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**To:** General Purposes Committee **Date:** March 3, 2014  
**From:** W. Glenn McLaughlin **File:** 12-8275-05/2014-Vol  
Chief Licence Inspector & Risk Manager 01  
**Re:** **Goodluck International Enterprises Ltd., doing business as  
Bushuair Restaurant Unit 121 - 4600 No. 3 Road**

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### Staff Recommendation

That the application from Goodluck International Enterprises Ltd., doing business as Bushuair Restaurant, for an amendment to increase their hours of liquor service under Food Primary Liquor Licence No. 303133 *from* Monday to Sunday 9:00 a.m. to Midnight *to* Monday to Sunday 9:00 a.m. to 2:00 a.m., 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 if the application is approved was considered.
  - b. The impact on the community if the application is approved was assessed through a community consultation process and considered.
  - c. Given 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 views 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)

<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 SAO</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 amendment application submitted to LCLB and to the City of Richmond by Goodluck International Enterprises Ltd. (the “Applicant”) doing business as Bushuair Restaurant for the following amendment to its Food Primary Liquor Licence No. 303133;

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

There is no entertainment proposed.

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 if the application is approved
- the impact on the community if the application is approved
- whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

### Analysis

The Applicant has been operating this casual style restaurant with a Food Primary Liquor Licence since April of 2011. The restaurant has an approved occupant load of 156 persons.

The zoning for the property is Auto-Oriented Commercial (CA) and the business use of a restaurant is consistent with the permitted uses for this zoning district. The business is situated within a commercial shopping complex, where there are several other eateries, retail shops and personal services catering to the day to day needs of the general public.

The Applicant is requesting the extended hours of liquor service in order to be competitive with other such similar operations. Of the Food Primary Liquor licences issued to restaurants operating in Richmond approximately 10% have hours of liquor service until 2:00 a.m.

### Summary of Application and Comments

The City’s process for reviewing applications for liquor related permits is prescribed by the Development Application Fee’s 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*; or
- (b) any of the following in relation to an existing licence to serve liquor:
  - (i) addition of a patio;
  - (ii) relocation of a licence;
  - (iii) change of hours; or
  - (iv) patron participation
 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.

In addition to the advertised public notice requirements set out in Section 1.8.2, 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 establishment (Attachment 1). This letter provides details of the proposed liquor licence application and requests the public to communicate any concerns to the City.

There are 20 property parcels within the consultation area. On January 22, 2014, letters were sent to 580 businesses, residents and property owners to gather their view on the application. Fifty-six letters were returned as undeliverable.

The required signage was posted on January 10, 2014 and the 3 ads were verified as being published on January 10<sup>th</sup>, 15<sup>th</sup> and 17<sup>th</sup>, 2014. The public notification process ended on February 21, 2014.

From all the public notifications there was one response received that was not in favour of increased liquor service hours for the following reasons;

- reduce the safety of the neighbourhood by attracting or allowing people to be intoxicated well into the late night
- require increased police presence, supervision and work to maintain order and safety
- increase the likelihood of property damage and crime
- increase the likelihood of conflict between residents and intoxicated or ill repute people

*Potential for Noise*

Staff believe that 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. After reviewing the comments received from the person apposed to the application and taking into account 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 is 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 main purpose as a food primary establishment.

*Other agency comments*

As part of the review process, staff requested comments from Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue, Richmond 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 from any of the above mentioned agencies and divisions.

