



To: General Purposes Committee **Date:** June 22, 2021
From: Cecilia Achiam, General Manager, Community Safety **File:** 12-8275-30-001/2021-Vol 01
Re: **Application To Amend Food Primary Liquor Licence #137839 and Request The Addition of Patio # 3 - Shady Island Seafood Bar & Grill Ltd - 112 - 3800 Bayview Street.**

Staff Recommendation

1. That the application from Shady Island Seafood Bar & Grill Ltd., for an amendment to Food Primary Licence # 137839 requesting an addition of a patio area to permit liquor service to an existing patio with 28 seats, be supported for:
 - a) Total person capacity currently set at 197 occupants will not change;
 - b) Hours of liquor service will remain the same and currently set at Monday to Saturday 10:00 AM to Midnight and Sunday from 11:00 AM to Midnight; and
2. That a letter be sent to the Liquor and Cannabis Regulation Branch, which includes the information attached as Appendix A (Attachment 1), advising that Council recommends the approval of the licence amendment for the reasons that this amendment has been determined, following public consultation, to be acceptable in the area and community.

Cecilia Achiam,
General Manager, Community Safety
(604-276-4122)

Att. 5

REPORT CONCURRENCE	
SENIOR STAFF REPORT REVIEW	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

The Provincial Liquor and Cannabis Regulation Branch (LCRB) 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 LCRB and the City of Richmond by Shady Island Seafood Bar & Grill Ltd., (hereinafter referred to as “Shady Island”) for an amendment to their Food-Primary Liquor Licence # 137839 and request:

- The addition of a patio area (“Patio 3”) to permit liquor service to an existing patio with 28 seats that is currently food service only;
- A reconfiguration of seats on the lower floor with the total occupant load remaining unchanged at 197 occupants; and
- No change to current service hours.

This report deals only with the Food-Primary Licence on the lower floor. There is a Liquor-Primary licence on the upper floor but there are no proposed changes to that licence. A copy of their letter of intent is provided as attachment 2.

The City of Richmond is given the opportunity to provide written comments by way of a resolution to the LCRB with respect to the liquor licence applications and amendments. For an amendment to a Food-Primary Liquor Licence, the process requires the 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.

This application relates to an existing Food Primary liquor licence for Shady Island currently covering indoor seating on the lower floor of the establishment and two outdoor patios. The upper floor of Shady Island premises is under a Liquor Primary Liquor Licence with 63 occupants and not affected by this licence amendment request. Shady Island is proposing to add an existing outdoor patio to the liquor service area thereby amending the licence to include the third outside patio area.

This report supports Council’s Strategic Plan 2018-2022 Strategy #7 A Supported Economic Sector:

Facilitate diversified economic growth through innovative and sustainable policies, practices and partnerships.

Analysis

Shady Island is situated at 3800 Bayview Street Unit 112. The property is zoned Steveston Commercial and Pub (ZMU10) – this is a medium density zoning district which supports the conservation of the heritage character of Steveston Village. This property is owned by Crown Federal, Steveston Harbour Authority and Steveston Waterfront Properties Inc. There are 16 various types of businesses providing uses such as services, retail trading, restaurants and a

liquor primary establishment. All of these are permitted uses in this zoning district. Shady Island has operated at this location since 1990 and under the current ownership since 2019.

With the current measures in place to prevent the spread of COVID-19, Shady Island has received approval from the City of Richmond and LCRB to operate a Temporary Outdoor Patio (TOP) with liquor service since the program began in 2020 and is set to expire on October 31, 2021. This program has been a success and Shady Island now wishes to continue on a more permanent basis.

The overall seating capacity has been restructured through the building permit approval process and an amended floor plan showing the changes is shown in Attachment 3.

Impact of Noise on the Community

The location of this establishment is such that there should be no noise impact on the community. The addition of a third patio for Shady Island should not affect its operation or cause it to operate contrary to its primary purpose as a food primary establishment. This patio has been used by Shady Island without liquor service primarily for take-out service seating before the TOP was approved and issued.

Impact on the Community

The community consultation process for reviewing applications for liquor related licences is prescribed by the Development Application Fees 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*; 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 15, 2021 and three advertisements were published in the Richmond News newspaper on April 15, 2021, April 22, 2021 and April 29, 2021.

