



To: General Purposes Committee **Date:** July 31, 2017
From: Carli Edwards, P. Eng. **File:** 12-8275-30-001/2017-
Manager, Customer Services and Licencing Vol 01
Re: **Application to Amend Food-Primary Liquor Licence – China House Seafood Restaurant Inc. Doing Business As: China House Seafood Restaurant, Unit 1008-8300 Capstan Way**

Staff Recommendation

1. That the application from China House Seafood Restaurant Inc., for an amendment to increase their hours of liquor service under Food Primary Liquor Licence No. 304813 **from** 9:00 a.m. to Midnight, Monday to Sunday **to** 9:00 a.m. to 2:00 a.m. Monday to Sunday, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:
 - a) Council supports the amendment for an increase in liquor service hours as the increase will not have a significant impact on the community;
 - b) The total person capacity will remain the same at 188 persons;
 - c) Council's comments on the prescribed criteria (set out in Section 53 of the Liquor Control and Licensing Regulations) are as follows:
 - i) The potential for additional noise and traffic in the area was considered;
 - ii) The impact on the community was assessed through a community consultation process; and
 - iii) Given that there has been no history of non-compliance with the operation, the amendment to permit extended hours of liquor service 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 the City gathered the view of the residents as follows:
 - i) Property owners and businesses within a 50 meter radius of the subject property were contacted by letter detailing the application, providing instructions on how community comments or concerns could be submitted; and
 - ii) Signage was posted at the subject property and three public notices were published in a local newspaper. This signage and notice provided information on

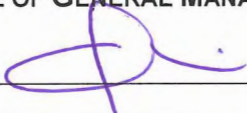

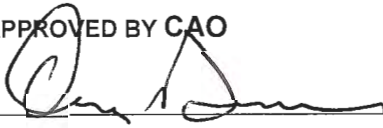
- d) Council's comments and recommendations respecting the view of the residents are as follows:

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.



Carli Edwards, P. Eng.
Manager, Customer Services and Licencing
(604-276-4136)

Att. 4

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 to the LCLB and the City of Richmond by, China House Seafood Restaurant Inc., doing business as China House Seafood Restaurant, (hereinafter referred to as China House), for the following amendment to its Food Primary Liquor Licence No. 304813:

To change the hours of liquor sales **from**, Monday to Sunday, 9:00 a.m. to Midnight; **to**: 9:00 a.m. to 2:00 a.m., Monday to Sunday.

The City of Richmond is given the opportunity to provide comments and recommendations to the LCLB 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

The applicant commenced operating China House with an occupant load of 188 patrons in January of 2016 serving Chinese cuisine. All new Food-Primary Liquor Licence establishments are issued a liquor licence from the LCLB for service until midnight. Should the business wish to serve liquor past midnight, they must make a separate application to the LCLB for a change to their liquor licence. The application to change the liquor licence, requesting service past midnight, initiates a process to seek local government approval.

The property where China House is operating is zoned Auto-Oriented Commercial (CA) and the use of a restaurant is consistent with the permitted uses in this zoning district. The applicant's business is located on Capstan Way in a five building commercial complex, which is currently comprised of eighty-one businesses, nineteen of which are licenced as food service establishments.

The applicant's request for an increase in later liquor service hours is in order to better serve their clients and the community. The community of people now living in the neighborhood is vastly growing. The clientele are mostly younger adults that enjoy late night dining as well as clients who work late and attend their location after midnight for service. A number of restaurants in the area are already open later and China House wishes to have same level opportunity to better serve the public.

Summary of Application and Comments

The City's process for reviewing applications for liquor related licences is prescribed by the Development Application Fees Bylaw 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:
- (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 June 29, 2017 and three advertisements were published in the local newspaper on June 30, 2017, July 5, 2017 and July 7, 2017.

In addition to the advertised public notice requirements set out in Section 1.8.1, staff sent letters to businesses, residents and property owners within a 50 meter radius of the property. There are 696 properties identified within the consultation area. On June 27, 2017, letters were sent to 959 businesses, residents and property owners within the 50-metre radius of the property. The letter provided details of the proposed liquor licence application and requests the public to communicate any concerns to the City.

The period for comment for all public notifications' ended July 31, 2017.

The City relies, in part, on the response from the community to determine any negative impact of the liquor licence application. There were three responses received by the City and the responses were as follows:

1. Anonymous (Attachment 1);
2. Opposed to liquor establishment in area (Attachment 2);
3. Opposed to liquor establishment in area (Attachment 3).

The public were consulted by signage posted on property; three advertisements posted in the local paper and 959 letters mailed out to property owners within a 50 meter vicinity of this establishment. Through this process only three responses were received. Of these three, one of the responses was from an anonymous source and no clear message other than a “yes” and “no” written on a copy of the letter sent by the City and should not be considered due to this factor.

