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**To:** General Purposes Committee **Date:** April 15, 2010  
**From:** W. Glenn McLaughlin **File:**  
Chief Licence Inspector & Risk Manager  
**Re:** **OJ's Richmond Restaurant Inc., doing business as**  
**Original Joe's Restaurant & Bar**  
**Unit 110 - 11080 No. 5 Road**

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### Staff Recommendation

That the *application* by OJ's Richmond Restaurant Inc., doing business as Original Joe's Restaurant & Bar, for an amendment to increase the hours of liquor service under Food Primary Liquor License No. 303766 *from* Monday to Sunday 9:00 a.m. to Midnight *to* Sunday to Thursday 11:00 a.m. to 1:00 a.m. and Friday and Saturday 11:00 a.m. to 2:00 a.m., be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:

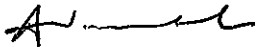

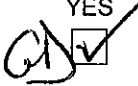
1. Council supports the amendment for an increase in liquor service, as the increase will not have a significant impact on the community.
2. Council's comments on the prescribed criteria (set out in section 53 of the Liquor Control and Licensing Regulations) are as follows:
  - a. The potential for additional 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. 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. 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. 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					
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>		<b>CONCURRENCE OF GENERAL MANAGER</b>		
Law	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>			
RCMP	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>			
<b>REVIEWED BY TAG</b>	YES	NO	<b>REVIEWED BY CAO</b>	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.

This report deals with an amendment application submitted to LCLB and to the City of Richmond, by Ken Grant, Managing Partner of OJ’s Richmond Restaurant Inc., doing business as Original Joe’s Restaurant & Bar (the “Applicant”), for the following amendment to its Food Primary Liquor Licence No. 303766:

Change hours of sale *from* Monday to Sunday 9:00 a.m. to Midnight *to* Sunday to Thursday 11:00 a.m. to 1:00 a.m. and Friday and Saturday 11:00 a.m. to 2:00 a.m.

There is no entertainment proposed.

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 to provide comments 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 Applicant operates a casual style restaurant with a Food Primary Liquor Licence from premises located at Unit 110 – 11080 No. 5 Road. The location is zoned Auto-Oriented Commercial and Pub (ZC26) – Ironwood Area and the business use of a restaurant is consistent with the permitted uses for this zoning district.

The Applicant is located in a commercial shopping plaza from where a bank, convenience store, several fast food establishments, beauty and business service providers operate. The Applicant is surrounded to the east, west and north by commercial business complexes. To the south of the Applicant are two residential houses, both of which are boarded up with a for sale sign noted in front. (Attachment 1).

The Applicant is both owner and operator of the restaurant. This business is part of a chain of restaurants that operate in the provinces of Alberta, Saskatchewan and British Columbia. The Richmond location opened in December of 2009, and is the 30<sup>th</sup> location opened by the chain and the sixth location in British Columbia.

The letter of intent submitted by the Applicant states that in order to be competitive in the City of Richmond the restaurant needs to be able to offer later hours for the purchase of food and liquor.

A site inspection reveals 4 restaurants operating in the immediate area that are similar to the Applicant's and have a food primary liquor license. Of these, the hours of operation are:

- 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.

### 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

- 1.9.1 Every **applicant** seeking approval 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 or 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 distributed at least weekly in the area affected by the application.

In processing liquor applications or amendments the City's procedure is to send letters on behalf of the Applicant to businesses, residents and property owners within a 100-metre radius of the establishment (Attachment 3). The letter provides details of the proposed liquor licence 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	February 22, 2010
Type	Food Primary Amendment
Location	Unit 110 – 11080 No. 5 Road
Proposed Hours of Liquor Sales	11:00 a.m. to 1:00 a.m., Sunday to Thursday 11:00 a.m. to 2:00 a.m., Friday & Saturday
Zoning	Auto-Oriented Commercial and Pub (ZC26) – Ironwood Area
Business Owner	Ken Grant, Managing Partner
Date Sign Posted	February 26, 2010
Newspaper Publication Dates	February 26 March 3, March 5, 2010
Letters to residents/businesses	March 2, 2010

The public consultation period for the application ended April 5, 2010.

There are 19 property parcels within the consultation area. On March 2, 2010, letters were sent to 165 businesses, residents and property owners to gather their view on the application. One letter was returned as undeliverable.

As of April 5, 2010, one response was received from a business operating in the area citing the following concerns;

- that by allowing an additional establishment to be open for extended hours would possibly increase crime in the area
- already an overabundance of late night businesses in the vicinity which is more than adequate for the area.

