



To: General Purposes Committee **Date:** September 24, 2018
From: Carli Williams, P.Eng. **File:** 12-8275-30-001/2018-
Manager, Community Bylaws and Licencing Vol 01
Re: **Application For a Permanent Change to Food Primary Liquor Licence #
307401 - Midam Cafe Richmond Ltd., Doing Business As: Midam Cafe &
Bistro Richmond - 1110 - 4651 Garden City Road**

Staff Recommendation

1. That the application from Midam Café Richmond Ltd., doing business as : Midam Café & Bistro Richmond, operating at 1110 – 4651 Garden City Road, requesting to increase their hours of liquor service under Food Primary Liquor Licence No. 307401, **from** 9:00 AM to Midnight, Monday to Sunday, **to** 9:00 AM to 2:00 AM Monday to Sunday, be supported, and:
2. That a letter be sent to the Liquor and Cannabis Regulation Branch advising that:
 - a) Council supports the amendment for an increase in liquor service hours on Food Primary Liquor Licence No. 307401 as the increase will not have a significant impact on the community;
 - b) The total person capacity will remain the same at 89 persons;
3. Council's comments on the prescribed criteria (Section 71 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; and
 - 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 should not change the establishment such that it is operated contrary to its primary purpose;
 - d) As the operation of a licenced establishment may affect nearby residents, businesses and property owners, the impact assessment was conducted through the City's community consultation process as follows:

- i) Residents, businesses and property owners within a 50 meter radius of the subject property were notified by letter. The letter provided information on the application with instruction on how to submit comments or concerns; and
 - ii) Signage was posted at the subject property and three public notices were published in a local newspaper. The signage and notice provided information on the application with instructions on how comments or concerns could be submitted.
- e) Council’s comments and recommendations respecting the views of the residents, businesses and property owners are as follows:
- i) The community consultation process was completed as part of the application process; and
 - ii) The community consultation process resulted in no submissions or comments from Richmond residents, businesses or property owners.
- f) Council recommends the approval of the permanent change to increase the service hours to the Food Primary Licence for the reasons that the addition of the service hours proposed is acceptable to the majority of the residents, businesses and property owners in the area and the community.

Carli Williams, P.Eng.
 Manager, Community Bylaws and Licencing
 (604-276-4136)

Att. 1

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

Staff Report

Origin

The Provincial Liquor and Cannabis Regulation Branch (LCRB) 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 LCRB and the City of Richmond by, Midam Café Richmond Ltd., doing business as Midam Café & Bistro Richmond (hereinafter referred to as MCBR) to increase liquor service hours, to the Food Primary Liquor Licence No. 307401 **from**, 9:00 AM to Midnight; **to**: 9:00 AM to 2:00 AM.

The City of Richmond is given the opportunity to provide comments and recommendations to the LCRB with respect to liquor licence applications and amendments. For an amendment to a Food Primary Licence, the process requires the 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

MCBR has operated this establishment approximately two years, at 1110 – 4651 Garden City Road with occupant load of 89 persons serving Korean food. All new Food Primary Liquor Licence establishments are issued a liquor licence from the LCRB for liquor service to midnight. Should the business wish to serve liquor past midnight, they must make a separate application to the LCRB for a change to their liquor licence. The application to change the liquor licence, requesting liquor service past midnight, initiates a process to seek local government approval.

The current Food Primary Liquor Licence for MCBR, allows for nine staff and 80 indoor seats, which will not change as a result of this application.

The property is zoned Auto-Oriented Commercial (CA) and the use of a Restaurant with food and beverage services, which is consistent with the permitted uses in this zoning district. MCBR is situated on a parcel, with two buildings which currently have five licenced businesses operating near the intersection of Garden City Road and Alderbridge Way.

The applicant's request for an increase in later service hours is in order to better serve their clients and the community. This would add greater flexibility to the venue and provide a more level opportunity to better serve the public in competing with other food venues in the area who have already received the later service hours.

Impact of Noise on the Community

The location of this establishment is such that there should be no noise impact on the community. The extended hours of liquor service under the Food Primary Liquor Licence should not change the establishment such that it is operated contrary to its primary purpose as a food primary establishment.

Impact on the Community

The community consultation process for reviewing applications for liquor related licences is prescribed by the Development Application Fees 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*; must proceed in accordance with subsection 1.8.2.
- 1.8.2 Pursuant to an application under subsection 1.8.1, every **applicant** must:
 - (a) 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 23, 2018 and three advertisements were published in the local newspaper on August 23, 2018, August 30, 2018 and September 6, 2018.

In addition to the advertised signage and public notice requirements, staff sent letters to businesses, residents and property owners within a 50 meter radius of the establishment. On August 16, 2018, 102 letters were sent to residents, businesses and property owners. The letter provided information on the proposed liquor licence application and contained instructions to comment on the application. The period for commenting for all public notifications ended September 23, 2018.

As a result of the community consultative process described, the City has received no responses regarding this application.