In addition to the advertised signage and public notice requirements, staff sent letters to businesses, residents and property owners within a 50 meter radius of the establishment. On April 14, 2021, 74 letters were sent to residents, businesses and property owners. The letter provided information on the proposed liquor licence application and contained instructions to comment on the application. The period for commenting for all public notifications ended May 15, 2021.

As a result of the community consultation process described, the City has received one response opposed to this application. However the objection is to the use of Federal Land for private enterprise use and outside the control of the City of Richmond.

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, Building Approvals Department and the Business Licence Department. These agencies and departments generally provide comments on the compliance history of the applicant's operations and premises. No concerns were raised or comments provided by Building Approvals Department. There are no concerns from Vancouver Coastal Health, Richmond RCMP, or Richmond Fire-Rescue with this application.

Financial Impact

None.

Conclusion

The results of the community consultation process of Shady Island's proposed amendment to their existing Food Primary Liquor Licence application was reviewed based on the LCRB criteria. The analysis concluded there should be no noticeable potential impact from noise, no significant impact to the community and no comments or concerns were raised from Richmond Fire Rescue or other agencies. Shady Island has operated this third patio without liquor service since 2007 and under this current ownership since 2019 with no issues. Based on the culmination of these factors, the application to amend the Food Primary Licence to include Patio 3 with no change to person capacity and no change to the liquor service currently set at Monday to Saturday 10:00 AM to Midnight, and Sunday 11:00 AM to Midnight, is recommended.



Carli Williams, P.Eng.
Manager, Business Licence and Bylaws
(604-276-4136)



Victor Duarte
Supervisor, Business Licences
(604-26-4389)

- Att. 1: Appendix A
2: Letter of Intent
3: Amended Floor Plan
4: Aerial Map with 50m Buffer Area
5: Notice of Opposition

Appendix A

Re: Application for an Amendment to Food Primary Liquor Licence # 3137839 – Shady Island Seafood Bar & Grill Ltd. – 112 – 3800 Bayview St., Richmond BC

1. That the amendment application from Shady Island Seafood Bar & Grill Ltd., operating at, 112 – 3800 Bayview St., requesting an addition of Patio 3 to permit liquor service to an existing patio with 28 seats, be supported for:
 - a) A total person capacity currently set at 197 persons will not change;
 - b) Hours of Liquor service to remain the same as currently permitted as, Monday to Saturday, from 10:00 AM to Midnight and Sunday from 11:00 AM to Midnight, and
2. That a letter be sent to Liquor and Cannabis Regulation Branch advising that:
 - a) Council supports the applicants request to amend the Food Primary Licence application, and the hours of liquor service remaining the same;
 - b) The total person capacity is unchanged and acknowledged at 197 persons;
3. Council's comments on the prescribed criteria (Section 71 of the Liquor Control and Licencing Regulations) are as follows:
 - a) The impact of additional noise and traffic in the area of the establishment was considered;
 - b) The potential impact on the community was assessed through a community consultation process; and
 - c) Given that this is an amendment to an existing establishment, there is no history of non-compliance with this establishment;
 - d) As the operation of a licenced establishment may affect nearby residents, businesses and property owners, the City gathered the views of the community through a community consultation process as follows:
 - i) Residents, businesses and property owners within a 50 meter radius of the establishment were notified by letter. The letter provided information on the application with instructions on how to submit comments or concerns; and
 - ii) Signage was posted at the subject property and three public notices were published in a local newspaper. The signage and public notice provided information on the application with instructions on how to submit comments and concerns.

- e) Council's comments on the general impact of the views of residents, businesses and property owners are as follows:
 - i) The community consultation process was completed within 90 days of the application process; and
 - ii) The community consultation process determined only one comment received opposed to this application from residents, businesses and property owners.
- f) Council recommends the approval of the licence amendment application with no increase to the person capacity of 197 persons and no change to the hours of liquor service, for the reasons that this amendment application to the Food Primary Licence is acceptable to the majority of the residents, businesses and property owners in the area and community.



Shady Island Seafood Bar & Grill Ltd.

Letter of Intent

Permanent Addition of Temporary Patio

To whom it may concern,

My name is Sachi Diczki and am representing our restaurant Shady Island Seafood Bar & Grill Ltd. located at #112 – 3800 Bayview St., Richmond, B.C.

