



To General Purposes - June 18, 2007

To: General Purposes Committee

Date: June 4, 2007

From: Amarjeet Rattan
Manager, Business Liaison

File: 12-8275-30-028

Re: Shiang Garden Restaurant Ltd., doing business as Shiang Garden Seafood Restaurant at 4540 No. 3 Road Unit 2200, Richmond
Food-Primary Liquor Licence Amendment - Patron Participation Endorsement

Staff Recommendation

That Council support the following amendment to the Food-Primary liquor licence held by Shiang Garden Seafood Restaurant located at 4540 No. 3 Road, Unit 2200:

- Patron Participation Endorsement (entertainment must end by midnight)

for the reasons outlined in the attached staff report, and, that Council forward a Letter of Resolution to the Manager of the Liquor Control and Licensing Branch in support of the amendment.

Amarjeet S Rattan
Manager, Business Liaison
(4686)

Att.

| FOR ORIGINATING DEPARTMENT USE ONLY | | | | | |
|-------------------------------------|-----|-------------------------------------|----|--------------------------------|--|
| ROUTED TO: | | CONCURRENCE | | CONCURRENCE OF GENERAL MANAGER | |
| Business Licences | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | |
| R.C.M.P. | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | |
| Zoning | Y | <input checked="" type="checkbox"/> | N | <input type="checkbox"/> | |
| REVIEWED BY TAG | YES | <input checked="" type="checkbox"/> | NO | <input type="checkbox"/> | REVIEWED BY CAO |
| | | | | | YES/NO |
| | | | | | <input checked="" type="checkbox"/> <input type="checkbox"/> |

Staff Report

Origin

The Provincial Liquor Control and Licensing Branch (LCLB) issues licences in accordance with the Liquor Control & Licensing Act and Regulations.

Local government is given opportunity to provide comments and recommendations to the LCLB, with respect to liquor licence applications and amendments. For an amendment to an existing licence, the process requires local government to provide a Council Resolution that addresses the following review criteria:

- the views of nearby residents and businesses, and the methods by which such views were gathered
- the potential for noise
- the impact on the community.

This report deals with an application by Allen Chen, General Manager of Shiang Garden Seafood Restaurant, for the following amendment:

- Patron Participation Entertainment Endorsement (entertainment must end by midnight as per LCLB regulations).

The restaurant proposes to add Karaoke as well as a dance floor to their restaurant service. Shiang Garden Seafood Restaurant is located at 4540 No. 3 Road, Unit 2200, which is zoned Automobile-Oriented Commercial District (C6).

Analysis

Shiang Garden Seafood Restaurant is located at Empire Centre, a strip mall located off the east side of No. 3 Road. Their unit is at the back of the strip mall and fronts Hazelbridge Way (Attachment 1). The current zoning permits a Food Catering establishment as well as Commercial Entertainment. The request for patron participation entertainment, as proposed by the Applicant, is consistent with the zoning for the property. The surrounding area is made up of mixed uses of retail stores, offices and single-family housing.

The Applicant's intent is to provide karaoke and a dance floor in the downstairs area, as well as karaoke for events such as wedding receptions in the upstairs area. The patron participation entertainment endorsement, if approved, applies during licensed hours until midnight. As per LCLB regulations, such entertainment is not permitted beyond midnight.

Summary of Application & Comments

To satisfy LCLB requirements, the City's review process requires that the public be notified of the proposed amendment and be given an opportunity to express any concerns related to the proposal.

This Public Consultation process requires that the Applicant post a sign in front of its business establishment, indicating what the proposed amendment is for. This sign must be displayed for a minimum of 30 days. The Applicant must also place three Notification Ads in local newspapers.

The City, on behalf of the Applicant, is required to send a letter to businesses, residents and property owners within a 100 metre radius of the establishment. This letter provides details of the proposed amendment and requests the public to communicate any concerns to the City. The graph below outlines the dates that each of the required processes was started.

| Item | Details |
|-------------------------------|--|
| Application | Amendments to Food-Primary liquor licence # 209709 |
| Type | Patron Participation Entertainment Endorsement |
| Location | 4540 No. 3 Road Unit 2200 |
| Present Hours of Liquor Sales | 9:00am – Midnight, Mondays through Sundays |
| Zoning | Automobile-Oriented Commercial District (C6) |
| Business Owner | Chi Yi Hsia |
| Date Received | March 7, 2007 |
| Date Sign Posted | March 10, 2007 |
| Ads in newspaper | March 10, 15, 17, 2007 |
| Letters to residents | March 12, 2007 |

The public consultation period for the application ended April 15, 2007.

