

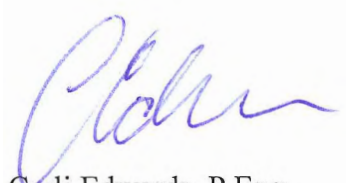


To:	General Purposes Committee	Date:	September 28, 2016
From:	Carli Edwards, P.Eng. Manager, Customer Services and Licencing	File:	12-8275-30-062/Vol 01
Re:	Application For A New Liquor Primary Liquor Licence - Top Cup Coffee Ltd., 6031 Blundell Road		

Staff Recommendation



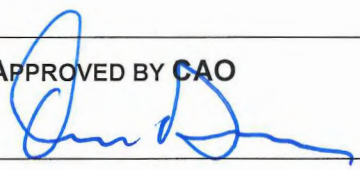
1. That the application from Top Cup Coffee Ltd., doing business as, Top Cup, for a new Liquor Primary Licence to operate a Neighborhood Public House, be supported only for:
 - a) A Neighborhood Public House with an indoor & patio seating and standing capacity of 70 patrons;
 - b) Liquor service hours for Sunday to Thursday, from 9:00 a.m. to 12:00 a.m., and Friday and Saturday, From 9:00 a.m. to 1:00 a.m.; and
 - c) Family Foodservice to permit minors in all licensed areas until 10:00 p.m. when accompanied by a parent or guardian;
2. That a letter be sent to the Liquor Control and Licensing Branch advising that:
 - a) Council supports the amended conditions as listed above, for a new Liquor Primary Liquor Licence as the issuance will not pose a significant impact on the community; and
 - b) Council's comments on the prescribed criteria (set out in Section 10.3 of the Liquor Control and Licensing Regulation) are as follows:
 - i) The potential for additional noise and traffic in the area was considered;
 - ii) The impact on the community was assessed through a community consultation process; and
 - iii) Given that this is a new business, there is no history of non-compliance with this operation;
 - c) As the operation of a licenced establishment may affect nearby residents the City gathered the view of the residents as follows:

- i) Property owners and businesses within a 50 meter radius of the subject property were contacted by letter detailing the application, providing instructions on how community comments or concerns could be submitted; and
 - ii) 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; and
- d) Council's comments and recommendations respecting the view of the residents are as follows:
- i) That based on the number of letters sent and the few responses received from all public notifications, Council considers that the approval of this application is acceptable to the majority of the residents in the area and the community.



Carli Edwards, P.Eng.
Manager, Customer Services and Licencing
(604-276-4136)

Att. 4

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 to the LCLB and the City of Richmond by Top Cup Coffee Ltd., to do business as Top Cup, (hereinafter referred to as Top Cup), for a new Liquor Primary Liquor Licence to:

- operate, Monday to Sunday, 9:00 a.m. to 1:00 a.m.;
- permit an indoor occupant load of 78 persons and additional patio endorsement for 40 persons for a total of 118 persons;
- operate a café bar pub serving food, alcoholic beverages with an addition of some bakery goods and café beverages; and
- operate with a term and condition, “Family Foodservice”, to permit minors in all licensed areas until 10:00 p.m. when accompanied by a parent or guardian.

The City is given the opportunity to provide written comments by way of a resolution to the LCLB with respect to the proposed Liquor Primary application. Regulatory criteria local government must consider are:

- the location of the establishment;
- the proximity of the establishment to other social or recreational facilities and public buildings;
- the person capacity and hours of liquor service of the establishment;
- the number and market focus or clientele of liquor primary licence establishments within a reasonable distance of the proposed location;
- the impact of noise on the community in the immediate vicinity of the establishment; and
- the impact on the community if the application is approved.

Analysis

Location of the Establishment

The applicant is proposing to operate a new establishment located at 6031 Blundell Road under the business trade name of Top Cup. This property is zoned under Land Use Contract (LUC) – 128, which has one permitted use, Neighborhood Public House. The primary focus of this business is to operate as a Neighborhood Public House, as previously operated for approximately 38 years by another owner. The applicant is proposing to serve food and alcoholic beverages plus additional café bakery goods and beverages.

Proximity of the Establishment to Other Social, Recreational and Public Building

The location the applicant is proposing to operate is close to the intersection of No. 2 Road and Blundell Road. There is a large commercial complex across the street, to the south, and a

commercial property adjacent to the west of this property, with residential properties situated to the east and north. The closest School & Institutional Use (SI) Zone is located approximately 261 meters from the proposed establishment and there was no noted impact from the previous establishment that operated from the same premises. There are no other social, recreational or public buildings within the proximity of this proposed location.