**Financial Impact**

None

**Conclusion**

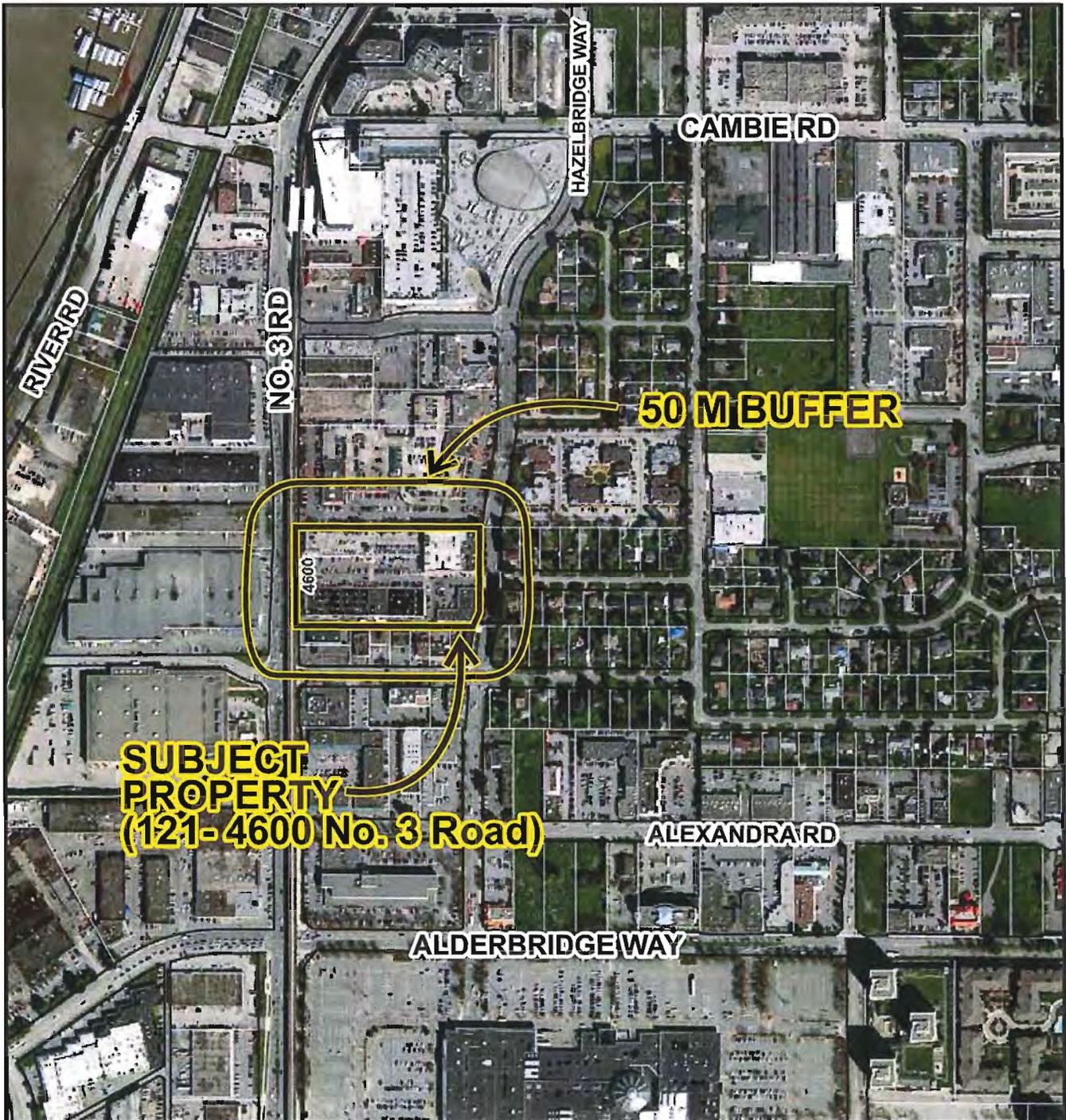
Following the public consultation period, staff reviewed the Food Primary Licence Amendment application against the legislated review criteria and recommends Council support the amendment to increase liquor service hours as the amendment is not expected to increase noise or have a negative impact on the community.

  
Joanne Hikida  
Supervisor Business Licence  
(604-276-4155)

Att.:1 Site Map



City of  
Richmond



121 - 4600 No. 3 Road

Original Date: 02/25/14

Revision Date:

Note: Dimensions are in METRES