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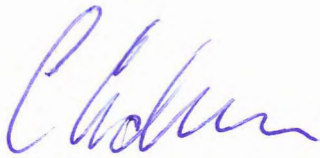
**To:** General Purposes Committee **Date:** June 6, 2016  
**From:** Carli Edwards, P.Eng **File:** 12-8275-01/2016-Vol  
Chief Licence Inspector & Manager, Customer 01  
Services and Licencing  
**Re:** **Happy Tree House BBQ Restaurant Ltd.**  
**Unit 105 - 8171 Alexandra Road**

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### Staff Recommendation



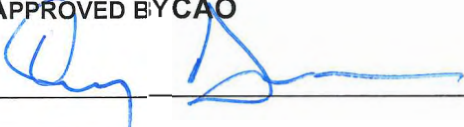
1. That the application from Happy Tree House BBQ Restaurant Ltd., for an amendment to increase their hours of liquor service under Food Primary Liquor Licence No. 304859 **from** 9:00 a.m. to midnight Monday to Sunday **to** 9:00 a.m. to 2:00 a.m. Monday to Sunday, be supported and that a letter be sent to the Liquor Control and Licensing Branch advising that:
  - a) Council supports the amendment for an increase in liquor service hours as the increase will not have a significant impact on the community.
  - b) Council's comments on the prescribed criteria (set out in Section 53 of the Liquor Control and Licensing Regulations) are as follows:
    - i) The potential for additional noise and traffic in the area was considered;
    - ii) The impact on the community was assessed through a community consultation process; and
    - iii) 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;
  - c) As the operation of a licenced establishment may affect nearby residents the City gathered the view of the residents as follows:
    - i) 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; and

- ii) 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; and
- d) Council's comments and recommendations respecting the view of the residents are as follows:
  - i) 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.



Carli Edwards, P.Eng.  
Chief Licence Inspector & Manager,  
Customer Services and Licensing  
(604-276-4136)

Att. 1

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

## 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, Happy Tree House BBQ Restaurant Ltd., doing business as, Happy Tree House BBQ, for the following amendment to its Food Primary Liquor Licence No. 304859,

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.

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 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

The applicant renovated the premises and commenced operating Happy Tree House BBQ, with an occupant load of 135 patrons in December 2015 serving BBQ cuisine. As a new Food Primary Liquor Licence establishment, LCLB would only issue the liquor licence for service to midnight.

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 at the North/East corner of Alexandra Road and Hazelbridge Way in a shopping complex which is currently comprised of four businesses.

The applicant indicates that the request for an increase in later liquor service hours is in order to better serve their clients who work late and attend their location after midnight for service.

### 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 28, 2016 and the three advertisements were published in the local newspaper on May 4, May 6 and May 11, 2016.

In addition to the advertised public notice requirements set out in Section 1.8.1, staff sent letters to businesses, residents and property owners within a 50-metre radius of the property.

There are 74 properties identified within the consultation area. On April 29, 2016, letters were sent to 84 businesses, residents and property owners within the 50-metre radius of the property. The letter provided 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, 2016.

#### Potential for Noise

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

#### Potential to operate contrary to its primary purpose

As there are no noted incidents of non-compliance issues related to the operation of this business, staff believe 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 other agencies and departments such as Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue, Liquor Control and Licensing Branch, Building Approvals and Business Licence Departments. These agencies and departments generally provide comments on the compliance history of the applicant's operations and premises.

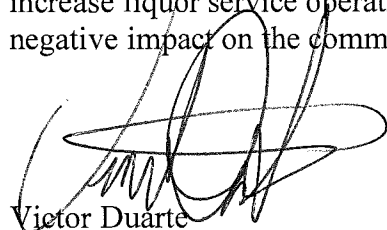
The City relies, in part, on the response from the community to determine any negative impact of the liquor licence application. Having received no responses from businesses, residents or property owners in the surrounding area and none from the city-wide public notifications, staff feel that support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