There were two responses received by the City in opposition to this application. The concerns of the two local residents relate to noise and commotions during the late evening and disturbing the tranquility of the neighbourhood. These concerns were not specific to the business and are unlikely to be mitigated even if this application were not to be supported.

Potential for Noise

Staff do not believe there would be any noticeable increase in noise if the additional hours of liquor service 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.

Potential to Operate Contrary to its Primary Purpose

There are no noted incidents of non-compliance issues related to the operation of this business and staff believe 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 other agencies and departments such as Vancouver Coastal Health, Richmond RCMP Richmond Fire-Rescue, Building Approvals and Business Licence Department. These agencies and departments generally provide comments on the compliance history of the applicant’s operations and premises. No issues or concerns were raised by any of the agencies or departments on this application.

The Richmond RCMP were consulted for any issues with this application. The Richmond RCMP did not provide any comments and no issues or concerns were raised.

It is staff’s recommendation that these concerns are mitigated by the operator following the terms and conditions of the Liquor Control and Licensing Branch and staff have no reason to believe otherwise. Having received only two objections from the 959 letters sent, posted signage and three advertisements in the local newspaper, staff feel that support of this application is warranted.

Financial Impact

None.

Conclusion

Following the public consultation period, staff reviewed the Food Primary Liquor Licence application against the LCLB review criteria and recommends Council support the application to increase liquor service operating hours to 2:00 a.m. as the business is not expected to have a negative impact on the community.



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

VMD:vmd

- Att. 1: Anonymous Letter 1
- 2: Opposed Letter 1
- 3: Opposed Letter 2
- 4: Arial Map with 50 meter buffer area



City of Richmond

Attachment 1

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

June 27, 2017

Community Safety Department
Business Licences
Telephone: 604-276-4328
Fax: 604-276-4157
Email: BusLic@richmond.ca

Dear Property/ Occupant:

Re: Notice of Liquor Licence Amendment Application in Your Neighbourhood

This notice serves to advise you of an application received by the Liquor Control and Licensing Branch and by the City of Richmond for a liquor licence amendment in your neighbourhood.

An application has been received from: **China House Seafood Restaurant Inc** doing business as; **China House Seafood Restaurant**, operating from premises located at **1008-8300 Capstan Way, Richmond, BC.**

The intent of the application is to propose a change of hours of liquor service for:

Food Primary Liquor Licence # 304813;
From: 9:00-AM to Midnight, Monday to Sunday;
To: 9:00 AM to 2:00 AM, Monday to Sunday;

The seating capacity will remain at 188 persons.

NO

YES

You are receiving this notice because you own property, own a business, or reside near the establishment that is applying for a change to their liquor licence.

A copy of this application may be viewed Mondays to Fridays from 8:15 am to 5:00 pm at Richmond City Hall, 6911 No. 3 Road. You may comment on this application by writing to:

CITY OF RICHMOND
BUSINESS LICENCES
LIQUOR LICENCE APPLICATIONS
6911 NO. 3 Rd
RICHMOND BC V6Y 2C1

To ensure the consideration of your views, your letter must be received on or before, **July 27, 2017**. Your name and address must be included on your letter.

Petitions will not be considered in the review process.

Please note that your comments may be made available to the applicant where disclosure is necessary to administer the licensing process.

If you have further questions on this matter, please contact me at 604-276-4389.

Yours truly,

[Handwritten signature of Victor Duarte]

Victor Duarte
Supervisor, Business Licences

VMD:vmd

William Ho
505-8633 Capstan Way
Richmond, BC
V6X 0N5
hoomingho@gmail.com

July 7, 2017

Attachment 2

City of Richmond
Business Licences
Liquor Licence Applications
6911 No. 3 Road
Richmond BC, V6Y 2C1

Attn: Victor Duarte, Supervisor Business Licence

Dear Sir,

Re: Notice of Liquor Licence Amendment Application in Your Neighbourhood

I am writing in response to your letter dated June 27, 2017 regarding the application for change of liquor licence by China House Seafood Restaurant Inc which requests to extend their hours of liquor service from **12:00am to 2:00am.**

As a resident of **8633 Capstan Way, Richmond BC**, I reside directly across the restaurant and have consistently endured noises and commotion during the late evenings. Furthermore, the area is often a stop for coaches and buses that routinely drop off tourists to dine at this establishment; this generates even more racket during the times when my family wishes to go to bed.

Ultimately, I do not wish for the application to go through as this may further promote the loud noises that already exists in the neighborhood.

I hope you will take this letter into serious consideration when reviewing the application and administering the licensing process for China House Seafood Restaurant.

