



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** July 19, 2023
From: Mark Corrado **File:** 12-8275-30-001-Vol 01
 Director, Community Bylaws and Licencing
Re: **Application To Amend Food Primary Liquor Licence # 311069 and add Patron Participation Entertainment Endorsement- Marina One Seafood Restaurant Ltd., DBA: Marina One Seafood Restaurant at 170 – 3631 No. 3 Road**

Staff Recommendation

1. That the application from Marina One Seafood Restaurant Ltd., doing business as Marina One Seafood Restaurant, for an amendment to Food Primary Licence #311069, requesting:
 - a) An increase to hours of liquor service currently set at Sunday to Saturday, 9:00 AM to Midnight, be supported for a change to Sunday to Saturday, 9:00 AM to 2:00 AM; and
 - b) Total person capacity currently set at 194 occupants will not change; and
 - c) To add Patron Participation Entertainment Endorsement which will end at Midnight; and

2. That a letter be sent to the Liquor and Cannabis Regulation Branch, which includes the information attached as Appendix A (Attachment 1), advising that Council recommends the approval of the licence amendment for the reasons that these amendments have been determined, following public consultation, to be acceptable to the neighbouring community.

Mark Corrado
 Director, Community Bylaws and Licencing
 (604-204-8673)
 Att. 3

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Fire Rescue RCMP	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

The Provincial Liquor and Cannabis Regulation Branch (LCRB) issues licenses in accordance with the Liquor Control and Licensing Act (Act) and the Regulations made pursuant to the Act. This report deals with an application to the LCRB and the City of Richmond by Marina One Seafood Restaurant Ltd., doing business as Marina One Seafood Restaurant, (hereinafter referred to as “Marina One”) for an amendment to the Food Primary Liquor Licence #311069 and request:

- An increase to liquor service hours **from** 9:00 AM to Midnight, **to**, 9:00 AM to 2:00 AM Sunday to Saturday, and
- To add patron participation entertainment endorsement which must end by midnight, and
- No increase proposed to the total person capacity, which will remain the same at 194 occupants.

The City of Richmond is given the opportunity to provide written comments by way of a resolution to the LCRB with respect to the liquor licence applications and amendment. For an amendment to the Food Primary Liquor 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.

This report supports Council’s Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnerships and proactive programs.

Analysis

Marina One Seafood Restaurant is situated at 3631 No. 3 Road, Unit 170. The property is zoned Auto-Oriented Commercial (CA). This zone provides for a mix of commercial and related uses oriented to vehicular access. This noted property has various types of businesses providing permitted uses such as professional or personal services and retail trading. The operator took over the premises that had a similar business in November of 2018.

The applicant’s request for an increase in later service hours is to better serve their clients and the community. This would add greater flexibility to the venue and provide a more equitable opportunity to better serve the public. Marina One would also like to add Patron Participation Entertainment Endorsement to permit singing and dancing by patrons and to host banquets or special events.

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 are within the permitted service hours adopted by Council under Policy 9400. The increase in service hours and patron participation entertainment endorsement should not change the establishment such that it would operate 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:

- (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 June 15, 2023 and three advertisements were published in the Richmond News newspaper on June 15, 2023, June 22, 2023 and June 29, 2023.

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 June 15, 2023, 230 letters were sent to residents, businesses and property owners. The letter provided information on the proposed liquor licence amendment application and contained instructions to comment on the application. The period for commenting for all public notifications ended July 15, 2023.

As a result of the community consultation process described, the City has received no responses opposed to 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 RCMP, Richmond Fire-Rescue, Building Approvals Department 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 or comments provided by Building Approvals Department, Richmond RCMP, Richmond Fire-Rescue and there were no comments provided of concern from Vancouver Coastal Health.

Financial Impact

None.

Conclusion

The results of the community consultation process for Marina One's application for extended service hours and Patron Participation Entertainment Endorsement was reviewed based on the LCRB criteria. The analysis concluded there should be no noticeable potential impact from noise, no significant impact to the community and no comments or ongoing concerns were raised from the regulatory agencies. Based on the culmination of these factors, the application to amend the Food Primary Licence to increase service hours to 9:00 AM to 2:00 AM, with no change to person capacity remaining at 194 occupants and to add Patron Participation ending at Midnight, is recommended.