**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.

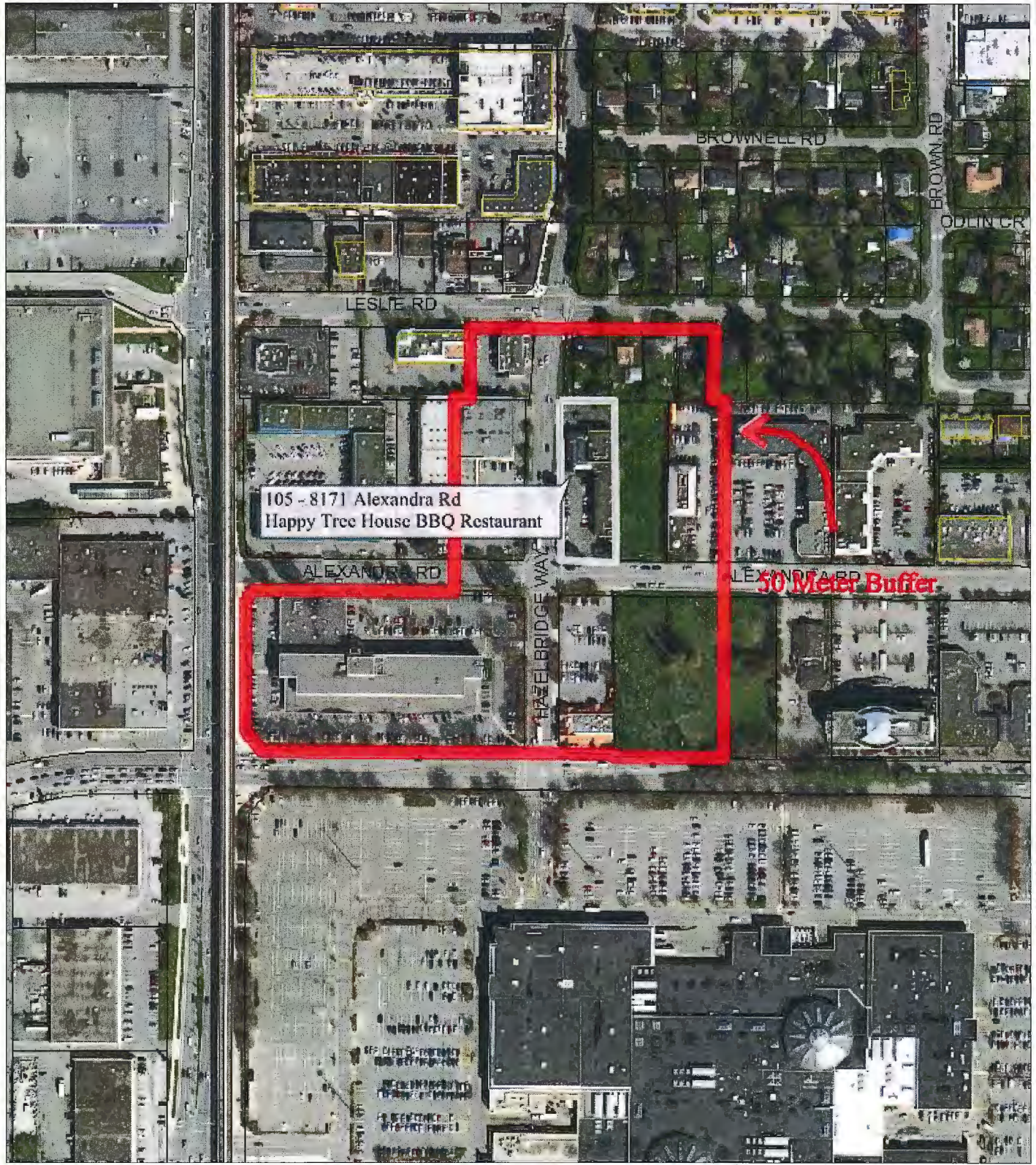


Victor Duarte  
Acting Supervisor, Business Licence  
(604-276-4389)

VMD:vmd

Att. 1: Aerial Map with 50 metre buffer area

# City of Richmond Interactive Map



105 - 8171 Alexandra Rd  
Happy Tree House BBQ Restaurant

50 Meter Buffer

148.8 0 74.40 148.8Meters

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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.

THIS MAP IS NOT TO BE USED FOR NAVIGATION