Person Capacity and Hours of Liquor Service of The Establishment

The applicant is proposing to operate Top Cup with an occupant load of 118 patrons. The LUC – 128 zone is specific, and only permits a neighborhood public house with a seating and standing area for a maximum of 70 occupants. The proposed 118 patrons exceeds the requirements permitted under the LUC 128 zone and can only be approved for the 70 patrons. If a patio is to be included, it must be within the 70 patron maximum occupancy and the permitted patio usage is only approved by LCLB to operate until 11:00 p.m. Further increase to occupancy as proposed, would have to be considered only after a rezoning of the property.

The applicant is requesting to operate with liquor service, Monday to Sunday, 9:00 a.m. to 1:00 a.m. These requested operating hours are contrary to newly adopted Council Policies on Provincially Regulated Liquor Establishments, Policy 9400. The permitted hours approved in the Policy are Sunday to Thursday, up to 12:00 a.m. and up to 1:00 a.m. for Friday and Saturday. Therefore, this application is recommended to be approved for operating hours of 9:00 a.m. to 12:00 a.m., Sunday to Thursday; and from 9:00 a.m. to 1:00 a.m., Friday and Saturday.

The Number and Market Focus or Clientele of Liquor Primary Licence Establishments Within a Reasonable Distance of The Proposed Location

Although this is a new liquor primary licence, it is replacing a previously issued liquor primary licence at this location. As a result of this application, there is no increase to the number of liquor primary establishments and seating capacity to the area. The applicant is looking for more of a family atmosphere operation with “Family Foodservice” as a term and condition to the liquor primary licence. Furthermore, the applicant is proposing to add café bakery goods and beverages to the menu in addition to a pub style food menu. This type of service is not currently offered by any of the other establishments in the area.

The Impact of Noise on The Community in The Immediate Vicinity of The Establishment

Staff believe that there would be no noticeable increase in noise if the liquor primary licence application is supported.

The Impact on The Community if The Application is Approved

The City’s process for reviewing applications for liquor related licences is prescribed by the Development Application Fees Bylaw 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*;

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 August 15, 2016 and three advertisements were published in the local newspaper on August 17, August 19 and August 24, 2016.

In addition to the advertised public notice requirements set out in Section 1.8.1, staff sent letters to businesses, residents and property owners within a 50 metre radius of the property. There are 48 properties identified within the consultation area. On August 12, 2016, letters were sent to 60 businesses, residents and property owners within the 50 metre radius of the property. The letter provided details of the proposed liquor licence application and requests the public to communicate any concerns to the City. The period for comment for all public notifications' ended September 18, 2016.

The City relies, in part, on the response from the community to determine any negative impact of the liquor licence application. There were three responses received by the City and the responses were as follows:

1. Not opposed to the business but opposed to the operating hours requested (attachment 1);
2. Opposed to the application, especially the number of seats and operating hours proposed (attachment 2); and
3. In favor of a traditional pub, opposing the addition of café menu items (attachment 3).

It is staff's recommendation that these concerns are mitigated by approving the application for 70 seats (rather than the 118 requested) and amending the proposed closing hours, as supported by Council policy. Having received no further responses from businesses, residents or property owners in the surrounding area, or from the city-wide public notifications, staff feel that support of this application is warranted.

Other Agency Comments

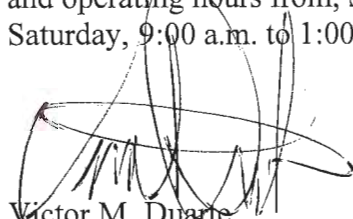
As part of the review process, staff request comments from other agencies and departments such as Vancouver Coastal Health, Richmond R.C.M.P., Richmond Fire-Rescue, Liquor Control and Licensing Branch, Building Approvals and Business Licence Department. These agencies and departments generally provide comments on the compliance history of the applicant's operations and premises. All the agencies and departments expressed no concern on this application.

Financial Impact

None

Conclusion

Following the public consultation period, staff reviewed the Liquor Primary Liquor Licence application against the LCLB review criteria and recommends Council support the application to issue Top Cup a Liquor Primary Licence, with occupant seating/standing capacity of 70 patrons; and operating hours from, Sunday to Thursday, of 9:00 a.m. to 12:00 a.m., and Friday and Saturday, 9:00 a.m. to 1:00 a.m.



Victor M. Duarte
Licence Inspector
(604-276-4389)

VMD:vmd

- Att. 1: Complaint letter 1
2: Complaint letter 2
3: Complaint email
4: Ariel Map with 50 meter buffer area.