Brock Simonson
Licence Inspector
(604-276-4155)

MC.bs

- Att. 1: Appendix A
- 2: Letter of Intent
- 3: Aerial Map with 50 Metre buffer area

City of Richmond

Appendix A

Re: Application to Amend Food Primary Liquor Licence # 311069- Extended Service Hours and Request for Patron Participation Entertainment Endorsement– Marina One Seafood Restaurant Ltd., DBA: Marina One Seafood Restaurant at 170 – 3631 No. 3 Rd., Richmond, BC

1. That the application from Marina One Seafood Restaurant Ltd., DBA: Marina One Seafood Restaurant, operating at, 170 - 3631 No.3 Road., requesting an increase to hours of liquor service and to add Patron Participation Entertainment Endorsement to the Food Primary Liquor Licence #311069, be supported for:
 - a) A permanent change to hours of liquor service;
 - i) **From**, Sunday to Saturday, 9:00 AM to Midnight,
 - ii) **To**, Sunday to Saturday, 9:00 AM to 2:00 AM;
 - b) Total person capacity to remain the same at 194 persons;
 - c) Addition of Patron Participation Entertainment Endorsement.
2. That a letter be sent to Liquor and Cannabis Regulation Branch advising that Council supports the amendments for a permanent change to hours of liquor service and addition of Patron Participation Entertainment Endorsement to the Food Primary Liquor Licence #311069, with the hours as listed above, and;
3. Council's comments on the prescribed criteria (Section 71 of the Liquor Control and Licencing Regulations) are as follows:
 - a) The impact of additional noise and traffic in the area of the establishment was considered;
 - b) The potential impact on the community was assessed through a community consultation process; and
 - c) Given that there has been no incidents of non-compliance with the business, the amendments to change hours of liquor service and the addition of Patron Participation Entertainment Endorsement to 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 City gathered the views of the community through a community consultation process as follows:

- i) Residents, businesses and property owners within a 50 meter radius of the establishment were notified by letter. The letter provided information on the application with instructions 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 public notice provided information on the application with instructions on how to submit comments and concerns.
- e) Council's comments on the general impact of the views of residents, businesses and property owners are as follows:
- i) The community consultation process was completed within 90 days of the application process; and
 - ii) The community consultation process generated no comments opposed to this application.
- f) Council recommends the approval of the amendments to the Food Primary Liquor Licence with extended hours of liquor service to 9:00 AM to 2 AM, Sunday to Saturday, and the addition of Patron Participation Entertainment Endorsement for reasons that the amendments proposed are acceptable to the majority of the residents, businesses and property owners in the area and the community.

COLLINGWOOD LAW OFFICE
Barristers & Solicitors
2959 Kingsway, Vancouver, British Columbia, V5R 5J4
Tel: 604-434-2977 Fax: 604-434-2967

Logan Nainaar
Andrew Xu*
Thershan Nainaar*†
Maggie Shi

Lnainaar@collingwoodlawoffice.com
axu@collingwoodlawoffice.com
tnainaar@collingwoodlawoffice.com
steven@collingwoodlawoffice.com
*Law Corporation † Associate Counsel

February 21, 2023

File No.: 6793

DELIVERED – Copy by Email

City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Finance and Corporate Services Division

Attn: Brock Simonson

Dear Sirs/Mesdames:

Re: Application for Change of Hours for Liquor Service to existing Food Primary License and request for Patron Participation Entertainment Endorsement – Marina One Seafood Restaurant Ltd. – 170-3631 No. 3 Road

Request and Background

We write on behalf of our client Marina One Seafood Restaurant Ltd. dba Marina One Seafood Restaurant (“Marina One”) in respect of the above captioned matter.

Marina One is a high end sit-down full service Chinese restaurant specializing in seafood and high-end Cantonese cuisine.

Our client bought the business in December of 2018 and engaged in extensive renovations which were interrupted by the COVID-19 pandemic at a critical juncture, necessitating a rethink of the restaurant concept and delaying the final restaurant opening until 2022.

As a large restaurant catering to a high-end clientele, Marina One is faced with the dual headwinds of residual effects of COVID and an imminent financial downturn, both of which impact large high-end restaurants more than smaller venues.

Collingwood Law Office

Marina One employs a significant number of servers, chefs and cooks, as well as support staff including managers and accountants. The majority of supplies are also sourced from other Richmond businesses.

Strategy and Rationale

In order to remain as a viable business in these challenging environments, Marina One intends to focus its marketing and business efforts in two directions: 1) banquets and 2) attracting a younger demographic.

Both strategies depend in part on being able to serve liquor past midnight and allowing a degree of patron participation. Banquets, especially weddings, tend to run late for obvious reasons, and some singing (karaoke) and dancing are also traditional fixtures, though the primary focus is always the sit-down dinner. Requiring all liquor service to cease by midnight and not being able to offer limited patron participation entertainment would put Marina One at a competitive disadvantage relative to other restaurants both in Richmond and the Greater Vancouver area which do offer same.

Similarly, market analysis undertaken by our client shows that the younger demographic being targeted tends to both start dinner later and stay later. This demographic also tends to spend on a per capita basis more than older demographics (banquets aside).

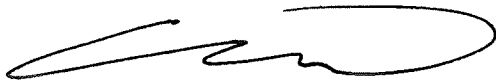
Neighborhood Character and Impact

The restaurant is located on the ground floor of a large standalone two-story plaza and has no second floor above the dining room. The other tenants of the plaza are a musical equipment store (Tom Lee Music), and office tenants (real estate offices and a law firm). These businesses are usually closed by 6pm.

