



To: General Purposes Committee **Date:** June 12, 2014
From: W. Glenn McLaughlin **File:** 12-8275-05/2014-Vol
Chief Licence Inspector & Risk Manager 01
Re: **Carmichaels**
Hilton Vancouver Airport Hotel
5911 Minoru Boulevard

Staff Recommendation

That the application from Hilton Vancouver Airport Hotel, doing business as Carmichaels, for an amendment to increase their hours of liquor service under Food Primary Liquor Licence No. 187990 *from* Monday to Sunday 9:00 a.m. to 11:00 p.m. *to* Monday to Sunday 9:00 a.m. to 2:00 a.m. and to add an entertainment endorsement, 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 hours and entertainment endorsement as the increase and endorsement 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 was considered.
 - b. The impact on the community was assessed through a community consultation process.
 - c. Given that there has been no history of non-compliance with the operation, the amendment to permit extended hours of liquor service under the Food Primary Liquor Licence with an entertainment endorsement should not change the establishment such that it is operated contrary to its primary purpose.
3. As the operation of a licenced establishment may affect nearby residents the City gathered the view of the residents as follows:
 - a. Property owners and businesses within a 50 metre radius of the subject property were contacted by letter detailing the application, providing 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 amendments are acceptable to the majority of the residents in the area and the community.

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

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER _____	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS:
APPROVED BY CAO _____	

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 application submitted to LCLB and to the City of Richmond by Rising Tide Consultants Inc. on behalf of their client, the Hilton Vancouver Airport Hotel (the “Applicant”) operating the restaurant known as Carmichael’s, for the following amendments to its Food Primary Liquor Licence No. 187900;

Change the hours of liquor sales *from* Monday to Sunday 9:00 a.m. to 11:00 p.m. *to* Monday to Sunday 9:00 a.m. to 2:00 a.m., and to add an entertainment endorsement under the liquor licence.

Local Government has been 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,
- the impact on the community; and
- whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

Analysis

The restaurant is located in the lobby of the Hilton Vancouver Airport Hotel and has been in operation since the hotel opened in 1999 catering to the dining needs of the travelling public as well as local residents.

The zoning for the property is Downtown Commercial (CDT/1) and the business use of a restaurant is consistent with the permitted uses for this zoning district. To the north, south and west of the property is a mix of commercial businesses that cater to the day to day needs of the general public. To the east of the hotel there are properties that are currently under construction and when completed will be a mix of residential/commercial uses.

The increase in liquor service hours are in line with hours of liquor service that the two hotel establishments that share adjoining properties have been issued.

A site inspection conducted by City Inspector Hikida to understand the entertainment endorsement portion of the application revealed that the function or banquet rooms operated by the Applicant fall under their Food Primary Liquor Licence. In order to host entertainment in the banquet rooms they are required to have an entertainment endorsement on the licence for events that offer live or recorded music for dancing. This endorsement will allow the the banquet rooms to be rented for weddings or any type of event where the public is entertained with liquor being served. The endorsement will also allow entertainment in the restaurant area.

Summary of Application and Comments

The City's process for reviewing applications for liquor related permits is prescribed by the Development Application Fee's Bylaw No. 8951, which under section 1.8.1 calls for

*1.8.1 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 or hours; or*
 - (iv) patron participation**must proceed in accordance with subsection 1.8.2.**

*1.8.2 Pursuant to an application under subsection 1.8.1, every **applicant** must:*

- (b) post and maintain on the subject property a clearly visible sign which indicates:
 - (i) type of licence or amendment application;*
 - (ii) proposed person capacity;*
 - (iii) type of entertainment (if application is for patron participation entertainment); and*
 - (iv) proposed hours of liquor service; 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, providing the same information required in subsection 1.8.2(b) above.*

The required signage was posted on April 11, 2014, and the three ads were published in the local newspaper on April 16, April 25, and April 30, 2014.

In addition to the advertised public notice requirements set out in Section 1.8.2, 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 541 properties identified within the consultation area. On April 16, 2014, letters were sent to 785 businesses, residents and property owners to gather their view on the application. Seven letters were returned as undeliverable.

All public consultations ended May 16, 2014, and no responses were received from the public.

Potential for Noise

Staff believe that there would be no noticeable increase in noise if the additional hours of liquor service and entertainment endorsement are 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. Based on the lack of response from those contacted in the consultation area and no responses from the city-wide public notifications, staff feel that the endorsement of the application is warranted.

Potential to operate contrary to its primary purpose

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

Other agency comments

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

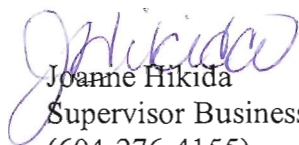
No objections to the application were received from any of the above mentioned agencies and divisions.