The reason for this letter is to amend our current Food Primary License # 137839 to permanently add an already existing takeout patio section to our licence. This area has previously been approved for the Temporary Patio Extension program that came into place when Covid-19 hit to be able to have liquor service and therefore a full dining experience there. As this is a temporary license and is expiring October 31st 2021 we are looking to have it as a permanent addition.

It has been greatly beneficial to the business, especially during such a trying time. And on nice weather days, has proven to be the most popular area for patrons.

If you require any further information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to be "Sachi Diczki".

Sachi Diczki

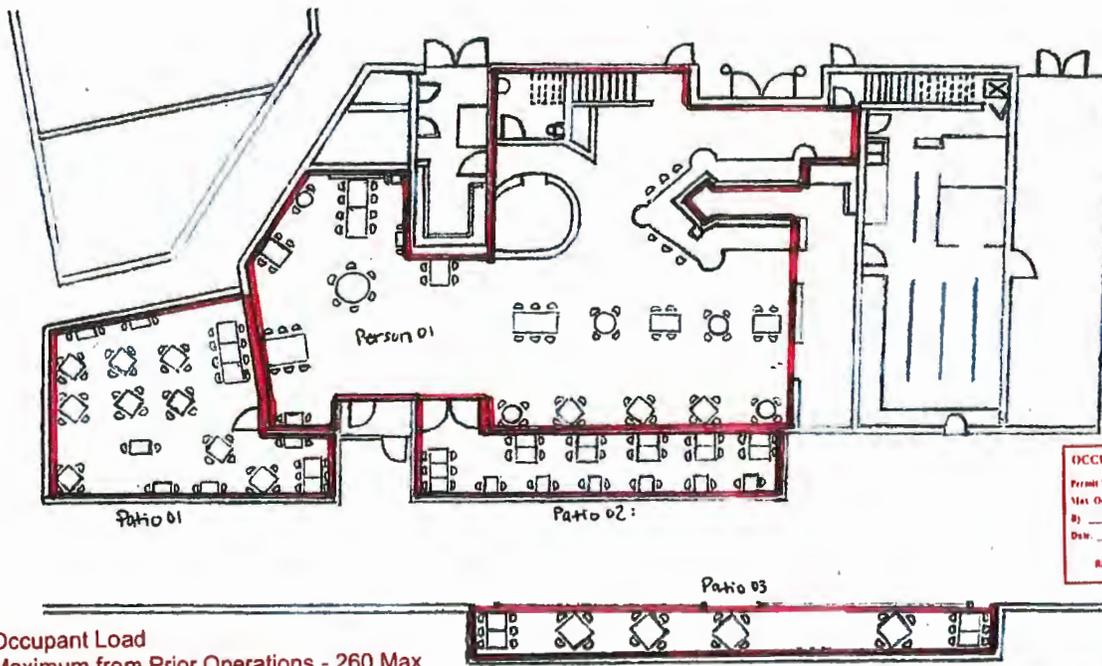
Manager

Shady Island Seafood Bar & Grill Ltd.

112 - 3800 Bayview St

Do Business As: Shady Island Seafood Bar & Grill
Company Name: Shady Island Seafood Bar & Grill Ltd.
112-3800 Bayview St.
Richmond, B.C.
V4C 8C5

