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**To:** General Purposes Committee **Date:** March 19, 2013  
**From:** W. Glenn McLaughlin **File:** 12-8275-30-001/2013-  
Chief Licence Inspector & Risk Manager Vol 01  
**Re:** **0791964 BC Ltd., doing business as**  
**Browns Social House**  
**Unit 1020 – 11660 Steveston Highway**

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### Staff Recommendation

That the *application* from 0791964 BC Ltd., doing business as Browns Social House, for an amendment to increase their hours of liquor service under Food Primary Liquor Licence No. 303140 *from* Monday to Sunday 9:00 a.m. to 12:00 a.m. *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, 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 License should not change the establishment so that is operated contrary to its primary purpose.
3. As the operation of a licensed establishment may affect nearby residents the City gathered the views 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 and provided 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)

Att. 1

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER	
	
REVIEWED BY DIRECTORS	INITIALS: 
REVIEWED BY CAO	INITIALS: 

## 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 Rising Tide Consultants Ltd., on behalf of their client 0791964 BC Ltd., doing business as Browns Social House (the “Applicant”), for the following amendment to its Food Primary Liquor Licence No. 303140:

Change hours of sales *from* Monday to Sunday 9:00 a.m. to 12:00 a.m. *to* 9:00 a.m. to 2:00 a.m. Monday to Sunday.

There is no entertainment proposed.

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 Applicant operates a casual style restaurant with a Food Primary Liquor Licence from premises located at Unit 1020 – 11660 Steveston Highway. The location is zoned Community Commercial (CC) and the business use of a restaurant is consistent with the permitted uses for this zoning district.

The Applicant is located in a commercial shopping plaza that provides a wide range of retail uses and services for the community. Located in the same shopping complex are several eateries, one of which has a food primary liquor licence with hours of sales until 2:00 a.m. Situated to the north of the shopping plaza are residential complexes. (Attachment 1)

The Applicant has been operating from this location since 2009 and has held a valid business licence each year of operation. The restaurant has been approved for an occupant load of 148 of which 40 seats are located on an outside patio area. In the past, the Applicant has been approved for a temporary extension of liquor service hours in order to serve until 2:00 a.m.

The letter of intent submitted with the City application states that in order to be competitive with the nearby restaurants which have service until 2:00 a.m. they also need to be able to offer the later hours of food with liquor service.

There are a number of restaurants in the vicinity and the request to increase the hours of liquor service is consistent with similar operations noted in the area.

### Summary of Application & 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 18 property parcels within the consultation area. On February 13, 2013, letters were sent to 275 businesses, residents and property owners to gather their view on the application. One letter was returned as undeliverable.

As of March 15, 2013, two responses were received from residents in the area citing the following:

- were not against the extended hours just concerned that no loud music be permitted after 12:00 a.m.
- increasing hours would set a precedent for other businesses to do the same; would increase the likelihood of noisy patrons past midnight; there is no bus service after 2:00 a.m.

*Potential for noise*

Staff believes 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. Having received only two responses from those contacted in the consultation area, and of which only one is against the increase in hours, and no responses from the city-wide public notifications, staff feel that the endorsement of this application is warranted due to the lack of negative public feedback and that the business focus as a food service establishment is to be maintained.

*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, