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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:** **The Westin Wall Centre Vancouver Airport, doing business as  
The Apron Restaurant  
3099 Corvette Way**

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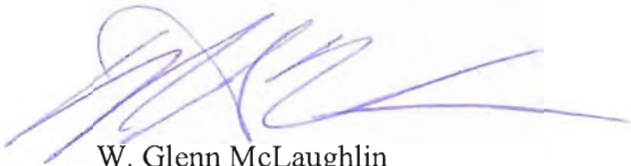
### Staff Recommendation

That the application from The Westin Wall Centre Vancouver Airport, doing business as The Apron Restaurant, for an amendment to increase their hours of liquor service under Food Primary Liquor Licence No. 303817 *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:

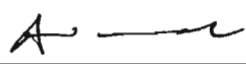

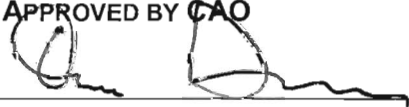
1. Council supports the amendment for an increase in liquor service hours as the increase will not have a significant impact on the community.
2. Council's comments on the prescribed criteria (set out in Section 53 of the Liquor Control and Licensing Regulations) are as follows:
  - a. The potential 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 so 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 responses 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 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 submitted to LCLB and to the City of Richmond by Rising Tide Consultants Inc. on behalf of their client, The Westin Wall Centre Vancouver Airport, doing business as The Apron (the “Applicant”) to amend Food Primary Liquor Licence No. 303817 in order to:

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.

Local Government is 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 restaurant is located in the lobby of the Westin Wall Hotel and is an upscale restaurant with a Food Primary Liquor Licence and has been in operation since January of 2010.

The zoning for the property is Residential/Hotel – Capstan Village City Centre (ZMU5) and the business use of a restaurant is consistent with the permitted uses for this zoning district. The property is situated amongst a mix of residential towers and commercial businesses. There are properties to the east that are currently under construction with future residential towers.

Within the vicinity of the property there are nine food primary establishments that operate with hours past midnight.

The Applicant’s letter of intent received with the City’s application states that they are requesting the increase in liquor service hours in order to remain competitive and because the Applicant feels it will benefit and better serve the community.

## 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 participationmust 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 15 property parcels within the consultation area. On January 23, 2014, letters were sent to 611 businesses, residents and property owners to gather their view on the application. Thirty letters were returned as undeliverable.

The signage required under the regulations was posted on December 20, 2103 and the 3 ads were verified as being published in the Richmond News.

The public notification process ended February 21, 2014 and no responses from the Community were received.

*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. Considering the lack of responses 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.

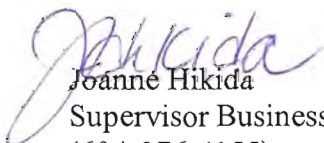
No objections to the application were received from any of the above mentioned agencies and divisions.

**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.

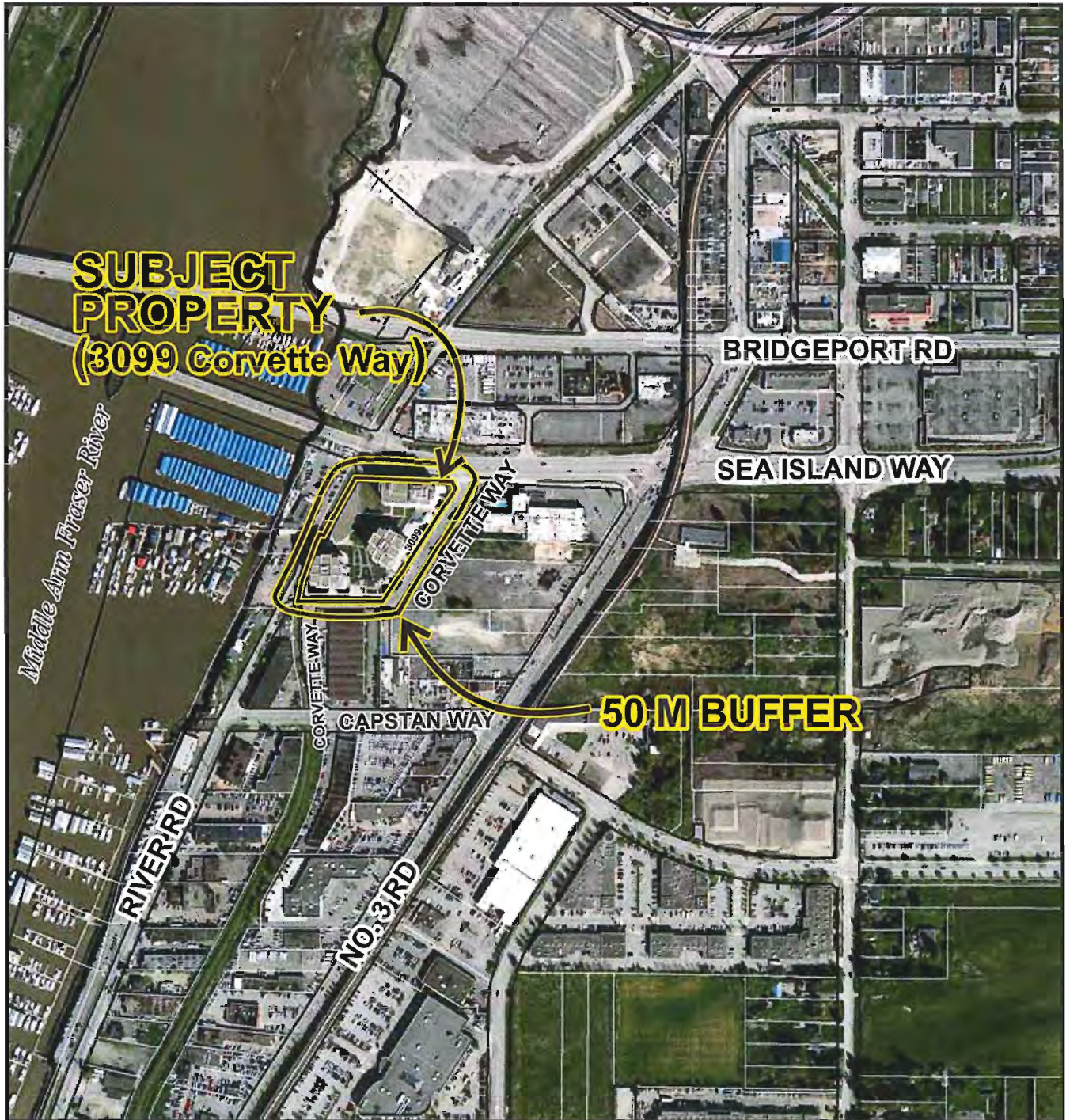


Joanne Hikida  
Supervisor Business Licence  
(604-276-4155)

Att.: 1 Site Map



City of  
Richmond



3099 Corvette Way

Original Date: 02/25/14

Revision Date: 03/03/14

Note: Dimensions are in METRES