Financial Impact

None

Conclusion

Following the public consultation period, staff reviewed the Food Primary Licence Amendment application against the legislated review criteria and recommend Council support the amendments to increase liquor service hours, and the entertainment endorsement as the amendments are not expected to increase noise or have a negative impact on the community.

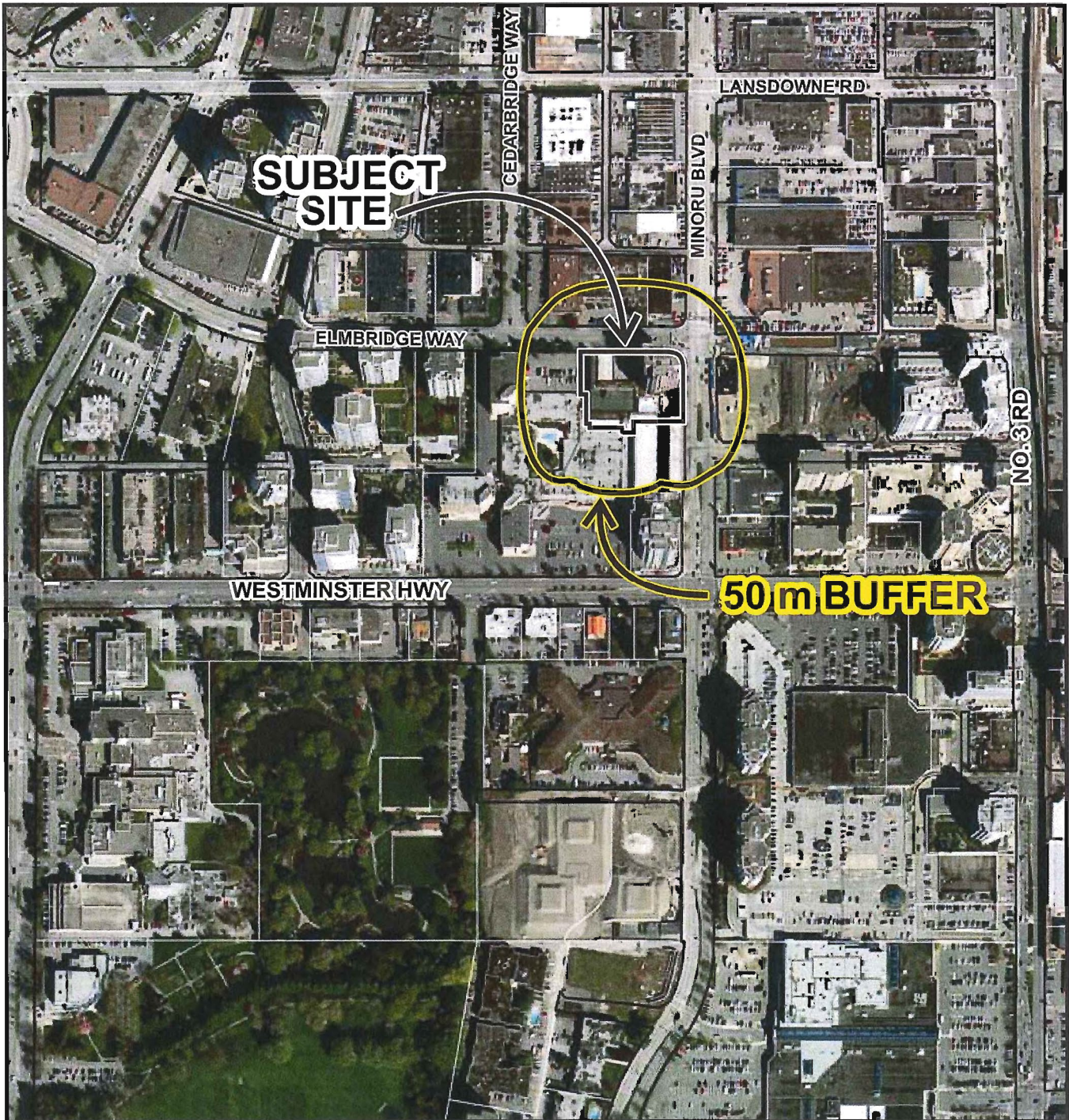


Joanne Hikida
Supervisor Business Licence
(604-276-4155)

JMH:jmh
Att. 1: Site Map



City of
Richmond



5911 Minoru Blvd

Original Date: 06/12/14

Revision Date:

Note: Dimensions are in METRES