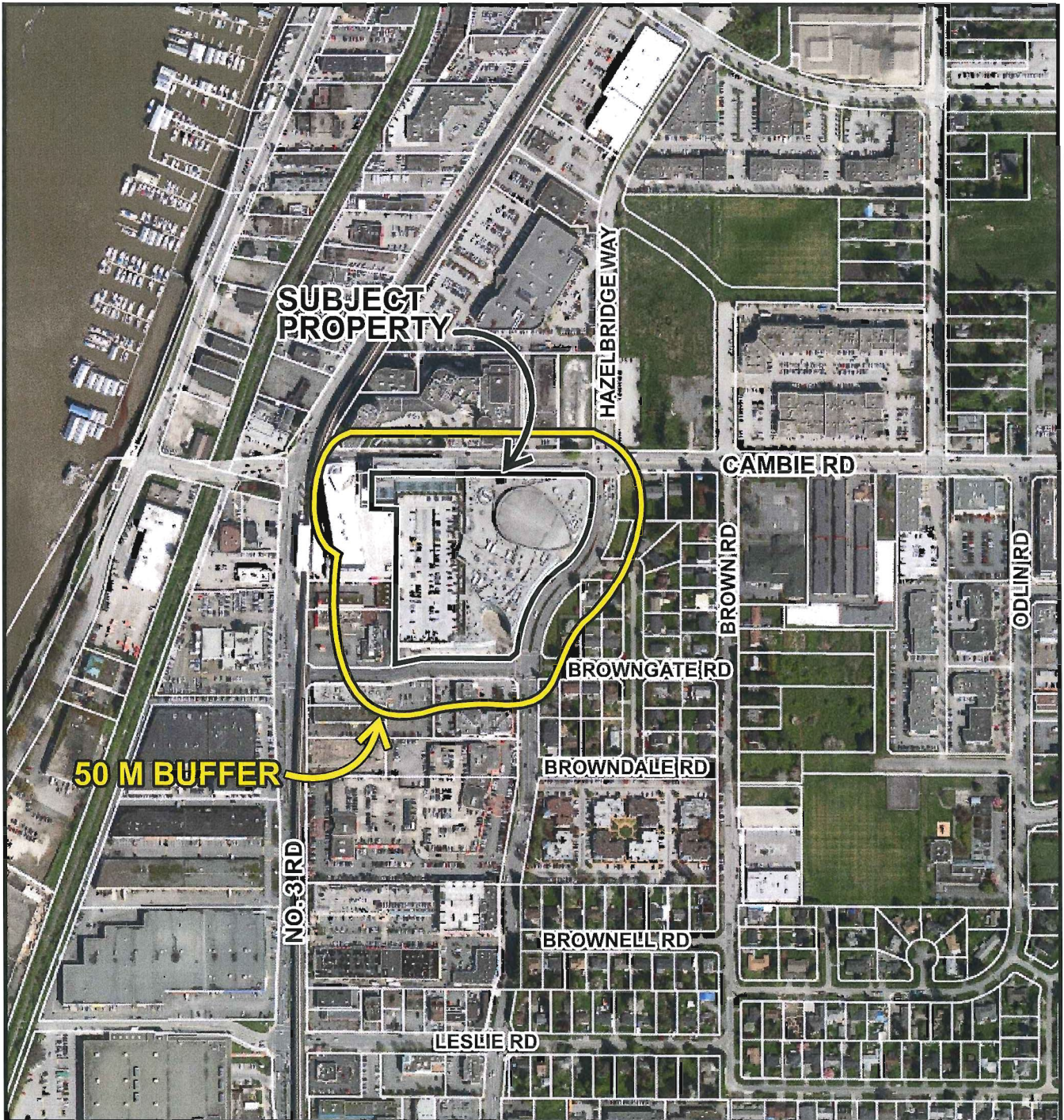

Joanne Hikida
Supervisor Business Licence
(604-276-4155)

JMH:jmh

Att. 1: Site Map with 50 Metre Buffer



City of
Richmond



4151 Hazelbridge Way

Original Date: 12/17/14

Revision Date:

Note: Dimensions are in METRES