



To: General Purposes Committee
From: W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager
Re: **Koto Izakaya Restaurant Company Ltd.**
Unit 101 – 8171 Alexandra Rd
Food Primary Liquor Licence Amendment

Date: November 12, 2009

File:

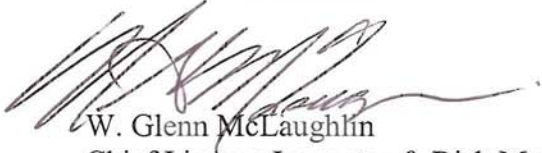
Staff Recommendation

That the application by Koto Izakaya Restaurant Company Ltd., doing business as Koto Izakaya Sushi & Robata, to permanently extend the hours of liquor service **from** 9:00 a.m. to Midnight, Monday to Sunday **to** 9:00 a.m. to 2:00 am., Monday to Sunday, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:



1. Council supports the proposed amendment having considered the prescribed criteria (set out in Section 53(4) of the Liquor Control and Licensing Regulations) and comment as follows:
 - a) That the potential for noise in the area if the application is approved was considered.
 - b) That the application for extended liquor service hours will not pose a significant negative impact on the community based on the lack of responses received from the residents and businesses in the area.
 - c) That the application for extended liquor service should not result in the establishment being operated contrary to its primary purpose.
2. As the operation of a licensed establishment might affect nearby residents and businesses, the City gathered the views of the residents and businesses as follows:
 - a) As per City Policy, residents, property owners and businesses within a 100 metre radius of the subject property were contacted by letter detailing the application and were provided with instruction 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 instruction on how community comments or concerns could be submitted.

3. Council's comments considered the views of the residents and businesses as follows:

- a) The only response to the public notifications was an email dated November 4, 2009, from a nearby business owner. Based on the lack of any responses from residents in the nearby area, Council considers that the application is acceptable to the majority of the residents.



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		NO	
		<input checked="" type="checkbox"/>		<input type="checkbox"/>	
REVIEWED BY CAO		YES		NO	
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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 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, in providing comments with respect to the licence application, take into account 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.

If the operation of the establishment as a licensed establishment may affect nearby residents, the local government must gather the views of the residents in accordance with section 11.1(2)(c) of the Act.

This report deals with an application submitted to LCLB and to the City of Richmond, by Michael Cheung (the Applicant), owner of Koto Izakaya Restaurant Company Ltd, doing business as Koto Izakaya Sushi & Robata, operating from premises located at Unit 101 – 8171 Alexandra Road, for the following;

- to extend the hours of liquor service under Food Primary Licence No. 303583 from 9:00 a.m. to Midnight, Monday to Sunday to 9:00 a.m. to 2:00 a.m., Monday to Sunday.

Analysis

The building at 8171 Alexandra Road is a 2 level structure with 6 units from which 2 restaurants, a hair salon, an adult English learning centre, an import agent and a tailor operate from. The property is zoned Automobile-Oriented Commercial District (C6) and the intent of this district is to provide for the shopping, personal services, business, entertainment, commercial and light industrial needs of the community.

The property is located at the corner of Alexandra and Hazelbridge Roads, and is surrounded to the south and west by commercial establishments. To the northeast is a single family housing district (R1/E). (Attachment 1)

The Applicant has a valid business licence to operate a 60 seat food catering establishment offering Japanese cuisine. The Business Licence was issued to the Applicant in September of 2008.

In the amendment application to the City, the Applicant submits that if granted the extended hours of operation he will better be able to compete with similar operations in the area and will be able to offer increased employment opportunities through extend hours of operation.

There is no entertainment offered or proposed at this establishment.

Summary of Application & Comments

The City's review process requires that the public be notified of the proposed amendment and be given an opportunity to express any concerns related to the proposal.

The Public Consultation process requires that the Applicant post a sign in front of the business establishment indicating what the proposed application is for. The sign must be displayed for a minimum of 30 days. The Applicant must also place three Notification Ads in a local newspaper.

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

The table below is a summary of the application and indicates the dates each of the required processes were started.

ITEM	DETAILS
City of Richmond Application Received	September 10, 2009
Type	Amendment to Food Primary Liquor Licence No. 303583
Location	8171 Alexandra Road Unit 101
Proposed Hours of Liquor Sales	9:00 a.m. to 2:00 a.m. Monday to Sunday
Zoning	Automobile-Oriented Commercial District (C6)
Business Owner	Michael Leung
Date Sign Posted	October 1, 2009
Newspaper Publication Dates	October 1, October 3, October 8, 2009
Letters to residents/businesses	October 5, 2009

The public consultation period for the application ended on November 5, 2009.

Views of nearby residents, businesses and property owners

There are 40 properties located within the public consultation area. Letters were sent to 197 businesses, residents and property owners to gather their views on the application. Ten letters were returned as undeliverable.

As a result of the public notifications outlined in the above table, one email was received from a similar business located nearby to the Applicant. The email cited opposition to the application for the following reasons:

- unfair to current licensed operators who have invested more financially than the Applicant
- most operators had to prove themselves worthy to be granted extended hours of operation
- increases demand on RCMP and City Task Force resources

No other letters or correspondence was received from residents or businesses canvassed within the 100 metre radius.

