



To: General Purposes Committee **Date:** May 14, 2014
From: W. Glenn McLaughlin **File:** 12-8275-05/2014-Vol
Chief Licence Inspector & Risk Manager 01
Re: **Takifugu Japanese Restaurant Ltd.**
Unit 133 - 4800 No. 3 Road

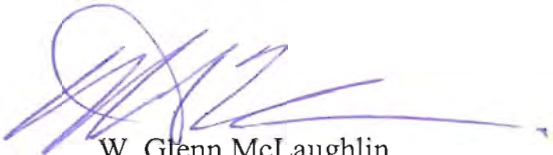
Staff Recommendation

That the application from Takifugu Japanese Restaurant Ltd., for an amendment to increase their hours of liquor service under Food Primary Liquor Licence No. 047295 *from* Monday to Saturday 11:00 a.m. to 1:00 a.m. and Sunday 11:00 a.m. to Midnight *to* Monday to Saturday 11:00 a.m. to 2:00 a.m. and Sunday 11:00 a.m. to 1:00 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 was considered.
 - b. The impact on the community was assessed through a community consultation process.
 - c. 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.
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.



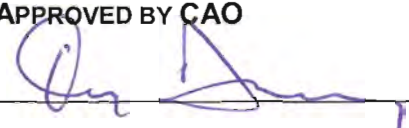
4. Council's comments and recommendations respecting the views of the residents are as follows:

- a. That based on the number of letters sent and the lack of response received from all public notifications, Council considers that the amendments are acceptable to the majority of the residents in the area and the community.



W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager
(604-276-4136)

Att. 1

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 amendment to an application submitted to LCLB and to the City of Richmond by Takifugu Japanese Restaurant Ltd. (the “Applicant”) for the following amendment to its Food Primary Liquor Licence No. 047295;

Change the hours of liquor sales *from* Monday to Saturday 11:00 a.m. to 1:00 a.m. and Sunday 11:00 a.m. to Midnight *to* Monday to Saturday 11:00 a.m. to 2:00 a.m. and Sunday 11:00 a.m. to 1:00 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
- 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 has been operating a restaurant offering a Japanese Izakaya cuisine menu with a Food Primary Liquor Licence since April of 2010. The restaurant has an approved occupancy of 74 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 restaurant is situated within a commercial shopping complex, where there are several other eateries, retail shops and personal services that cater to the day to day needs of the general public.

The Applicant is requesting the extended hours of service in order to offer liquor service to workers of neighbouring businesses who come in after 11 p.m. for a late night dinner /snack and would like to have a drink with their meal.

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.

The required signage was posted on April 5, 2014, and the three ads were verified as being published in the local newspaper on April 11, April 16, and April 18, 2014.

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 April 9, 2014, letters were sent to 195 businesses, residents and property owners to gather their view on the application. Forty-one letters were returned as undeliverable.

All public consultations ended May 9, 2014, and no responses were received from the public.

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 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 primary purpose as a food establishment.

Other agency comments

As part of the review process, staff requested comments from Vancouver Coastal Health, Richmond RCMP, Richmond Fire-Rescue, Richmond Joint 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.



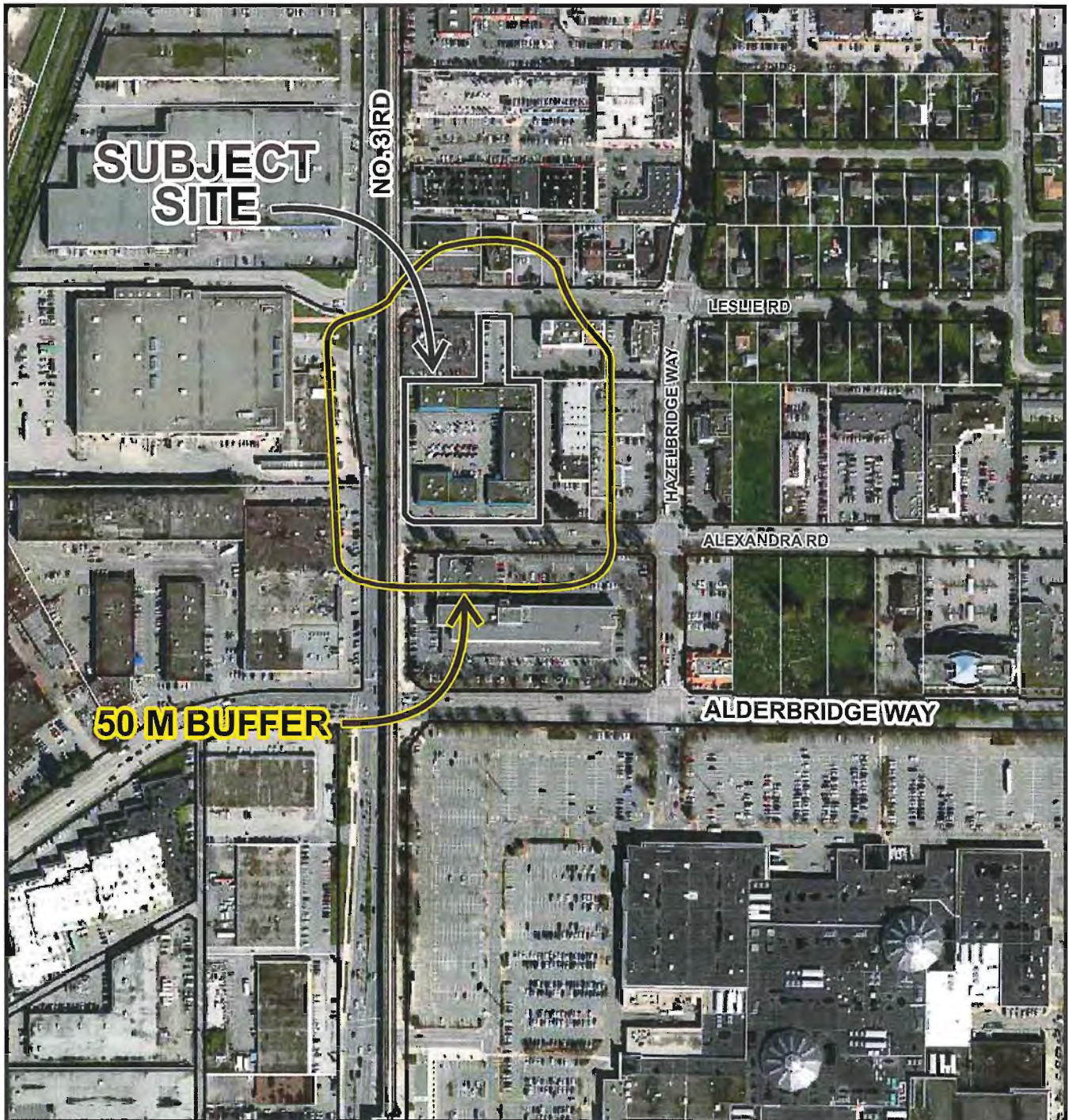
Joanne Hikida
Supervisor Business Licence
(604-276-4155)

JMH:jmh

Att. 1: Site Map



City of
Richmond



133 - 4800 No. 3 Road

Original Date: 05/15/14
Revision Date:
Note: Dimensions are in METRES