



To: General Purposes Committee
From: W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager
Re: **Red Palms Malaysian Pondok Inc.**
Units 130 & 140 8291 Westminster Highway
Food Primary Liquor Licence Amendment

Date: September 17, 2009

File:

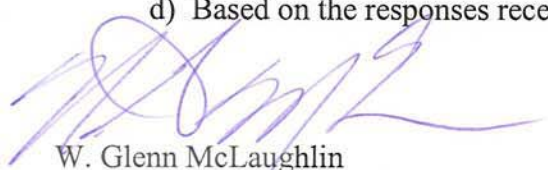
Staff Recommendation

That the application by Red Palms Malaysian Pondok Inc., to extend the hours of liquor service from 9:00 a.m. to Midnight, Monday to Sunday to 9:00 a.m. to 2:00 a.m. Monday to Sunday, not be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:

1. Council does not recommend the application based on the community responses received that the extension of hours of liquor service would have a negative impact on the community.
2. Council's comments on the prescribed considerations are as follows:
 - a) There is a potential for additional noise and traffic in the area if the application is approved.
 - b) There is a potential that the application could pose a negative impact on the community, based on the comments received from residents living in the area.
 - c) That the proposed location is in close proximity to residential districts that may be impacted by the application.
 - d) That there is a public park within a 500 metre radius of the proposed location that could be impacted by the application.
 - e) That the 2008 population figure of 42, 600 for the City Centre area with a projected growth to 90,000 by 2031 was considered.
3. Council comments on the views of residents and businesses are 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 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.

- c) That sixty-nine responses were received from residents who live within the 100 metre consultation area and one response was received from the general community. All responses expressed concerns about the application.
- d) Based on the responses received, Council does not support the application.



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

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ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law.....		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
R.C.M.P.....		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
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 & Licensing Act and Regulations.

Local government is given opportunity to provide comments and recommendations to the LCLB, with respect to liquor licence applications and amendments. For new Liquor Primary licences or amendments to Food or Liquor Primary licences, the process requires local government to provide a Council Resolution that addresses the following review criteria:

- the views of nearby residents and businesses, and the methods by which such views were gathered
- the potential for noise
- the impact on the community.

This report deals with an application submitted by Mindy A. Jong, on behalf of her client Red Palms Malaysian Pondok Inc. (the Applicant), operating from premises located at Units 130 and 140 8291 Westminster Highway, for the following:

- to amend Food Primary Liquor Licence #300074 to extend the hours of liquor service *from* Sunday to Monday 9:00 a.m. to Midnight *to* Sunday to Monday 9:00 a.m. to 2:00 a.m.

Analysis

The building at 8291 Westminster Highway is a multi unit single level structure from which there are currently four restaurants licenced to operate. There has been a restaurant licenced to operate from Units 130 and 140 since 2003. In March of 2007 the current operator, Mr. Soon Keong Chung, took over the 55 seat restaurant and karaoke operation and changed the name to Red Palm Malaysian Pondock Inc. The current business licence is valid until January 1, 2010.

The property is zoned Downtown Commercial District (C7) and the intent of this zoning district is to provide for the downtown shopping, personal service, business, entertainment and residential demands of the City. The Applicant's restaurant and karaoke uses are consistent with the zoning for this property.

A site inspection reveals that the subject property is surrounded by commercial operations to the west and north and mixed commercial and residential to the south and east. There is also a community centre and park located in close proximity to the property. The inspection noted that there are a number of apartment towers that can be viewed from the subject property.
(Attachment 1)

Summary of Application & Comments

To satisfy LCLB requirements, 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 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 was started.

ITEM	DETAILS
City of Richmond Application Received	June 17, 2009
Type	Food Primary Liquor Licence Amendment
Location	8291 Westminster Highway Units 130 & 140
Proposed Hours of Liquor Sales	9:00 a.m. to 2:00 a.m. Monday to Sunday
Zoning	Downtown Commercial District (C7)
Business Owner	Soon Keong Chung
Date Sign Posted	July 22, 2009
Newspaper Publication Dates	July 23, July 25, July 30, 2009
Letters to residents/businesses	July 23, 2009

The public consultation period ended August 24, 2009.

Views of nearby residents, businesses and property owners

On July 23, 2009, 753 letters were sent to residents, businesses and property owners within a 100 metre consultation area to gather their views on the application. Twenty-seven letters were returned as undeliverable.

As of August 24, 2009, there were seventy responses received. Sixty-nine of the responses came from residents who live within the 100 metre consultation area and one response was as a result of the public notification process. Of the seventy responses received sixty-seven respondents used the same letter format to submit their comments but were individually signed.

The comments received have been summarized in the table below;

ADDRESS	NUMBER OF UNITS	NUMBER OF LETTERS RECEIVED	COMMENTS
5911 Cooney Road	5 live/work studios	7 responses received	-use will increase gang activity
8311 Westminster Hwy.	3 units	2 responses received	-increase disturbances to neighbours (over & beyond what is currently caused by this establishment)
5933 Cooney Road	92 units	59 responses received	-impact to safety of the community and nearby residents -increase automobile related deaths and accidents due to drinking and driving
8400 Ackroyd Road	54 units	1 letter received	-against increasing hours because the noise and security problems which may be caused by the liquor store
Community Responses		1 letter received	-would be of no benefit to the community -would increase the City's costs of extended police hours -would convey encouragement and acceptance to drink later into the night -would increase drinking and driving -would increase public intoxication and belligerent behaviour

Potential negative impacts on the Community

At the June 18, 2009, Joint City/RCMP Operations Team meeting, staff of the City Centre Community Centre brought to the groups attention concerns regarding loitering in Lang Park and around the community centre which was having an effect on the local residents. Although the Applicant's operation is not directly responsible for the problems associated around the

community centre and park, by approving the application to extend the hours of liquor service, it could be viewed as adding to the problem.

