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**To:** General Purposes Committee **Date:** October 7, 2014  
**From:** W. Glenn McLaughlin **File:** 12-8275-05/2014-Vol  
Chief Licence Inspector & Risk Manager 01  
**Re:** **0973581 BC Ltd., doing business as  
Legend's Pub, 9031 Blundell Road**

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### Staff Recommendation

That the application from 0973581 BC Ltd., doing business as Legend's Pub, for an amendment under Liquor Primary Licence No. 033298 to:

- Increase the hours of liquor service **from** Monday through Thursday 10:00 am. to 12:00 am and Friday through Sunday 10:00 a.m. to 1:00 a.m. **to** Monday through Sunday from 9:00 a.m. to 1:00 a.m. and,
- Increase the occupant load from 160 patrons to 200 patrons,

be supported **only for** an earlier service at 9 a.m. Monday to Sunday, and that a letter be sent to the Liquor Control and Licensing Branch advising that:

1. Council supports an earlier service time but does not support later service hours or an increase in their liquor license occupant load.
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.
3. As the operation of a licensed 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

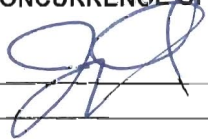


provided information on the application and instructions on how community comments or concerns could be submitted.

- 4. Council's comments and recommendations respecting the views of the residents are as follows:
  - a. That based on the letters sent and the responses received from all public notifications, Council considers that an earlier opening would not have an impact on the community.
  - b. Council considered the comments received from residents in the area do not support later operating hours or to increase to the establishments' occupant load.



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

Att. 3

<b>REPORT CONCURRENCE</b>	
<b>CONCURRENCE OF GENERAL MANAGER</b>  for A NAZARETH	
<b>REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE</b>	INITIALS: 
<b>APPROVED BY CAO</b> 	

## Staff Report

### Origin

The Provincial Liquor Control and Licencing 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 0973581 BC Ltd. (the Applicant), operating Legends Pub. The application is for the following amendments to their Liquor Primary Licence No. 033298;

- To increase the hours of operation *from* Monday through Thursday 10:00 a.m. to 12:00 a.m. and Friday through Sunday 11:00 a.m. to 1:00 a.m. *to* Monday through Sunday 9:00 a.m. to 1:00 a.m. *and* increase the occupant load *from 160 patrons to 200 patrons*.

The proposed increase in occupant load and for additional hours of operation require the Applicant to submit an application to LCLB to amend their liquor licence which calls for Local Government comment on the amendments. For amendments to Liquor Primary Licences, the process requires Local Government to provide comments to LCLB with respect to the following:

- the potential for noise; and
- the impact on the community.

### Analysis

#### Background

The operation of a pub has existed at 9031 Blundell Road since 1987 and prior to a recent change of ownership it was operated as JP Malone’s. The location is zoned Pub & Sales (CP1 & CP2) and the use of a pub is consistent with the permitted uses in this zoning district.

The Applicant has operated Legend’s Pub in Richmond since 1984, initially on Lansdowne Road and then on Buswell Street. Due to the re-development of the Buswell property the Applicant sought a new location. In March of 2014, the City received an application to change the ownership and business name of the JP Malone’s pub. Approval of this change resulted in a Business Licence being issued under the operating name of Legend’s Pub.

To the south and southwest of the pub are commercial strip malls with retail and personal service businesses that cater to the day to day needs of the public. Development to the north, east and west of the pub has seen the area transform from single family residences to multi-family complexes (Attachment 1).

Prior to 1995, the property’s zoning was governed by Land Use Contract 150, which restricted the occupant load to 90 persons. In 1995, Land Use Contract 150 was repealed and replaced by Zoning Bylaw 5300. Zoning Bylaw 5300 had no occupant load restriction.

In 2009, Zoning Bylaw 5300 was repealed and replaced by Zoning Bylaw 8500, which restricted occupant load to 125 persons. As the property has been used as a Neighbourhood Public House continuously since Zoning Bylaw 5300, the use without an occupant load limit is grandfathered.

