



To: General Purposes Committee **Date:** June 5, 2015
From: W. Glenn McLaughlin **File:**
Chief Licence Inspector & Risk Manager
Re: **1016879 B.C. Ltd., doing business as Tasty Kitchen**
Unit 1226 - 8338 Capstan Way

Staff Recommendation

That the application from 1016879 B.C. Ltd., doing business as Tasty Kitchen, for an amendment to increase their hours of liquor service under Food Primary Liquor Licence No. 303675 *from* 9:00 a.m. to midnight Monday to Sunday *to* 9:00 a.m. to 2:00 a.m. Monday to Sunday, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:



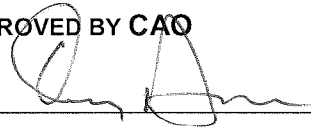
1. Council supports the amendment for an increase in liquor service hours as the increase will not have a significant impact on the community.
2. Council's comments on the prescribed criteria (set out in Section 53 of the Liquor Control and Licensing Regulations) are as follows:
 - a. The potential for 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 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 view 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 amendment is acceptable to the majority of the residents in the area and the community.



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

Att.

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 City of Richmond by Henderson & Lee Law Corporation on behalf of their client, 1016879 B.C. Ltd., operating a restaurant named the Tasty Kitchen, for the following amendment to its Food Primary Liquor Licence No. 303675;

Change the hours of liquor sales *from* Monday to Sunday 9:00 a.m. to Midnight *to* 9:00 a.m. to 2:00 a.m. Monday to Sunday.

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

A restaurant with an occupant load of 96 patrons has been in operation at this location since 2011. The Applicant has been operating the Tasty Kitchen, which serves Chinese cuisine, since April of 2014, when a Business Licence was approved for a change of ownership of the operation.

The property is zoned Auto-Oriented Commercial (CA) and the use of a restaurant is consistent with the permitted uses in this zoning district. The Applicant’s business is located in a shopping complex comprised of 5 buildings from which operate businesses that provide goods and services to the general public. To the North of the complex an apartment building is under construction; to the West are more commercial business operations and to the south and east are single family housing lots.

The Applicant indicates that the request for an increase in later liquor service hours is in order to accommodate patrons with a traditional late night Chinese meal known as xiaoye in Mandarin and siu yeh in Cantonese, which may be in the form a snack or a full meal with perhaps a liquor drink.

Summary of Application and Comments

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 April 25, 2015 and the three advertisements were published in the local newspaper on April 23, April 30th and May 7, 2015.

In addition to the advertised public notice requirements set out in Section 1.8.1, 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 property.

There are 185 properties identified within the consultation area. On April 29, 2015, letters were sent to 223 businesses, residents and property owners within the 50-metre radius of the property (Attachment 1). The letter provides 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 May 29, 2015.

The City relies, in part, on the response from the community to any negative impacts of the liquor licence application. Having received no responses from businesses and residents in the surrounding area and none from the city-wide public notifications, staff feels that support of this application is warranted due to the lack of negative public feedback.

Potential for Noise

Staff believe that there would be no noticeable increase in noise if the additional hours of liquor service is 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.

Financial Impact

None

Conclusion

Following the public consultation period, staff reviewed the Food Primary Liquor Licence application against the LCLB review criteria and recommends Council support the application to increase liquor service operating hours to 2:00 a.m. as the business is not expected to have a negative impact on the community.



Joanne Hikida
Supervisor Business Licence
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JMH:jmh

Att. 1: Aerial Map with 50 metre buffer area