Views of nearby residents, businesses and property owners

There are 373 properties located within the consultation area. On March 12, 2007, letters were sent to 750 businesses, residents and property owners to gather their views on the application. There were 38 letters returned as undeliverable.

As of April 15, 2007, no community responses were received from the letters that were mailed, from the sign posted at the business premises or notices placed in the local newspapers.

Potential for noise

It is staff's opinion that the potential for noise from patrons leaving the restaurant would be no different than that which already exists with the Applicant's current liquor licence. Public participation entertainment must end at midnight, regardless of the hours of operation. Currently, the restaurant's liquor service hours are until midnight seven days a week.

Potential negative impacts on the community

The City, in part, relies on response from the community to any negative impacts such a proposal would have. Due to the lack of response from the letters that were mailed out and from the public notices posted, staff are of the opinion that the provision of patron participation entertainment proposed by the Applicant, in the form of karaoke and a dance floor, does not pose a significant impact on the community surrounding the restaurant.

The most recent data received from LCLB lists 13 of the 243 Food-Primary establishments with a patron participation entertainment endorsement, this number could be interpreted as an indicator that Richmond is not saturated with businesses offering these same services.

According to the City's records, this business establishment has no history of non-compliance with respect to its Food-Primary licence.

Potential positive impacts on the community

Patron participation entertainment at the Applicant's business establishment will likely enhance patrons' dining experience and expand the local market of venues providing such a service. This, in turn, will likely result in a positive economic impact to the community. Although the entertainment endorsement would apply to the hours that the establishment is licensed, food service would remain the primary nature of the business.

Other agency comments

As part of the review process, staff have requested comments from Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue and the City's Building Permit and Business Licence Departments. These agencies and divisions generally provide comments on the compliance history of applicants operations and premises.

All agencies and departments with the exception of the Richmond Fire-Rescue had no objections to the application.

Vancouver Coastal Health advised that inspections were conducted by their office on March 20, 26 and 28, 2007, for operational concerns. Some of the issues indicated were; the improper storage of food; materials being stored in fire exit hallway and handicap washroom; improper storage of food in freezer; entire premise required to be cleaned and sanitized, cardboard to be removed; hot water tank to be fixed; implementation of temperature monitoring and sanitation schedule; spray bottle of bleach sanitizer required for each food prep area; cleaning and sanitizing of dishware storage area. It was reported that all outstanding issues had been addressed and complied with by the third inspection.

The Richmond Fire-Rescue Department reported that this restaurant has a history of violations which they have identified as affecting the safety to life and property. It was indicated that their primary concern was the fact that the operators obstructed or impeded access to exits and that the exit stair shafts and area of safe refuge are continually being used to store material. Also, the

company was required to submit a Fire Safety Plan to Richmond-Fire Rescue Department which conforms to Subsection 2.8 of the B.C. Fire Code Regulations.

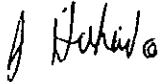
A follow-up with Richmond-Fire Rescue on May 22, 2007, revealed that a Fire Safety Plan was submitted and the review was completed May 24, 2007. It was communicated by the Richmond-Fire Rescue Department that they would be doing spot inspections over a two month period to ensure that the business complies with Fire Code regulations.