Occupant load is, however, restricted by the LCLB licence which is currently 160 persons and in order to amend that load, an operator is required to obtain Local Government comment to increase the occupant load which is in part the subject of this report.

By their presence in residential areas, the operating hours of Neighbourhood Pubs had been guided by Council Policy to a closing time of Midnight with the main exception of Friday and Saturday nights, when they may remain open one hour longer (i.e. 1 a.m. Saturday and Sunday). At this time Council Policies associated to Liquor are in transition to respond to new LCLB regulations proposed to be enacted in the winter of 2015.

### 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 of 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 July 23, 2014, and the three ads were published in a local newspaper on July 23, 25 and 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 2). This letter provides details of the proposed liquor licence application and requests the public to communicate any concerns to the City.

There are 11 property parcels identified within the consultation area. On July 23, 2014, letters were sent to 410 businesses and property owners to gather their view on the application.

All public consultations ended August 23, 2014. Six (6) submissions opposing the amendments were received from within the consultation area from 14 individuals and a property management company representing two complexes in the area, with the following comments:

- any increase in hours or occupant load will increase the noise issues from the pub, its' patrons and vehicles leaving the pub
- will increase litter around the area and property damage which is attributed to patrons from the pub
- will result in additional noise as patrons leaving the pub often chat and smoke in the parking lot for long periods and in the evening when the neighborhood quiets down any small amount of noise can be heard by the owners of the units in the complex who are trying to sleep
- increase parking on the streets and residential areas as the pub has limited parking for its patrons
- will increase the noise level in a residential/family area
- add to traffic and parking stress in a residential/family area
- increase in hours when other pubs are closed earlier could mean that more patrons will be attracted to the pub
- there are family residences just yards away from the pub and an increase in hours or patrons will only add undue stress and hardship in a family oriented community
- the Strata is already dealing with high noise level issues from the pub, patrons and vehicles especially in the summer months
- the area is populated with dense condos and it is inappropriate to add to the existing level of noise
- property value of the strata will be affected as a result of this noise pollution
- on weekends dozens of loud patrons head back to their cars parked on both sides of Garden City Road waking everyone from their sleep, adding more patrons and later closing will intensify the situation
- for a "neighborhood pub" in a residential area the hours and occupant load are already sufficient

There were 104 form letters (sample Attachment 3) received supporting an increase in hours and occupant load, of these;

- 19 community members were within a short walking distance to the consultation area
- 65 community members had a greater walking distance to the consulting area
- 8 Richmond addresses provided were non-existent
- 3 Richmond address provided were for commercial buildings
- 9 did not live in Richmond

#### Potential for Noise

Due to the location of the establishment, there is a potential for an increase in noise to residents if the pub is permitted to close later in the evenings or with a greater occupant load. Staff do not believe an earlier opening (at 9 a.m.) would result in an increase in noise.

### Potential for Impact on the Community

The responses received from residents in the area identify potential negative impacts on the community from an increase in occupant load and later operating hours.

### Other Agency Comments

As part of the review process, staff request comments from Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue and the Richmond Joint Task Force. These agencies generally provide comments on the compliance history of the Applicant's operations. There were no objections to the recommendations of this report from those agencies.

### Staff Comments on the Application

With the potential for an adverse impact on the community, staff is recommending that the application to increase the **Occupant Load** to 200 persons **not be supported**.

Historically the City of Richmond has restricted the hours of Neighbourhood Pub operations to midnight during traditional work nights. Given the potential for an adverse impact on the community with later operating hours and to be consistent with prior practice, staff is recommending that the application to include **servicing time to 1 a.m.** Monday to Thursday **not be supported**.

Staff believe that an amendment to an earlier serving time would not have an adverse impact on the community and are recommending that the application to amend the establishments **servicing time to 9 a.m.** Monday to Sunday **be supported**.

### **Financial Impact**

There is no financial impact related to this report.

### **Conclusion**

As the Applicants increased liquor licence occupant load and proposed later operating hours can have adverse impacts on residents, staff recommends Council only support the earlier licensed hours from 9 a.m. Monday to Sunday.