Yours truly,



William Ho

Attachment 3

City of Richmond

Resident

Business Licences

8333 Sweet Avenue

Liquor Licence Applications

Richmond, B C

6911 No. 3 Road

V6X 0P4

Richmond,

V6Y 2C1

July 3,2017

Dear Sir,

Re: Notice of Liquor Licence Amendment Application in Your Neighbourhood

I am against the application from China House Seafood Restaurant Inc to extend

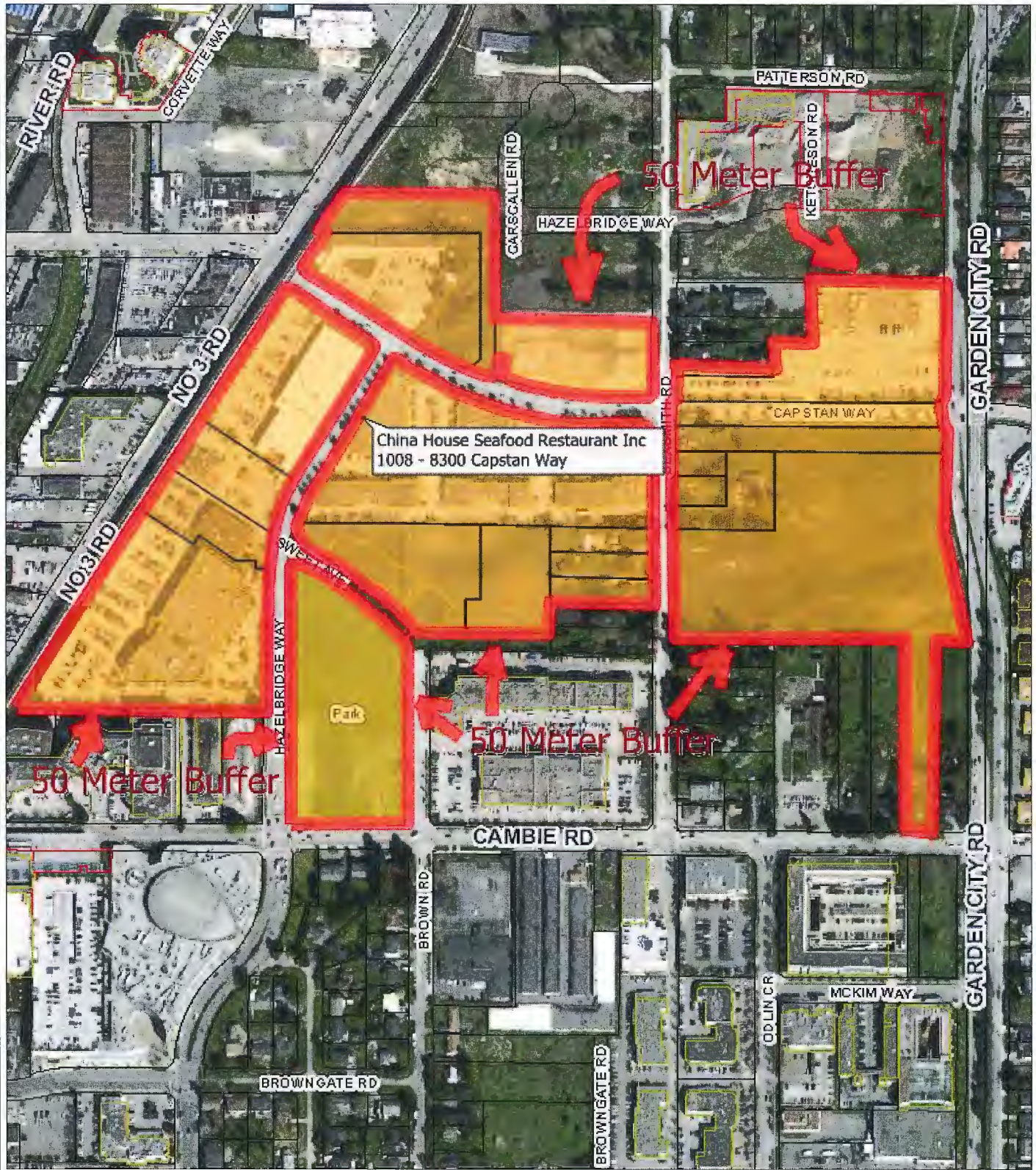
The business hours from midnight to 2:00 AM because this would disturb the

Tranquility of the area during the sleeping hours.

Yours truly,

A handwritten signature in black ink, appearing to read "C. Kwong". The signature is written in a cursive style with a large, looping initial "C".

City of Richmond Interactive Map



209.6 0 104.80 209.6 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