Financial Impact

None

Conclusion

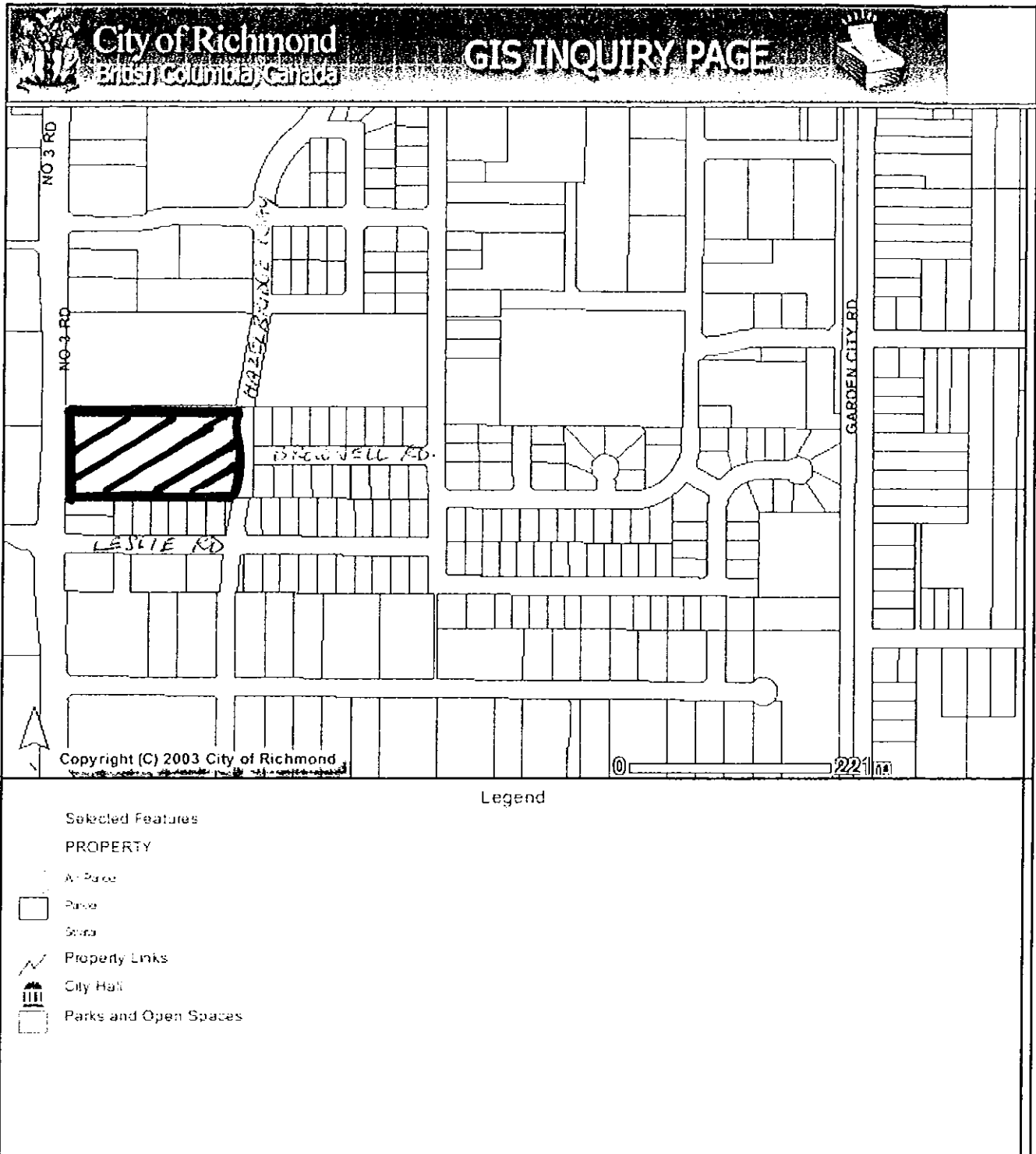
The request for endorsement of the proposed entertainment in the form of karaoke and a dance floor are consistent with the zoning for the property. Given that the Applicant has made an effort to comply with the concerns outlined by the Richmond-Fire Rescue Department and the lack of any negative public feedback and non-history of any liquor licensing infractions, staff recommend that Council provide a Resolution to the LCLB in support of this application.



Joanne Hikida
Licence Inspector
(4155)

JMH:jmh

Attachments: 2



City of Richmond Property Information

Address: Unit 2200-4540 No 3 Rd *SHIAN & GARDEN SEAFOOD RESTAURANT*
 Richmond Key: 86286 Roll: 083722114 PID: 024-776-521
 Lot: 114 SEC: 33-5-6 PL: LMS4082
 Zoning: C6 BER-C: 0.9m BER-P: 0.9m
 OCP SCH: 2.10 Sewer Area: West
 Rights of Way: 43304 42607 41117 53760 Rd3361 Recycling Pick up Day: Tuesday
 DPA: Yes ALR: No Heritage: No ESA: No RAR: No NEF: Yes
 BCAA Legal: 114 SEC 33 BLK5N RG6W PL LMS4082

Assessments

Gross Taxes: \$2,344.93 Parcel Area: 0 sq.m.