#### *Potential for noise*

Staff believe 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 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 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.

#### *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 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 recommends Council support the amendment to increase liquor service hours, as the amendment is not expected to increase noise or have a negative impact on the community.



Joanne Hikida  
Licence Inspector  
(604-276-4155)

JMH:jmh



**SUBJECT  
SITE  
(11080 No. 5 Rd)**

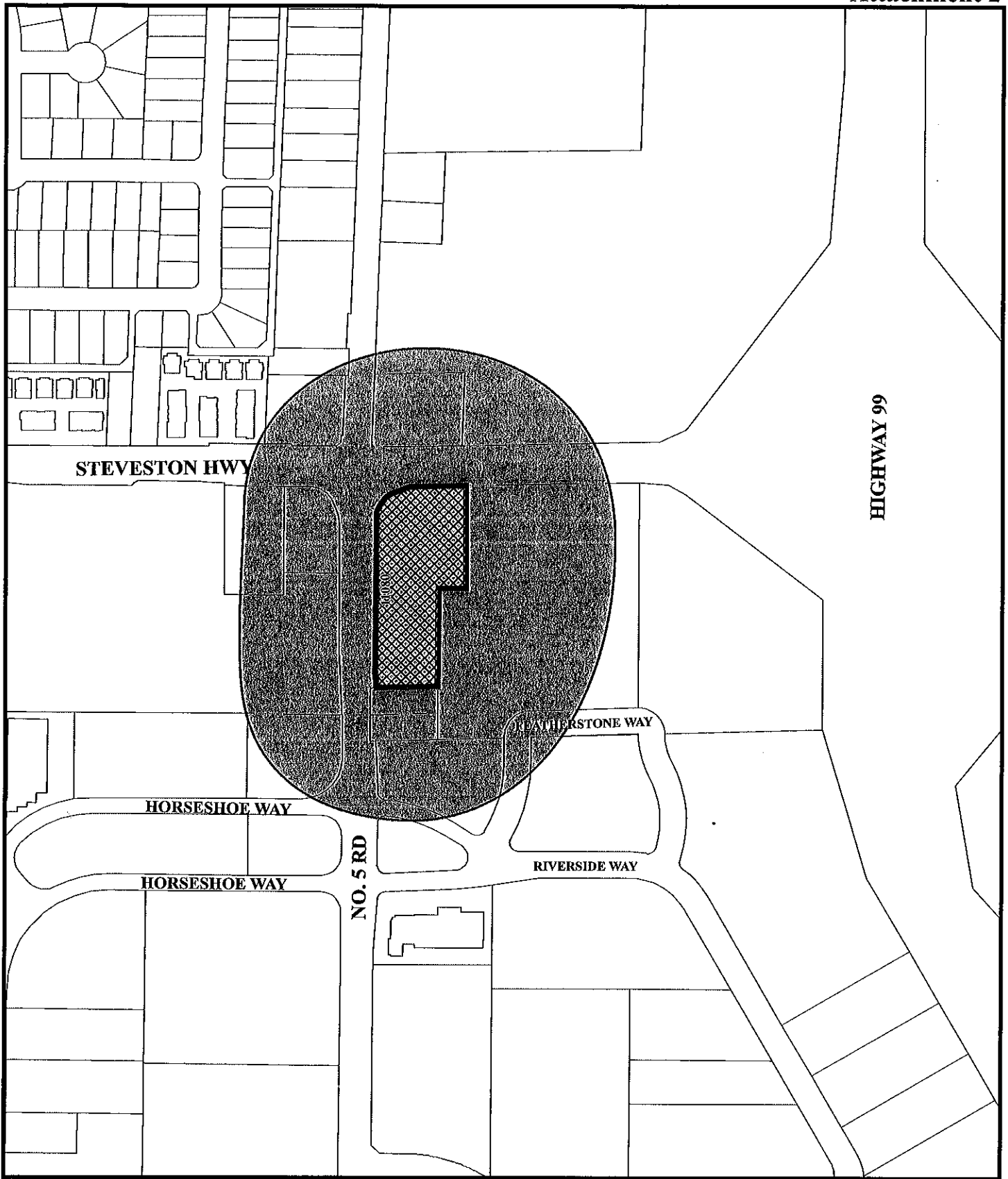


11080 NO. 5 RD

Original Date: 04/15/10

Amended Date: 04/20/10

Note: Dimensions are in METRES



11080 No. 5 Road  
100 Metre Public Consultation Area

Original Date: 04/15/10

Amended Date: 04/20/10

Note: Dimensions are in METRES