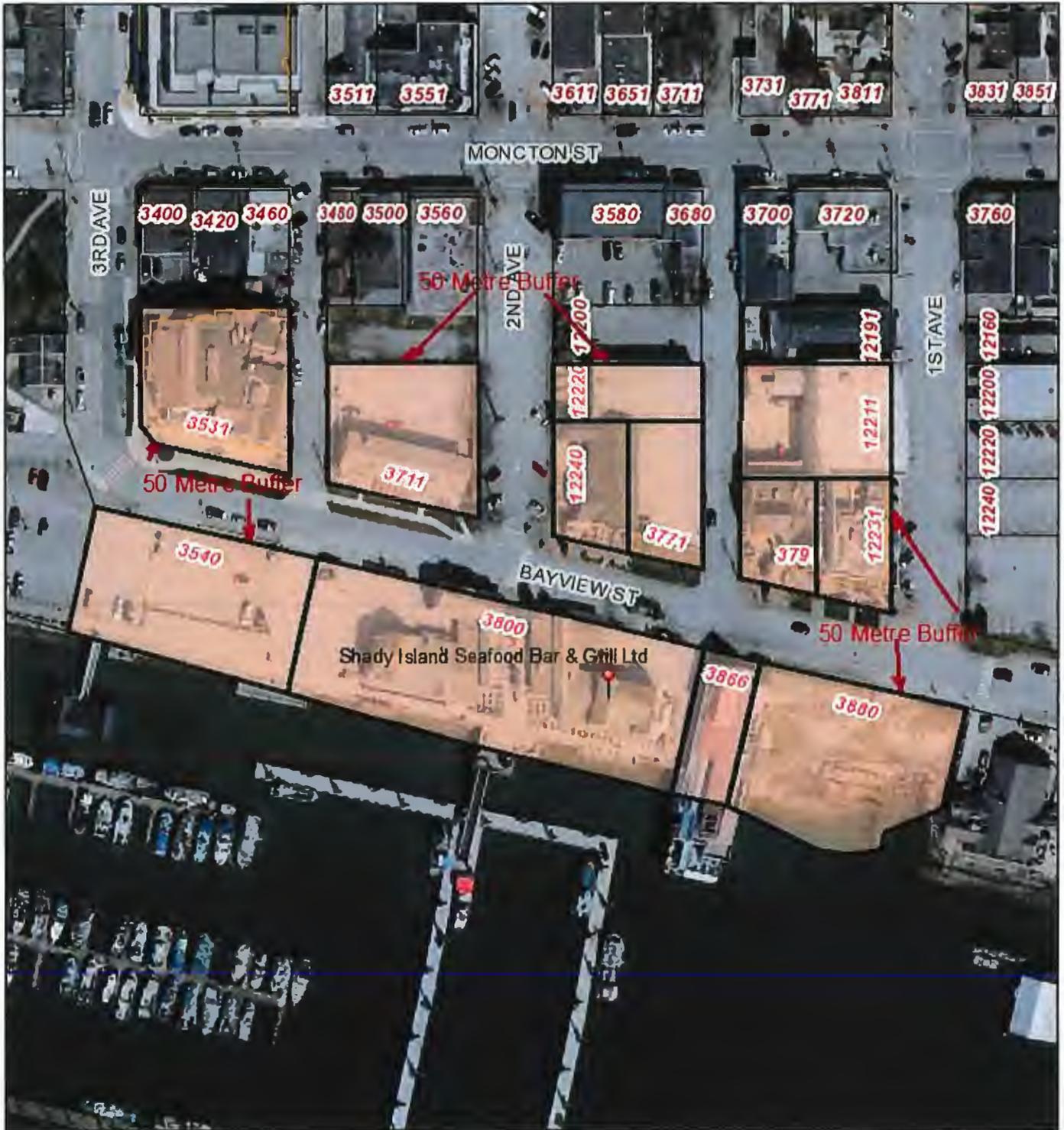
Received
City of Richmond
Building Approvals
2020 Dec 18



OCCUPANT LOAD: REVIEW ONLY
Permit No. **20-921290**
Max Occupant Load: **260**
By: **ST**
Date: **9 March 2021**
Richmond Building Approvals Division

Occupant Load
Maximum from Prior Operations - 260 Max.
Interior - Ground Floor - 63
Interior - Upper Floor - 63
Exterior Patio 1 - 56
Exterior Patio 2 - 40
Exterior Patio 3 - 28
Staff - 10
Total - 260

THESE PLANS MUST BE KEPT ON THE JOB SITE FOR INSPECTIONS



6/1/2021, 8:02:50 AM

Lines

— Override 1

Points

● Override 1

Select properties based on spatial relation to a layer_Query result

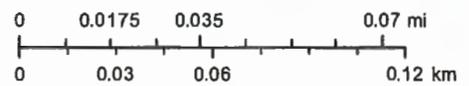
112 - 3800 Bayview St



City Hall

GP - 77

1:2,257



The City of Richmond
Business License Division
Liquor Licence Applications
6911 No. 3 Rd.
Richmond, B.C. V6Y 2C1

Re: Application by Shady Island Seafood Bar & Grill Ltd

In response to the application for liquor licence amendment to allow liquor to be served on their existing patio, I wish to register that I am opposed to this application.

