



To: General Purposes Committee **Date:** August 8, 2012
From: W. Glenn McLaughlin **File:** 12-8275-30-001/2012-
Chief Licence Inspector & Risk Manager Vol 01
Re: **Liquor Licence Amendment Application**
0755 Restaurant & Lounge Incorporated - Unit 2188 - 3779 Sexsmith Road

Staff Recommendation

That a letter be sent to the Liquor Control and Licensing Branch advising that:




1. The application by 0755 Restaurant & Lounge Incorporated, to amend their hours of liquor service under Food Primary Liquor License #304745 *from* Monday through Sunday 9:00 a.m. to 12:00 a.m. *to* Monday through Sunday 9:00 a.m. to 2:00 a.m., be supported.
2. Council comments on the prescribed considerations are:
 - a. There is little potential for additional noise if the application is approved;
 - b. The amendment would not pose a negative impact on the community based on the lack of comments received from the public; and
 - c. The amendment to permit extended hours of liquor service under the Food Primary Liquor License 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. Council comments on the views of residents were gathered as follows;
 - a. Property owners and businesses within a 50 metre radius of the subject property were contacted by letter detailing the application and provided with instructions on how community concerns could be submitted; and
 - 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.

Based on the lack of negative responses from residents and businesses in the nearby area and the lack of responses received from the community through notifications, Council considers that the application is acceptable to a majority of residents.



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

Att. 1

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER 	
REVIEWED BY SMT SUBCOMMITTEE	INITIALS: 
REVIEWED BY CAO	INITIALS: 

Staff Report

Origin

The Provincial Liquor Control and Licensing Branch (LCLB) issues licences in accordance with the Liquor Control & Licensing Act and Regulations.

This report deals with an application submitted by 0755 Restaurant & Lounge Inc. (the Applicant) operating from premises located at 3779 Sexsmith Road, Unit 2188 for the following:

- to amend their hours of liquor service *from* Monday through Sunday 9:00 a.m. to 12:00 a.m. *to* Monday through Sunday 9:00 a.m. to 2:00 a.m.

There is no patron participation endorsement requested.

Local government is given opportunity to provide comments and recommendations to the LCLB with respect to liquor licence applications and amendments. For an amendment to an existing licence, the process requires local government to provide a Council resolution that addresses the following review criteria:

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

Background

The Applicant has been operating a 7,000 square foot restaurant with a seating capacity for 283 at this location since January 2012. The restaurant is located in a shopping plaza which is comprised of two buildings from which a number of shops offer retail services, professional offices and other eateries. Surrounding the property to the south are other commercial businesses, to the north is the Cambie Field and single family housing and to the west and east are single family housing. The property is zoned Auto-Oriented Commercial (CA) and the Applicant's use is consistent with the permitted uses for this zoning district. (Attachment 1)

The Applicant's letter of explanation states that they are requesting the amendment because they feel that they operate a unique restaurant that serves food inspired by Mainland China and other Asian themes and that the extended hours of liquor service will attract a clientele that likes to dine out later in the evening and still be able to get liquor with full meal service.

There are a number of restaurants operating within the vicinity. A review of restaurants similar to the Applicant's reveal the following liquor service hours of operation:

- Monday to Saturday from 11:00 a.m. to 1:00 a.m. and Sunday to midnight
- Monday to Sunday 11:00 a.m. to 1:00 a.m.
- Monday to Sunday 12:00 p.m. to 2:00 a.m.
- Monday to Sunday 9:00 a.m. to Midnight

The increase in hours requested by the Applicant is consistent with similar operations in the area.

Regulatory Criteria

Potential for Noise

Staff believes that there would be no 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. Having received no responses from those contacted in the consultation area and none from the city-wide public notifications, staff feel that the endorsement of this application is warranted due to the lack of negative public feedback and that the business focus as a food service establishment is to be maintained.

Potential to operate contrary to its primary purpose

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

Views of nearby residents, businesses and property owners

To satisfy LCLB requirements, the City's review process requires that the public be notified of the liquor licence amendment application and be given an opportunity to express any concerns related to the proposal.

The City's process for reviewing applications for liquor related permits is prescribed by the Development Application Fees Bylaw 7984 which under section 1.9.1 calls for:

1.9.1 Every applicant seeking approvals from the City in connection with:

(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.

1.9.2 Pursuant to an application under subsection 1.9.1, 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 at least weekly in the area affected by the application

In addition to the advertised public notice requirements set out in 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 1). This letter provides details of the proposed liquor licence application and requests the public to communicate any concerns to the City.

There are 25 property parcels within the consultation area. On June 6, 2012, letters were sent to 272 businesses, residents and property owners to gather their views on the application. As of July 6, 2012, there have been no responses from the community from the mail out, the posted signage and newspaper publications.