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

- Att. 1: Aerial Site Map from 2002 and 2013
- 2: Aerial Site Map 50 metre consultation area
- 3: Sample supporting form letter

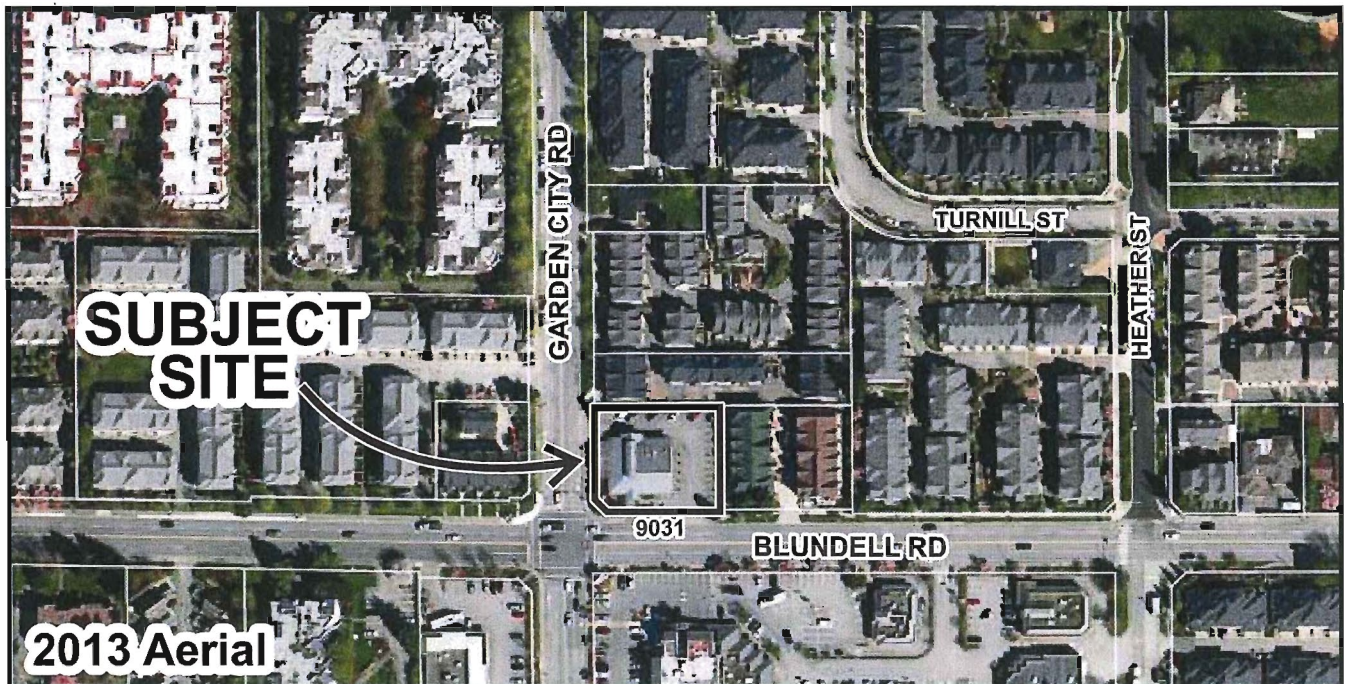




City of  
Richmond



2002 Aerial



2013 Aerial



9031 Blundell Road

Original Date: 08/26/14

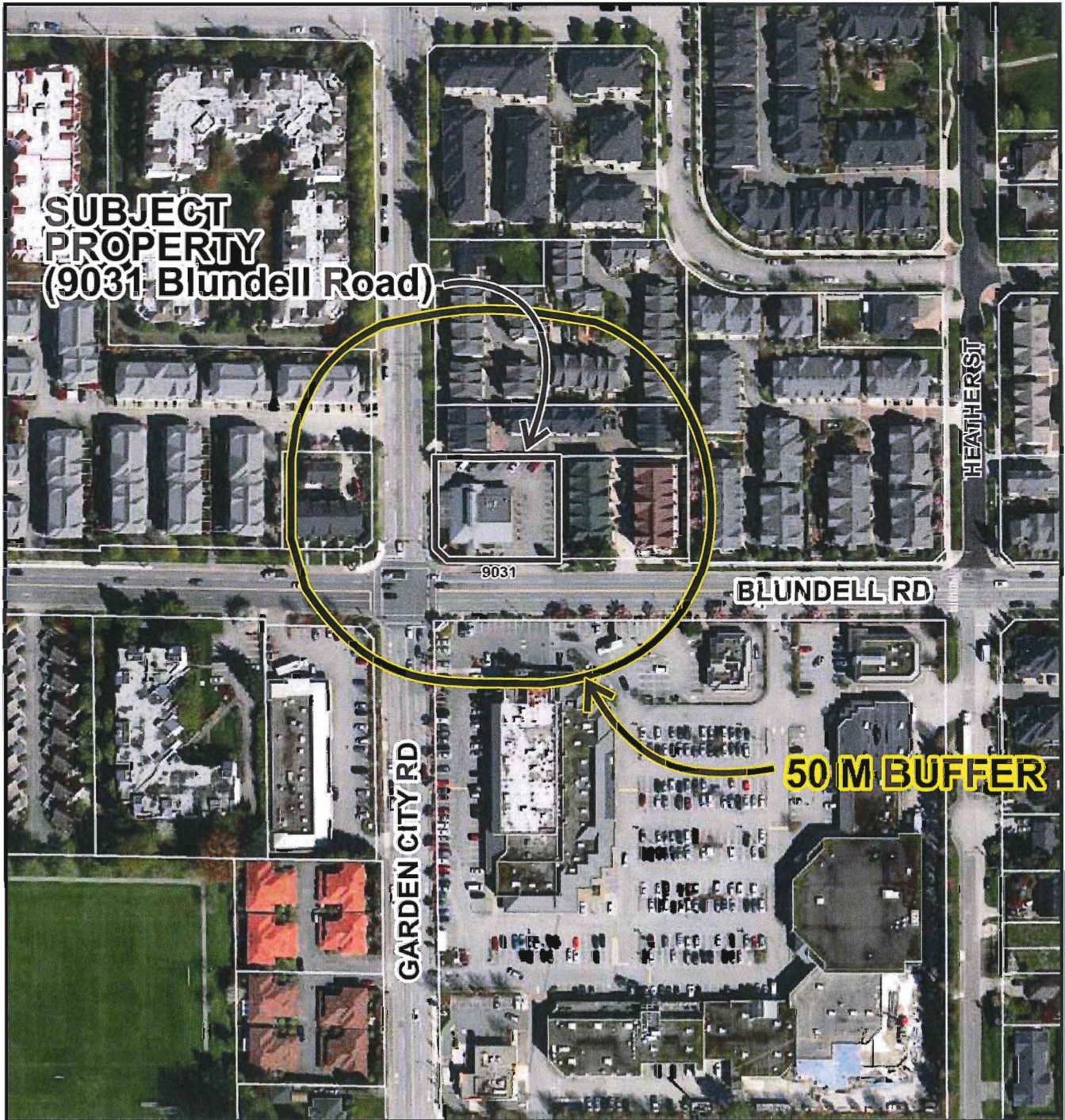
Revision Date:

Note: Dimensions are in METRES





City of  
Richmond



9031 Blundell Road

Original Date: 08/26/14

Revision Date:

Note: Dimensions are in METRES



# ATTACHMENT 3

To the city of Richmond

I am in favor of the amendment to Legends Pub at 9031 Blundell road in Richmond to change the hours of operation from 10.a.m. to Midnight Monday to Thursday and Friday to Sunday 11.a.m. to 1.a.m. to Monday to Sunday 9a.m. to 1 a.m.

*And* to amend the occupant load 160 patrons and Staff to 200 patrons and Staff.

Thanks You

Name:

Address:

Date:

Signature: