



To: General Purposes Committee
From: W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager
Re: **Apower International Trading Inc., doing business as
Jang Mo Jib Korean Restaurant – Richmond
8320 Alexandra Road**

Date: February 24, 2010

File:

Staff Recommendation

That the *application* by Apower International Trading Inc., doing business as Jang Mo Jib Korean Restaurant - Richmond, for an amendment to increase the hours of liquor service under Food Primary Liquor License No. 301639 *from* Monday to Sunday 9:00 a.m. to Midnight *to* Monday to Sunday 9:00 a.m. to 2:00 a.m., *and* to add patron participation, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:




1. Council recommends the amendment of the increase in liquor service hours and the patron participation endorsement as no negative comments have been received from the community and will not have a significant impact on the community.
2. Council's 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 if the application is approved was considered.
 - b. The impact on the community if the application is approved was assessed through a community consultation process and considered.
 - c. That the amendment to permit patron participation and extend the hours of liquor service under the Food Primary liquor licence should not change the establishment so that it is operated in a manner that is contrary to its primary purpose as there has been no history of non-compliance with this operation.
3. As the operation of a licensed establishment may affect nearby residents the City gathered the views of the residents as follows:
 - a. Property owners and businesses within a 100 metre radius of the subject property were contacted by letter detailing the application and provided instructions on how community comments or concerns could be submitted.
 - b. In addition, signage was posted at the subject property and three public notices were published in a local newspaper. This 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 amendment is acceptable to the majority of the residents in the area and the community.



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

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:		CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
RCMP		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO
			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
			

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.

Local government is 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 notice and to provide comment with respect to the following criteria;

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

This report deals with an amendment application submitted to LCLB and to the City of Richmond, by Kil Bong Moon, principal of Apower International Trading Inc., doing business as Jang Mo Jib Korean Restaurant - Richmond (the “Applicant”), for the following amendments to its Food Primary Liquor Licence No. 301639:

- Change of hours of sale *from* Monday to Sunday 9:00 a.m. to Midnight *to* Monday to Sunday 9:00 a.m. to 2:00 a.m. *and*
- Patron Participation Entertainment Endorsement (entertainment must end by midnight as per LCLB regulations).

The proposed form of entertainment is Karaoke. Jang Mo Jib Korean Restaurant-Richmond is located at 8320 Alexandra Road which is zoned Pub & Sales (CP1).

Analysis

The premises from which the Applicant operates a restaurant is located on the south side of Alexandra Road. The uses in zoning district CP1 permit “neighbourhood pubs and retail liquor stores”. The current use is a continuation of a permitted non-conforming use since 1998. The commercial entertainment in the form of Karaoke is consistent with the permitted uses for the property and surrounding area.

To the west of the building is a vacant lot. To the north, south and east are commercial complexes wherein a variety of uses are operated including retail, cafes, karaoke and offices (Attachment 1).

The Applicant is both the owner and operator of the business and has operated from this location since 2003. Their current Business Licence is valid until September 1, 2010.

The letter of intent submitted by the Applicant states that by being able to offer patron participation, the community will have more choice of locations for entertainment and the endorsement will not in any way change the primary purpose of the business which will remain as a restaurant operation.

A review of establishments licenced on Alexandra Road reveals that there are 27 restaurants with a food primary liquor licence and 5 establishments with a liquor primary licence. Of the 27 food primary liquor licences only 1 has a patron participation endorsement and;

- 19 have liquor service hours on Sunday to midnight
- 10 have liquor service hours to 1:00 a.m.
- 9 have liquor service hours to 2:00 a.m. and
- 6 have liquor service hours that start at 9:00 a.m.

Under the LCLB Policy Guide section 11.1.6 “*When approved by the general manager, dine and dance and other forms of patron participation entertainment must by end 12:00 midnight unless the general manager has approved longer entertainment hours regulations*”. The Applicant has indicated that the entertainment will end by midnight.

Summary of Application & Comments

The City’s process for reviewing applications for liquor related permits is prescribed by the Development Application Fee’s Bylaw No. 7984 which under section 1.9.1 calls for “Every **applicant** seeking approval from the **City** in connection with: (b) any of the following in relation to an existing licence to serve liquor, (iii) change of hours, (iv) patron participation, must proceed in accordance with subsection 1.9.2.

every **applicant** must:

- (b) post and maintain on the subject property a clearly visible sign which indicates the intent of the application; 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.

The City, on behalf of the Applicant, sends letters to businesses, residents and property owners within a 100-metre radius of the establishment (Attachment 2). The letter provides details of the proposed amendment application and requests the public to communicate any concerns to the City.

Following is a summary of the application process and dates:

ITEM	DETAILS
City of Richmond application received	January 6, 2010
Type	Food Primary Amendment & Patron Participation Endorsement
Location	8320 Alexandra Road
Proposed Hours of Liquor Sales	9:00 a.m. to 2:00 a.m., Monday to Sunday
Zoning	Pub & Sales (CP1)
Business Owner	Kil Bong Moon
Date Sign Posted	January 11, 2010
Newspaper Publication Dates	January 13, 15, 20, 2010
Letters to residents/businesses	January 20, 2010

The public consultation period for the application ended February 20, 2010.

Views of nearby residents, businesses and property owners

There are 16 property parcels within the consultation area. On January 20, 2010, letters were sent to 258 businesses, residents and property owners to gather their view on the application. No letters were returned as undeliverable.