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 Applicants operations and premises.

The Vancouver Coastal Health have advised that they had received one letter in respect to loud music being played from this restaurant. The Public Health Inspector did contact the operator who agreed to turn down the music.

Other than the comment from the Vancouver Coastal Health, there were no objections to the application from the agencies and departments contacted.

Financial Impact

None

Conclusion

Following the public consultation period, staff have reviewed the Food Primary Liquor License Amendment application against the legislated review criteria.

Based on the response of the neighborhood residents and their concerns, staff recommend that Council not support the application for additional liquor operating hours for Red Palms Malaysian Pondok Inc.


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Licence Inspector
(604-276-4155)

JMH:jmh

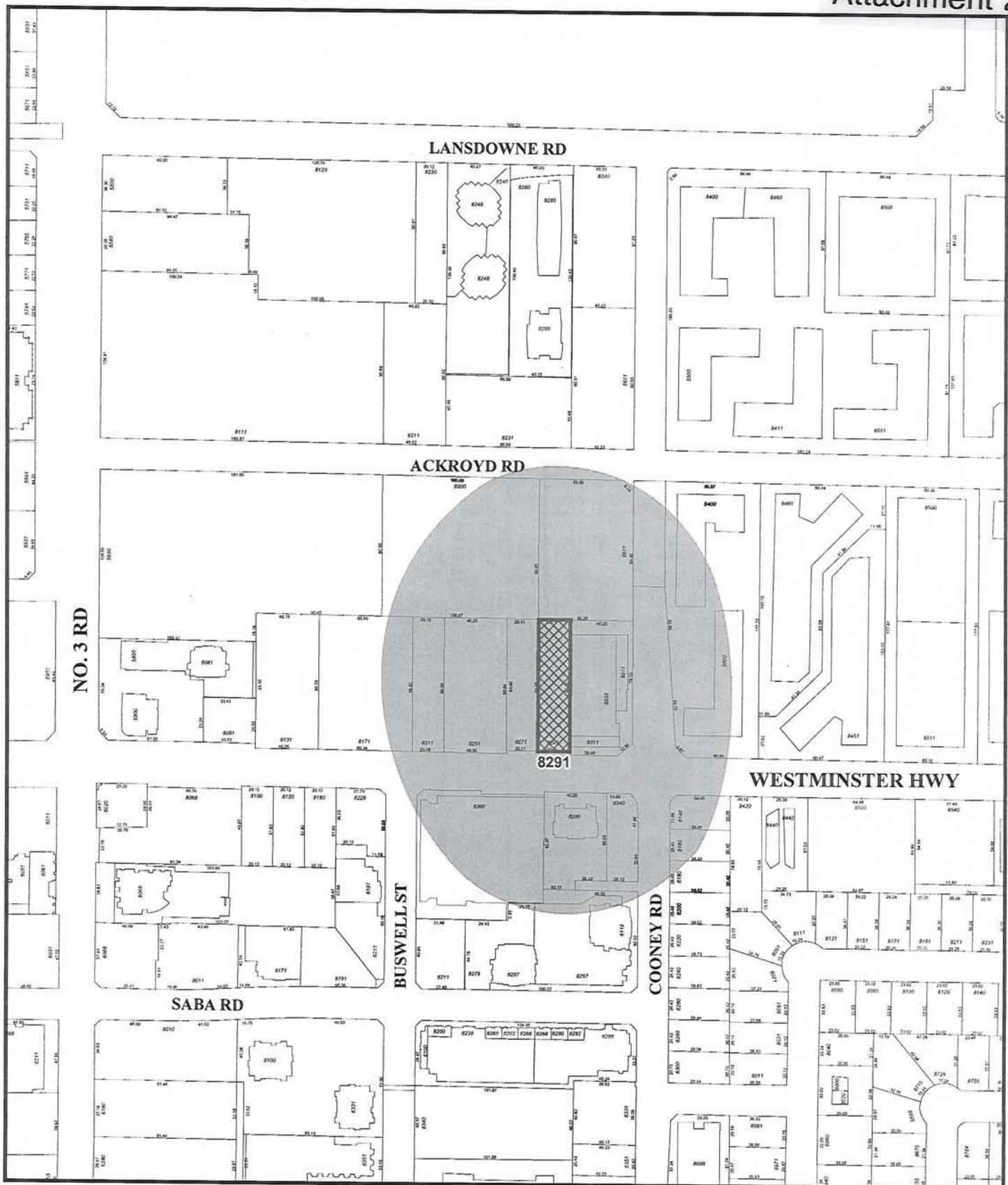


8291 Westminster Hwy

Original Date: 09/22/09

Amended Date:

Note: Dimensions are in METRES



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