



To: General Purposes Committee **Date:** October 1, 2017
From: Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety
Policy & Programs and Licencing
Chief Licence Inspector **File:** 12-8275-30-001/2017-
Vol 01
Re: **Application to Amend Food-Primary Liquor Licence – Relocation of Cactus Club Cafe to 1666 – 6551 No. 3 Road.**

Staff Recommendation

1. That the application from Cactus Club Cafe 2900 Ltd., operating as Cactus Club Cafe, for the relocation amendment to their Food Primary Liquor Licence No. 148636 **from** location at 5500 No. 3 Road with hours of liquor service from 9:00 a.m. to next day 1:30 a.m., Monday to Saturday and from 9:00 a.m. to midnight, Sunday; **to** location at 1666 – 6551 No. 3 Road with the same hours of liquor service, be supported.
2. That a letter be sent to the Liquor Control and Licensing Branch advising that:
 - a) The Council supports the relocation amendment of the application and the hours of liquor service;
 - b) The total person capacity at 223 persons indoor and 76 persons for the outdoor patio is acknowledged;
 - c) The Council's comments on the prescribed criteria (section 71 of the Liquor Control and Licensing Regulations) are as follows:
 - i) The impact of noise and traffic in the vicinity of the establishment was considered; and
 - ii) The general impact on the community was assessed through a community consultation process; and
 - iii) Given that there has been no history of non-compliance, this amendment will likely not result in the establishment being operated in a manner that is contrary to its primary purpose.
 - d) As the operation of a licenced establishment may affect nearby residents, business and property owners, the general 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 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 establishment 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 or concerns.
- e) The Council's comments on the general impact of the views of residents, businesses and property owners as follows:
- i) The community consultation process was completed within 90 days of the application process; and
 - ii) The comments and views of residents, businesses and property owners received through the community consultation process were assessed; and
 - iii) The concerns of residents, businesses and property owners received through the community consultation process could be mitigated by existing Bylaws.
- f) The Council recommends the approval of the licence for the reasons that the relocation amendment is acceptable to the majority of the residents and businesses in the area and the community.

Carli Edwards, P.Eng.
 Acting Senior Manager, Community Safety Policy & Programs and Licencing
 Chief Licence Inspector
 (604-276-4136)

Att. 2

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 the Cactus Club Cafe 2900 Ltd., operating as Cactus Club Cafe, for the relocation amendment to its Food Primary Liquor Licence No. 148636:

- To change the location with hours of liquor sales **from**, a location at 5500 No. 3 Road with hours of liquor service from 9:00 a.m. to next day 1:30 a.m., Monday to Saturday and from 9:00 a.m. to midnight, Sunday; **to** location at 1666 – 6551 No. 3 Road with the same hours of liquor service.

The City of Richmond is given the opportunity to provide comments and recommendations to the LCLB 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 general 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

Currently, the Cactus Club Cafe is located on 5500 No. 3 Road and has a valid Food-Primary Liquor licence with liquor service past midnight. The establishment will be relocated to the Richmond Centre Mall with the address 1666 – 6551 No. 3 Road (hereafter as the “new establishment”). The new establishment has a person capacity of 223 (interior) and 76 (exterior patio) for a total of 299 occupants. The new establishment’s primary purpose is the service of food, including appetizers and main courses prepared in the kitchen of the new establishment. The property is zoned Downtown Commercial (CDT1) and restaurant is a permitted use in the Zoning Bylaw 8500. In addition to Cactus Club, there are two other restaurants with Food Primary Liquor Licence tenanted in the Richmond Centre Mall.

The applicant’s amendment to the Food Primary Liquor Licence is a permanent change of location with hours of liquor service past midnight. Pursuant to the *Liquor Control and Licensing Regulation*¹ where Food Primary Liquor Licence amendments with hours of liquor

¹ Liquor Control and Licensing Regulation Section 71 – (3) For the purposes of section 38 (1) of the Act, the prescribed circumstances with respect to a food primary licence are as follows: (b) an applicant applies for any of the following amendments to the licence: (ii) a permanent extension of hours of liquor service if the new hours extend past midnight.

service that extend past midnight, the City can comment and recommend the issuance of the licence as set out in Section 38 of the Act.

On September 5, 2017, the City confirmed the receipt of the subject application and initiated the community consultation process to gather input from residents, businesses and property owners. The City has 90 days to complete the community consultation and provide comments and recommendations to the LCLB regarding to the issuance of the licence.