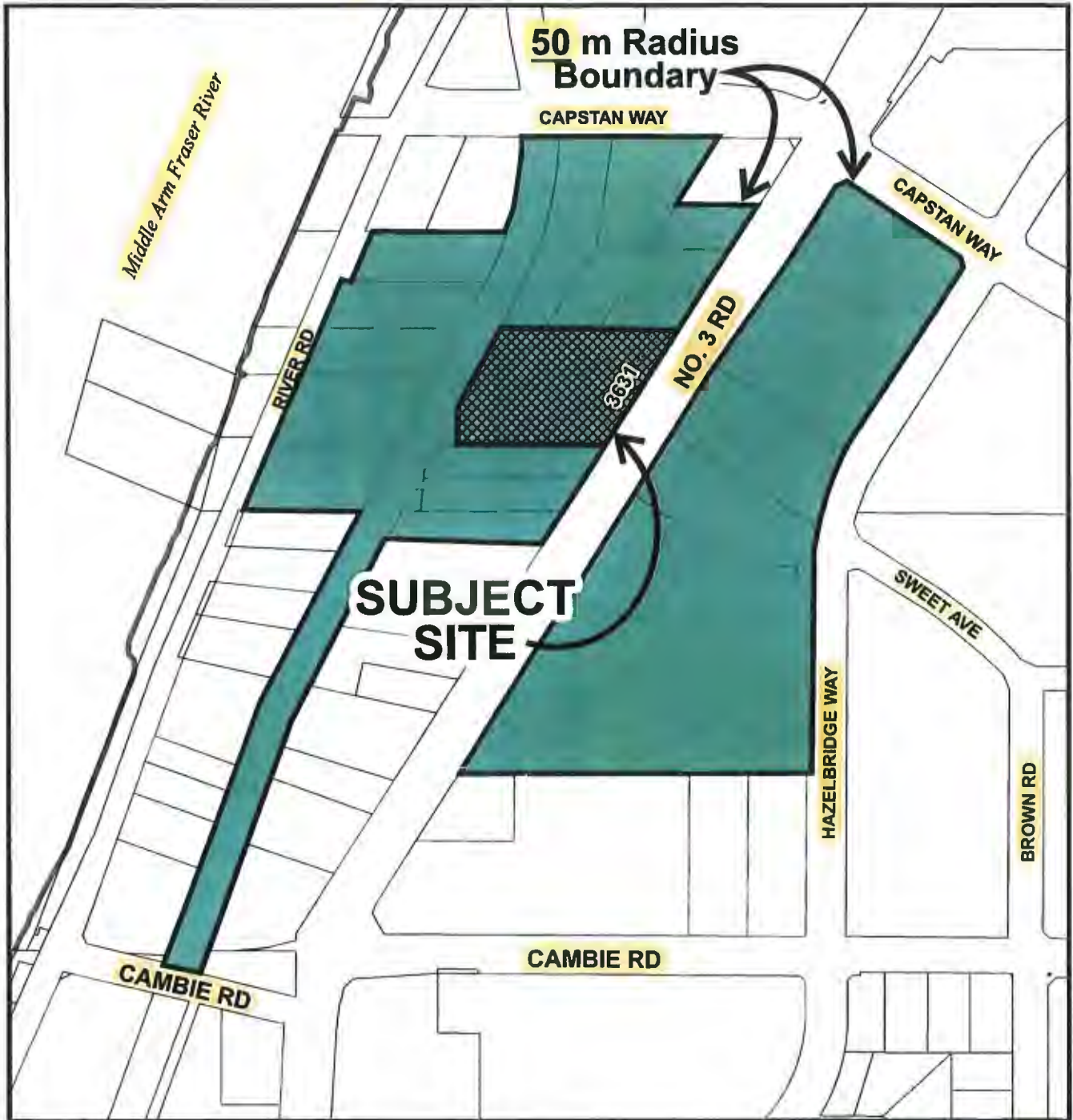
Neighboring lots to the north and south have significant set-backs and consist of a car dealership and an auto body shop. To the east across No. 3 Road (a significant distance away and behind the skytrain tracks) is Canadian Tire's parking lot and an undeveloped City-owned stretch slated to be a future extension of River Parkway is to the west. The entire character of the neighborhood is commercial in nature with no adjacent residential buildings. The area is designated as "mixed-use" in the Official Community Plan.

We would submit that Marina One's location is well suited to allowing extended liquor service hours and patron participation but are happy to discuss further. As such, please don't hesitate to contact us at any time with any questions.

Yours very truly,
Collingwood Law Office – agent for applicant



Per: Andrew Xu



3631 No. 3 Road
Unit 170

Original Date: 05/08/23

Revision Date:

Note: Dimensions are in METRES