The following table is a summary of the application data and dates:

ITEM	DETAILS
City of Richmond Application Received	April 30, 2012
Type	Amendment – Hours of operation under Liquor Licence No. 304745
Location	Unit 2188 – 3779 Sexsmith Road
Proposed Hours of Liquor Sales	Monday to Sunday, 9 a.m. to 2 a.m.
Zoning	Auto-Oriented Commercial
Business Owners	Sean Qu and Xiang Qu
Date Sign Posted	June 1, 2012
Newspaper Publication Dates	May 30, June 1, 6, 2012
Letters to residents/businesses	June 6, 2012

The public consultation period for the application ended on July 6, 2012.

Non-Regulatory Criteria

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 and Business Licence

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.

Financial Impact

None

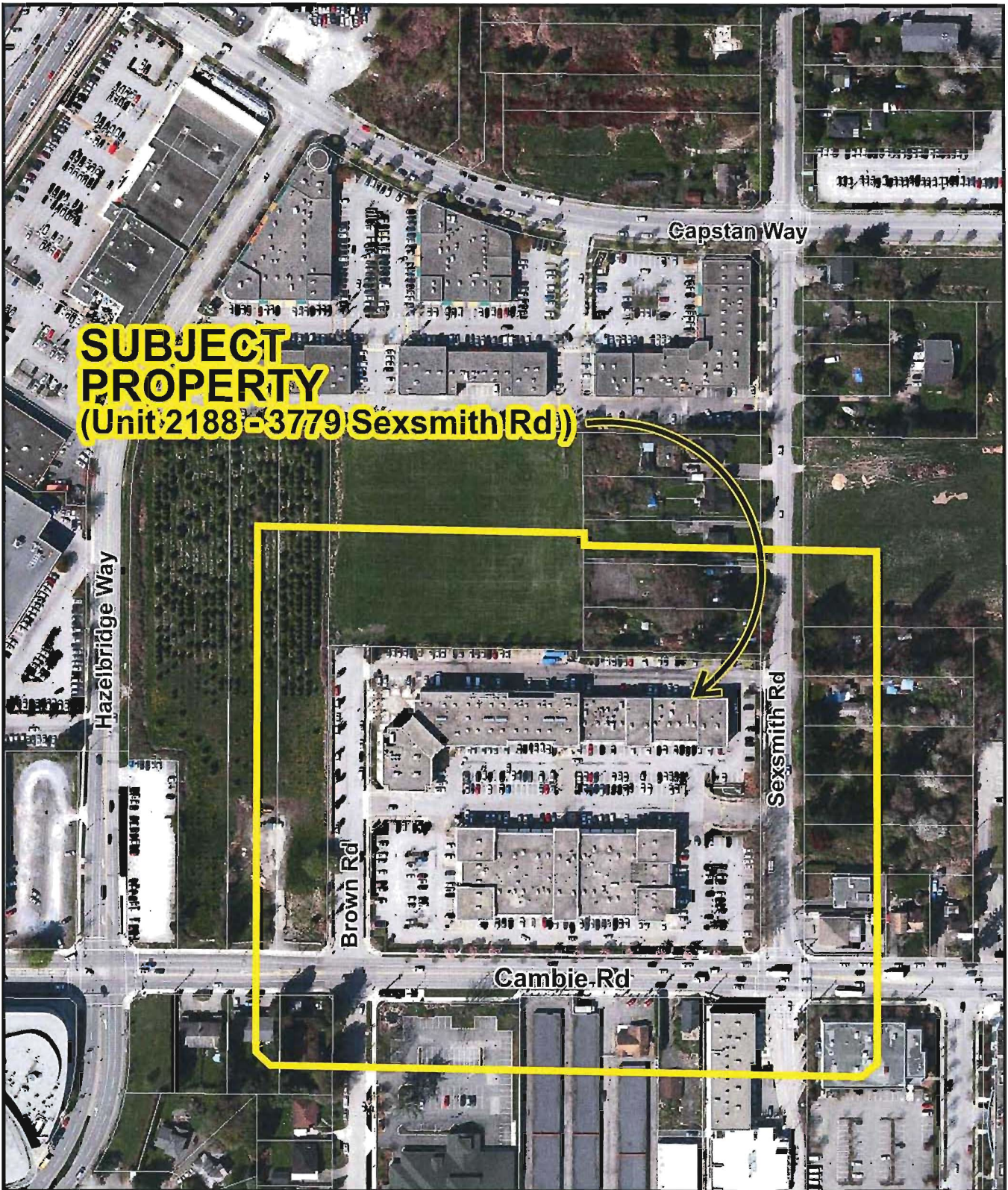
Conclusion

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

Given no objections to the proposal from the various agencies consulted and that no responses were received from the public consultations, staff recommend that Council provide a Resolution to LCLB supporting the application for 0755 Restaurant & Lounge Inc., to amend their hours of liquor service to Monday through Sunday from 9:00 a.m. to 2:00 a.m.


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

JMH:jmh



**SUBJECT
PROPERTY**
(Unit 2188 - 3779 Sexsmith Rd)



Unit 2188
3779 Sexsmith Rd

Original Date: 08/016/12

Amended Date:

Note: Dimensions are in METRES