



To:	General Purposes Committee	Date:	February 22, 2012
From:	W. Glenn McLaughlin Chief Licence Inspector & Risk Manager	File:	12-8275-05/2012-Vol 01
Re:	DHI Property Management Inc., doing business as Rainflower Restaurant, 3600 No 3 Road, Richmond BC		

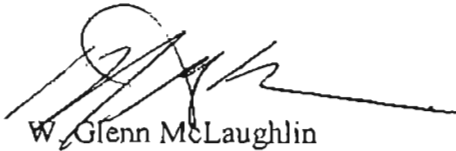
Staff Recommendation

That the *application* by DHI Property Management Inc., doing business as Rainflower Restaurant, for an amendment to *add patron participation* under Food Primary Liquor License No. 303143, in order to offer entertainment in the form of soft music and allowing dancing, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:

1. Council supports the application as the issuance will not pose a significant impact on the community.
2. Council comments on the prescribed considerations are as follows:
 - a. The potential for additional noise in the area if the application is approved was considered and determined that there will be little or no impact of additional noise.
 - b. The impact on the community if the application is approved was considered and based on no responses being received from the public notices, the licence approval would have little impact.
 - c. 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 there has been no history of non-compliance with the operation.
3. As the operation of the establishment as a licensed establishment with entertainment, might affect residents, the City gathered the views of the community as follows:
 - a. 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.
 - b. Property owners and businesses within a 50-metre radius of the subject property were contacted by letter detailing the application and provided instructions on how community concerns could be submitted.




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

- a. That based on the lack of response received from all public notifications, Council considers that the amendment is acceptable to the community.



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

Att. (2)

FOR ORIGINATING DEPARTMENT USE ONLY			
		CONCURRENCE OF GENERAL MANAGER	
			
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.

This report deals with an amendment application submitted to LCLB and to the City of Richmond by Xiao Dong Liu, owner of Rainflower Restaurant (the “Applicant”), for a *patron participation endorsement* to enable entertainment in the form of soft music and dancing under Rainflowers’ Food Primary Liquor Licence No. 303143.

Amendments to food primary licences require local government 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.

Analysis

The Applicants’ premises at 3600 No 3 Road is a single story commercial building and the sole occupant is the Rainflower Restaurant offering chinese seafood cuisine. The building is surrounded to the north, south, east and north-west by shopping complexes and commercial buildings. (Attachment 1) The zoning district is Auto-Oriented Commercial (CA), which permits the use. There is a rezoning application in circulation for a change of zoning for this property from Auto-Oriented Commercial (CA) to Residential/Limited Commercial (RCL3).

A restaurant has been operating at this location since 2007 and the Applicant assumed the operation in May of 2011. The restaurant is a 362-seat facility and is approved for an occupant load of 392. The Applicant operates from 9:00 a.m. to Midnight, Monday to Sunday under its’ Food Primary Liquor Licence and no change of hours are requested with the application.

In November of 2011 and again in January of 2012 the Applicant applied for and received a Temporary Change to his Food Primary Liquor Licence to host a patron participation customer appreciation night and a Chinese New Year celebration. Staff provided a no objection comment to LCLB on these applications and no negative feedback was received from these two events.

In the letter of intent for the permanent amendment, the Applicant indicates that in addition to serving the general public they want to be able offer entertainment for weddings, birthdays, company dinners or community gatherings.

Summary of Application & Comments

To meet LCLB requirements, the City’s review process requires that the public be notified of the proposed amendment and given an opportunity to express any concerns related to the proposal.

The City's process for reviewing applications on liquor related permits is prescribed by the Development Application Fee's bylaw No. 7984 which calls for:

1.9.1 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 1.9.2.

In addition to the advertised public notice requirements for public advertising on site and in the local newspaper of Section 1.9.2, 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 2). The letter provides details of the proposed liquor licence application and requests the public to communicate any concerns to the City. The following table is a summary of the application data and dates:

ITEM	DETAILS
City of Richmond Application Received	January 12, 2012
Type	Amendment to Food Primary Licence #303143 – Patron Participation
Location	3600 No. 3 Road
Hours of Liquor Sales	9:00 a.m. to Midnight Monday to Sunday
Zoning	Auto-Oriented Commercial (CA)
Business Owner	DHI Property Management Inc., doing business as Rainflower Restaurant
Date Sign Posted	January 13, 2012
Newspaper Publication Dates	January 13, 18, 20, 2012
Letters to residents/businesses	January 19, 2012

The public consultation period for the application ended February 20, 2012. As of February 21, 2012, no responses have been received from the City wide public notifications.

Views of nearby residents, businesses and property owners

To gather views on the application, letters were sent to 344 businesses, residents and property owners in the 231 properties within the consultation area. There was 1 letter returned as undeliverable. As of February 21, 2012, no responses were received from the mail out.