Potential negative impacts on the Community

The City relies, in part, on the response from the community to any negative impacts of the liquor licence amendment application. Apart from the one email received, the lack of response from all public notifications on the application, indicates that if the liquor licence amendment is approved, it would not have a negative impact on the area.

Other agency Comments

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

No objections were received to the application from the departments contacted.

Other considerations

The Applicant's proposed location is situated in the planning area of City Centre. As of January 2008, the City Centre's area has an estimated population of 42,600. The population growth for this area is projected to be 90,000 by 2031.

That there are no parks or schools within a 500 metre radius that would be impacted by the proposed application.

Licensed food primary establishments are monitored to ensure that as a result of an extension to liquor service hours, the primary purpose of the business continues to operate as a restaurant.

Financial Impact

None

Conclusion

Following the public consultation period, staff have reviewed the application and considered it in light of the legislated review criteria.

Given that there were no issues related to non-compliance from the various agencies consulted, and, with the exception of the one correspondence received, the lack of any negative feedback from the public, and that the extension should not affect the primary purpose of the operation, staff recommend that Council provide a Resolution to LCLB in support of the liquor licence amendment application to extend the hours of liquor service from 9:00 a.m. to 2:00 a.m. Monday to Sunday.



Joanne Hikida
Licence Inspector
(604-276-4155)

JMH:jmh

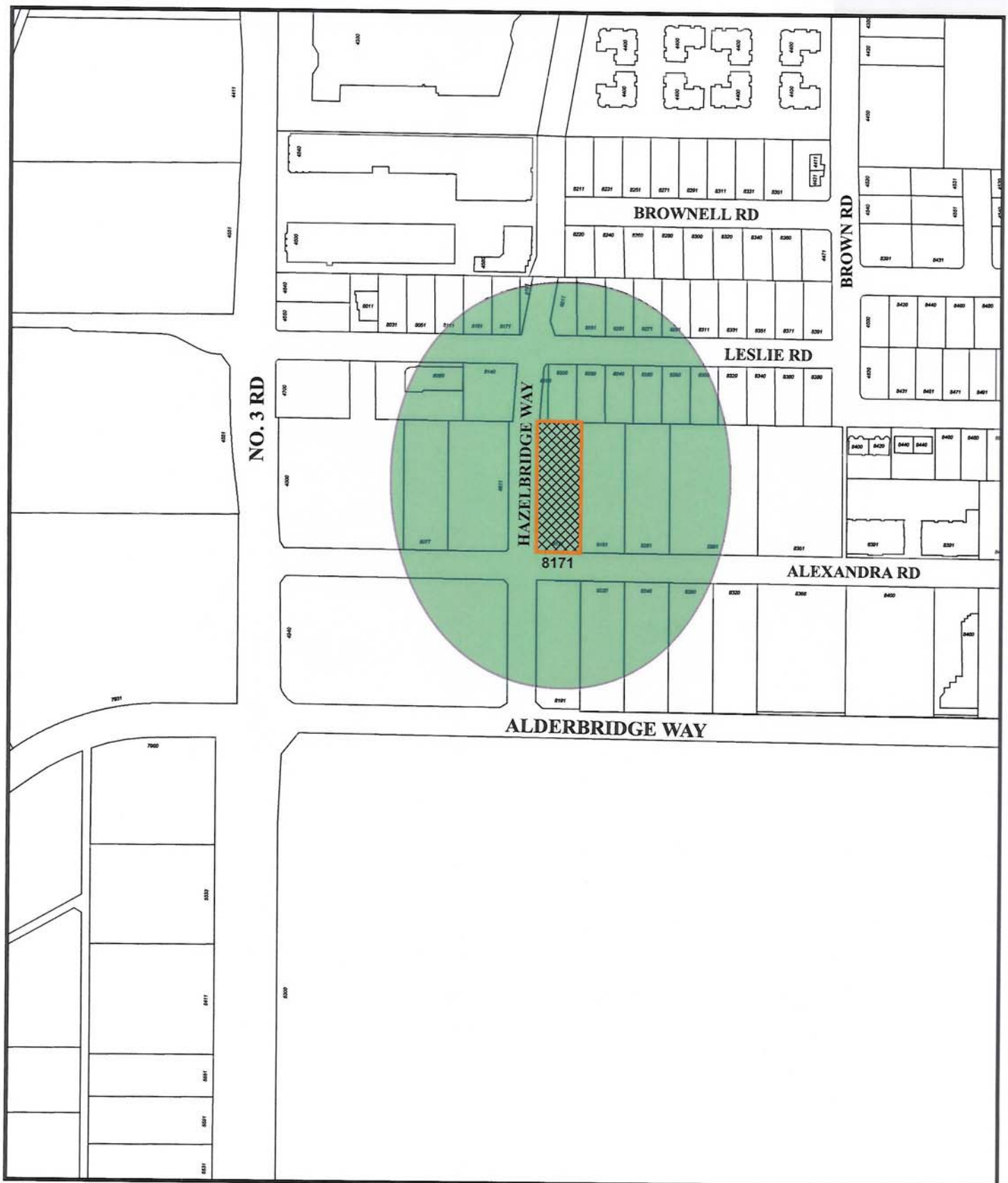


101 - 8171 Alexandra Rd

Original Date: 11/16/09

Amended Date:

Note: Dimensions are in METRES



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Amended Date:

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