Attachment 1

Gene Boklashchuk
2-7660 No 2 Road
Richmond, BC V7C3L9
e-mail: genne@shaw.ca
ph: 778-938-6404
August 23, 2016

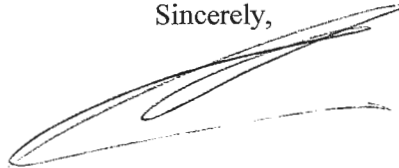
Victor Duarte
Finance and Corporate Services Department Business Licenses
Richmond, BC
V6Y 2C1
Ph. 604-276-4328
BusLic@richmond.ca

Dear Victor Duarte:

This letter is regarding to obtain a New Liquor License for the Pub, located at 6031 Blundell Road. My windows face to the Coast Capital Bank parking lot, a Pub's next door business. I am living here for 6 years and I have noticed so many things going around. First of all, some constant noise and barbeque smell are coming from Pub area, every day and up to **1 am**. Some groups of drunken people use a bank parking lot to get together for smoking or (something else). The peak of that when a pub is closes at 1 am. Usually, it continues with yelling, screaming etc. Several years ago a stone has been thrown to my neighbor window, which was replaced by owner. The bad thing, this year the bank decided to shut down parking lot light poles and now there is dark area. I think RCMP has some info about that place, because a stand by police car has been on parking lot every week. I agree the business should run. But some restrictions should be applied, in accordance with the noise bylaw. Closing time should 10 or 11pm and so on.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gene Boklashchuk', with a long horizontal flourish extending to the right.

Gene Boklashchuk

Attachment 2

Hello,

I live two houses east of the proposed licenced establishment.

During this location's previous incarnation as The Pumphouse, the neighborhood was plagued with noise and rowdiness. People hollering and occasionally fighting, loud cars and truck and especially motorcycles revving their engines.

The noise also came from patio speakers loudly broadcasting hockey games and outdoor live music. I could hear the music distinctly at Cheviot Place, a block away. I called the pub numerous times, but they refused to turn it down. At one point I called the police, who came and said they could do nothing.

This neighborhood has working folks, families, and retired people living in it. This type of disturbance-creating facility has no place here. A hundred and eighteen seats open till one AM? How will we get any sleep?

I do not want to see a pub open here. It would be better for the neighborhood to tear it down and build more housing for people.

Thank you for considering this.

Rae Ramsey
6091 Blundell Road

Duarte,Victor

From: billcarter@medisafecanada.com
Sent: September 15, 2016 15:20
To: Duarte,Victor
Subject: Top Cup Coffee Ltd. application for Cafe Bar

September 15, 2016

To: Richmond City Council

The City of Richmond
Business Licence Division
Liquor Licence Applications
6911 No.3 Rd.
Richmond, BC
V6Y 2C1

Re: Application of Top Cup Coffee Ltd.
Doing business as Top Cup
Operating from 6031 Blundell Road
Richmond, BC

It has come to mine and many others attention that this company intends to replace a long serving and well established adult community gathering place with a Café Bar. As a longtime member of this community and an owner of businesses locally myself, I felt it my obligation to make my objections known.

As the proximity of the establishment previously known as the Pumphouse Pub at No. 2rd. and Blundell, it served as a local's gathering place to enjoy themselves without for many of them the need to drive to its location. It offered a unique location for this purpose. Since its closing many of the patrons have been forced to relocate to either Legends, O'Hare's, Buck and Ear, Legion or other spots that are in many cases miles away.

The idea behind neighborhood pubs has always been to serve the very local community and allow for getting to socialize with ones neighbor's .

I would like to point out here that since its closing many of the patrons have lost touch with each other as everyone has moved to different locations and thusly the feeling of community for employees, patrons and locals has diminished greatly in this area.

We knew that the current owners were intent on closing the premise and breaking a signed contract with the previous owners when in the summer of 2015 there began an intentional degradation of the environment within the Pub itself. My co-business partners and I would many times meet there in the afternoons during the week as they work at the airport and I work and live locally it was very handy.

During one of our meetings 3:30 pm with many locals there watching a sports event the new manager at the time had the bartender turn-off the sound of the sports event and turn on 1970's and 80's disco style music so loud that me and my business partners could hardly talk to one another. When I complained about it, I was blatantly told by the manager that if I did not like it then find somewhere else to go!

This as it turned out was the beginning of the end as from that point forward many many times during the Blue jays play-off run he would insist that the music stayed on. This continued for hockey and the NFL playoffs. These events were obviously intentionally done to degrade and push away customers so that when it came to council to apply for new status they could show a greatly diminished customer base and loss of business. Which was entirely caused by them (the owners) intentionally!

There are already many other spots to drink coffee nearby so the need for one more is completely not necessary nor in the best interest of the neighborhood.

In closing, I would like to say that to allow anything other than an establishment other than what the Pumphouse was is allowing for and awarding deceitful and underhanded business ethics to trump our neighborhood and city values!

To reinforce the statements I have made here, many of the past patrons are willing to sign affidavits testifying to many of the shady business practices they employed.

Please do not reward bad an unethical behavior!

William Carter
President
Medisafe Distribution Inc.
7-11771 Horseshoe Way
Richmond, BC.
V7A 4V4
Ph: 604-232-2442
Fx: 604-232-2445
Cl: 604-360-8443

City of Richmond Interactive Map



148.8 0 74.40 148.8 Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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