As of February 20, 2010, one response was received from a business operating in the area citing the following concerns;

- that by allowing this business to serve alcohol from morning to 2:00 a.m. may create more drunks on the road
- unfair to those businesses that start later in the evening.

Potential for noise

Staff believe that there would be no noticeable increase in noise if the additional hours of liquor service and patron participation were supported.

Potential for impact on the Community

Any typical potential impacts associated with extended hours of liquor sales such as drinking and driving, criminal activity and late-night traffic are not expected to be unduly increased with this amendment. Having received only one response from those contacted in the consultation area and none from the city-wide public notifications, staff feels that the endorsement of this application is warranted due to the lack of negative public feedback and that business focus as a food service establishment is to be maintained.

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 that there will be little potential of the business being operated in a manner that would be contrary to its main purpose as a food primary establishment.

Other agency comments

As part of the review process, staff requested comments from Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue, Richmond Task Force, the City Building Permit, Business Licence and Zoning 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 other above mentioned agencies and divisions.

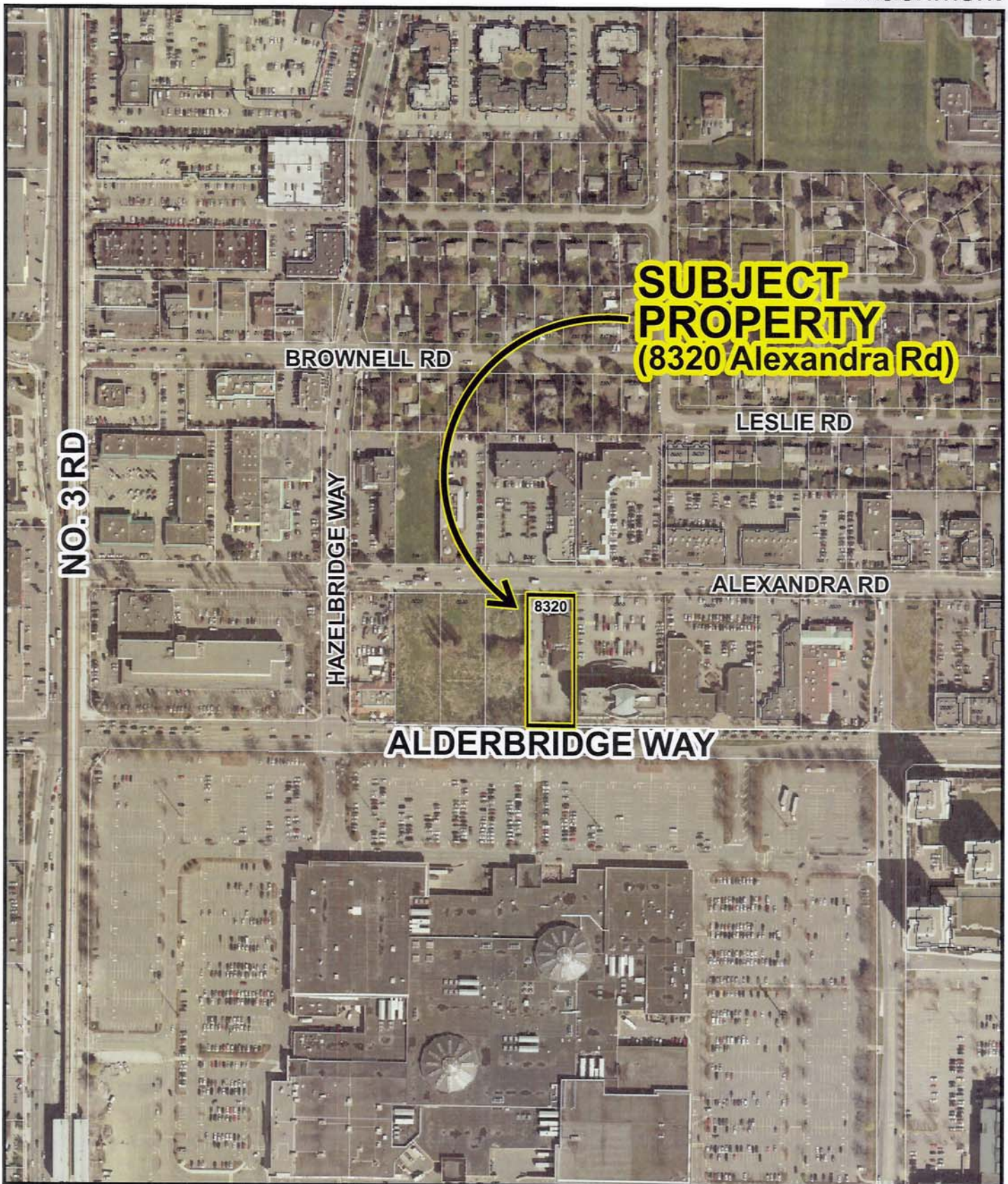
Financial Impact

None

Conclusion

Following the public consultation period, staff reviewed the Food Primary Licence Amendment application against the legislated review criteria and recommend Council support the amendment to increase liquor service hours and the addition of patron participation as the amendments are not expected to increase noise or have a negative impact on the community.


Joanne Hikida
Licence Inspector
(604-276-4155)



8320 Alexandra Rd

Original Date: 02/24/10

Amended Date:

Note: Dimensions are in METRES



8320 Alexandra Rd

Original Date: 02/24/10

Amended Date:

Note: Dimensions are in METRES