Summary of Community Consultation Process and Comments

The City's community consultation 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 September 12, 2017 and three advertisements were published in the local newspaper on September 13, 2017, September 15, 2017 and September 20, 2017.

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 new establishment. On September 12, 2017, a total of 2,252 letters were mailed out to businesses, residents and property owners. The letter provided information on the proposed liquor licence application and contains instructions to comment on the application. The period for commenting for all public notifications ended October 13, 2017.

Potential for Noise

The new establishment's location is situated in the City core, inside Richmond Centre Mall, with regular vehicular traffic on main arterial roads such as No. 3 Road and a large parking lot adjacent to the restaurant. Within the area, there are other restaurants and businesses, including in the mall and across the street, frequently visited by the public. Based on this assessment, the noise level is not a concern to other residents or businesses in the area.

Potential for Impact on the Community

The City relies, in part, on the response from the community to determine any negative impact of the liquor licence application. In this case, there was only one letter received in response to the application and the letter was in support of the application (Attachment 1). There is no reason to believe that the residents or businesses in the area have any concerns about this establishment or the potential impact on the community.

Potential to Operate Contrary to its Primary Purpose

There were no documented incidents of non-compliance related to the operation of this business. The Cactus Club Cafe chain is widely recognized restaurant chain in Metro Vancouver and in British Columbia. As such, there is no risk of the business operating 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 other agencies and departments such as Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue, Building Approvals and Business Licence Department. These agencies and departments generally provide comments on the compliance history of the applicant's operations and premises.

Vancouver Coastal Health conducted an initial health inspection on September 14, 2017 and has no objections to the relocation of the liquor licence. No issues or concerns were raised by other agencies or departments on this application.

Financial Impact

None.

Conclusion

The results of the community consultation of the Cactus Club Cafe Food Primary Liquor Licence application were reviewed based on the LCLB criteria. The assessment concluded there is no potential impact from noise, no significant general impact in the community and no concerns raised by City departments or other agencies. The Cactus Club Cafe is a recognized restaurant chain and there is no reason to believe the new establishment would operate in a manner that is contrary to its primary purpose. Based on the aggregate of these factors, the application of the relocation amendment to Food Primary Liquor Licence No. 148636 is recommended.



Carli Edwards
Acting Senior Manager, Community Safety Policy & Programs and Licencing
Chief Licence Inspector
(604-276-4004)

CE:dl

- Att. 1: Letter from resident in support of application
- 2: Arial Map with 50 meter buffer area

September 21, 2017.

To; Richmond

Liquor Licence Dept.

Dear Sirs,

In response to your letter of September 7,2017,
Re; Cactus Club Café 2900 Ltd. Licence

#148636 Application to relocate food primary

Liquor food primary liquor licence and maintain

The current hours of Liquor sales.

I am in favour of a Food Primary Liquor Licence

#148636 be granted.

I am,

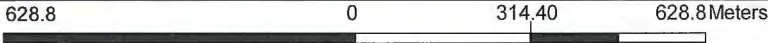
Yours truly

A handwritten signature in cursive script that reads "Thomas K. Wong".

Born in Nov.14,1917 Victoria,B.C.

R.C.A.F.WWII Vet served #22S.R.DSea Island.

City of Richmond Interactive Map



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.

- Install 1.5 m wide concrete sidewalk at the property line.
- Install a minimum 1.5 m wide landscaped boulevard behind the existing concrete curb.
- Confirm the existing driveway curb letdowns meet a standard acceptable to the City.

General Items:

- The Developer is required to:
 - Enter into, if required, additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering, including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
 - Not encroach into the existing SRW with proposed trees, non-removable fencing, or other non-removable structures.

Note:

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on-site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

Signed

Date



Richmond Zoning Bylaw 8500
Amendment Bylaw 9773 (RZ 17-781064)
12431 McNeely Drive

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

- 1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it "SINGLE DETACHED (RS2/B)".

P.I.D. 004-138-872

Parcel "B" (Reference Plan 17289) North Half Lot 4 Except: Part Dedicated Road on Plan LMP4855, Section 31 Block 5 North Range 5 West New Westminster District Plan 946

- 2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 9773".

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

ADOPTED

Horizontal lines for recording readings and conditions.

CITY OF RICHMOND APPROVED by [Signature] APPROVED by Director or Solicitor [Signature]

MAYOR

CORPORATE OFFICER