Potential for noise

Staff is of the opinion that there would be no noticeable increase in noise if the patron participation endorsement were supported as no objections were received from nearby property owners or businesses.

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

There have not been any non-compliance issues related to this operation and staff do not foresee this establishment being operated in a manner that would be contrary to its primary purpose as a restaurant catering to the general public.

Other agencies comments

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

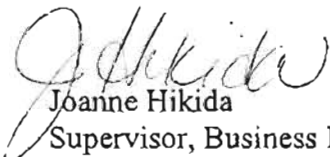
No objections to the application were received from any of the above-mentioned agencies and divisions.

Financial Impact

None

Conclusion

Following the public consultation period, staff reviewed the Food Primary Liquor Licence amendment application against the legislated review criteria and recommend City Council support the 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
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JMH:jmh

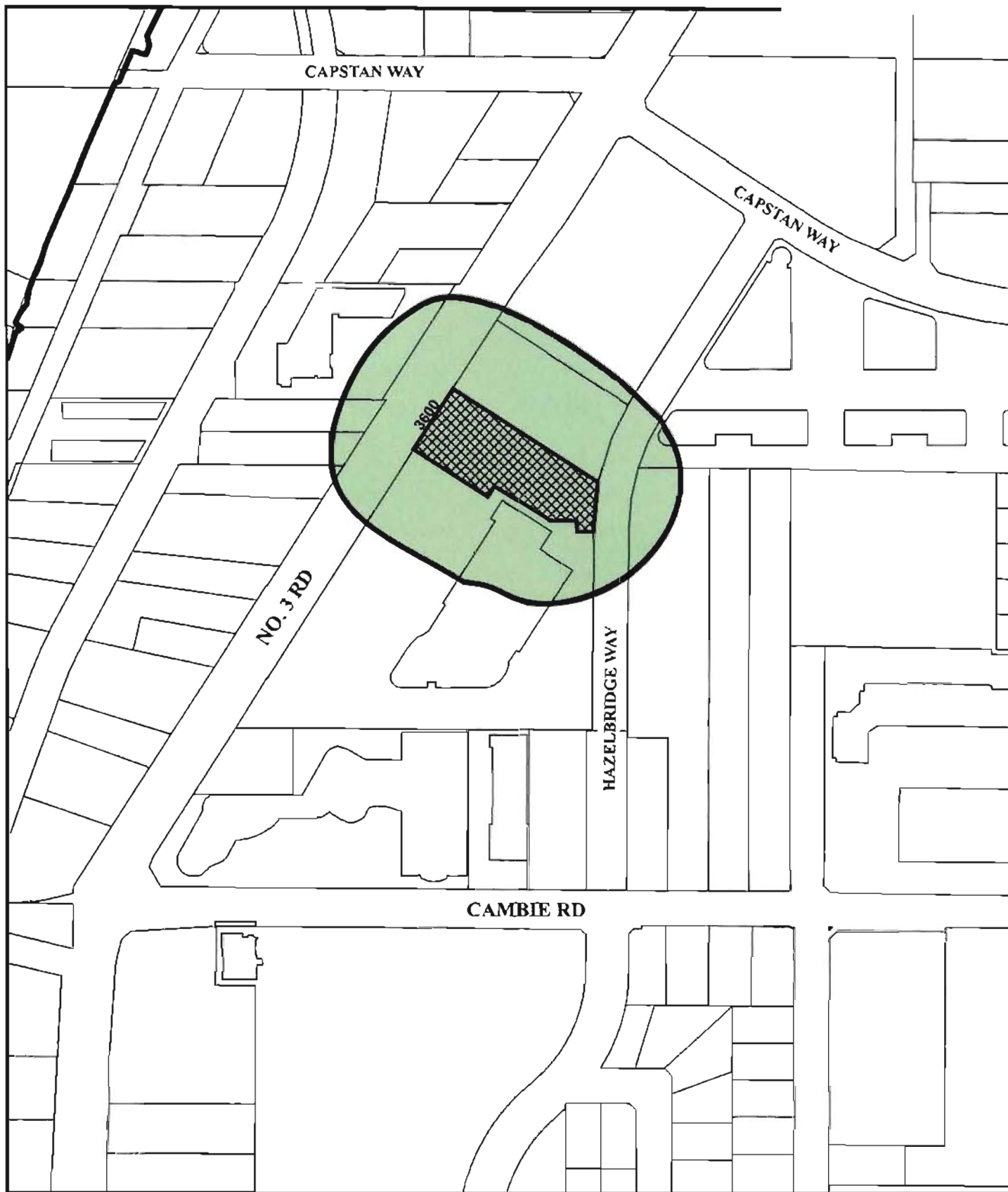


3600 No. 3 Road

Original Date: 02/15/12

Amended Date:

Note: Dimensions are in METRES



3600 No. 3 Road

GP - 17

Original Date: 02/15/12

Revision Date:

Note: Dimensions are in METRES