In 2008 I queried the legality of the use of the public wharf for commercial purposes in that this wharf/boardwalk was originally intended to be dedicated for public use as indicated on the plaque that was installed at the completion of the boardwalk.

There is some jurisdictional conflict in that this boardwalk appears to be under the responsibility of the Steveston Harbour Authority and when I contacted them, they were not in agreement with my position.

I still contend that this boardwalk on which several restaurants have extended their seating capacity onto, is illegal and thus cannot be further legitimized by approving liquor service to this area.

If in fact these restaurants can prove that they have a legitimate and approved permission to use public space for their own commercial use, then I will agree that a liquor permit is permissible.

Until such time as this is proven, I contend that no liquor licence should be extended.

I have attached email correspondence I had with the City on this matter.

Furthermore I am of the opinion that this same issue applies to the Blue Canoe restaurant who have converted their public walkway space into a covered seating area and also the Sockeye City Grill next door who also have outside seating on the boardwalk.



Kelvin Higo
3220 Regent St.
Richmond, B.C.

604-241-7444.

Attachment 5

Mail - kelvin higo - Outlook

Hi Harold and Kelvin,

We have not issued any planning approvals (rezoning or development permit) for the noted changes. As Harold notes we do not have jurisdiction on Fed land but sometimes they follow our process. I'm not aware of any tool we could apply here.

By copy will ask our Manager of business licences if there has been anything at that end.

Kelvin, if you don't want to chase Board members you could try Bob Basiak at SHA.

Joe

----- Original Message -----

From: Harold Steves <haroldsteves@yahoo.com>

To: kelvin higo <khigo@hotmail.com>

Cc: Erceg, Joe

Sent: Sat Apr 05 11:18:03 2008

Subject: Re: Steveston landing.

Hi Kelvin,

Steveston Landing is owned by the Federal Government. It is administered by the Steveston Harbour Authority. I don't know whether the Steveston Harbour Authority has approved expansion of the restaurants over the docks as their meetings are secret. You might ask one of the board members, Ted Lorenz, Graham Turnbull or Bill McNulty. You could also bring it to the attention of our MP John Cummins.

Attachment 5

As you may recall, because municipal laws take second place to federal laws, we had some problems getting jurisdiction over public health on the fish sales docks. When Steveston Landing was developed it was done through the regular city zoning process so we may have some jurisdiction.

I have copied Joe Erceg for a response from the city perspective.

cheers,

Harold

--- On Sat, 4/5/08, kelvin higo <khigo@hotmail.com> wrote:

From: kelvin higo <khigo@hotmail.com>
Subject: Steveston landing.
To: haroldsteves@yahoo.com
Received: Saturday, April 5, 2008, 7:32 AM

Harold, do you know who is responsible for the Landing in front of

Shady Island Bar and Grill and Sockeye City restaurants? I had inquired last year to City Hall about these restaurants expanding their seating further into the public space along the boardwalk however I did not receive enough clarity about restricting these restaurants from expanding their seating into the landing.

I assume this is public land possibly owned by the Federal Government? There is a plaque located near the entranceway to the Fish Sales dock that states that the landing is donated to the people of Richmond for their use. If this is the case, why are these restaurants allowed to take up space with their expanded restaurant seating.

I seem to recall that when Jakes on the Pier expanded their seating, the Fire Dept curtailed this due to emergency exiting concerns and that there wasn't enough width maintained to keep a safe exit from for the restaurants.

If this is public property, the expansion of seating is akin to having Pajo's at Garry Point roping off the beach area for use by only their patrons. I don't think the City would stand for that and what is going on at Bayview Landing should also be condemned.

Can you look into this and if a public body does own the boardwalk, then the restaurants should be required to reduce their encroachment into this area. Thank you.

Sign in now! Windows Live Messenger is giving you a chance to win \$1000 a day until May 12th Check out SignInAndWIN.ca today!

<<http://g.msn.ca/ca55/214>>

Be smarter than spam. See how smart SpamGuard is at giving junk email the boot with the All-new Yahoo! Mail

<<http://ca.promos.yahoo.com/newmail/overview2/>>