Other Agency Comments

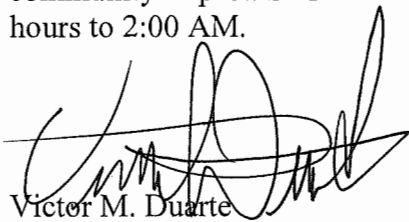
As part of the review process, staff requested comments from other agencies and departments such as Vancouver Coastal Health, Richmond R.C.M.P., Richmond Fire-Rescue, Building Approvals and the Business Licence Department. These agencies and departments generally provide comments on the compliance history of the applicant's operations and premises. No concerns were raised by these agencies.

Financial Impact

None

Conclusion

The results of the community consultation process of MCBR's application for extended service hours was reviewed based on the LCRB criteria. The analysis concluded there would be no noticeable potential impact from noise, no significant impact to the community and no concerns raised by City departments, other agencies and no letters received from the public opposed to this application. MCBR has operated in the community for two years with no noted negative community impact. Staff recommend the approval of the application to increase liquor service hours to 2:00 AM.

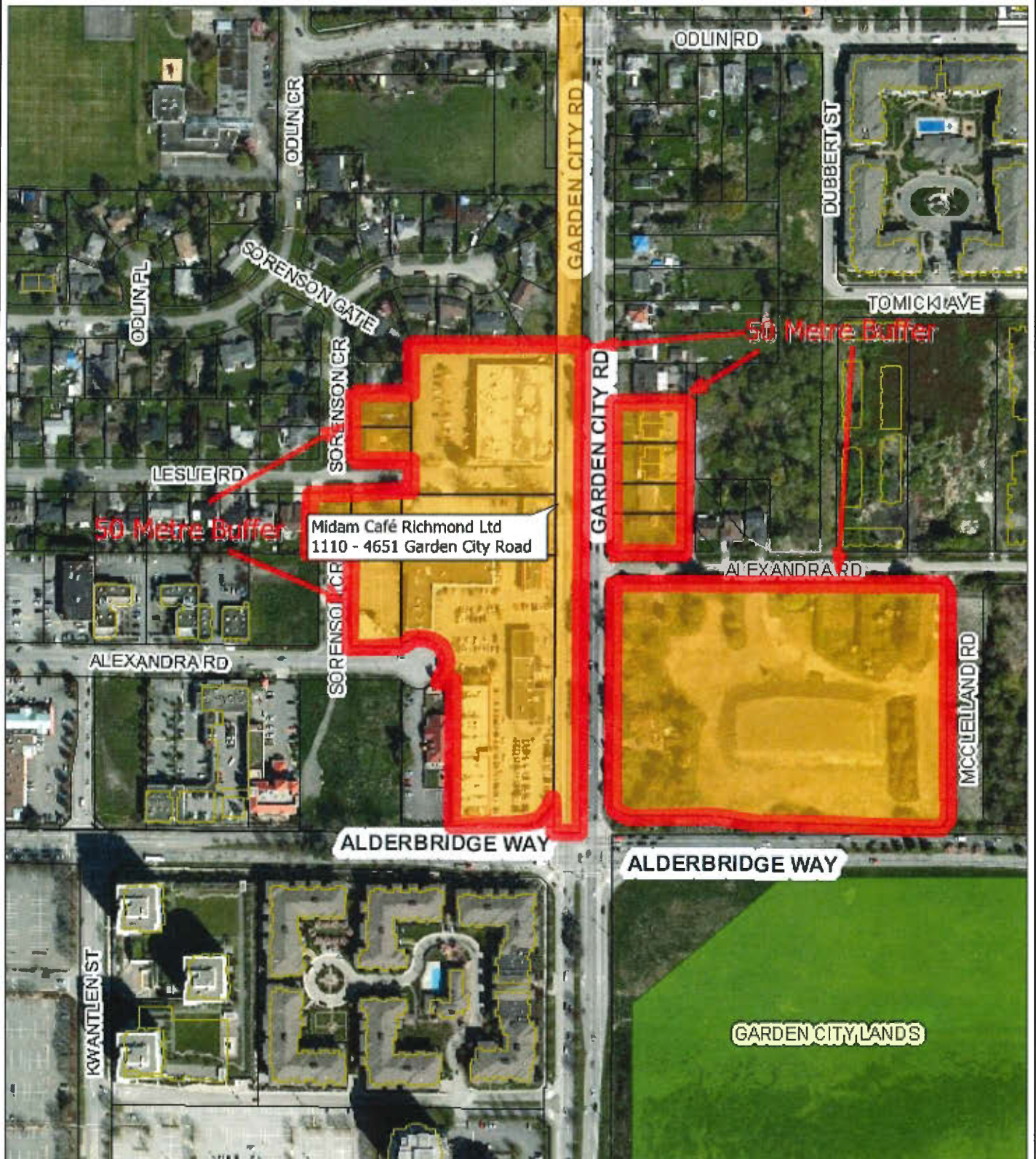


Victor M. Duarte
Supervisor, Business Licences
(604-276-4389)

VMD:vmd

Att. 1: Arial Map with 50 metre buffer area

City of Richmond Interactive Map



157.2 0 78.60 157.2 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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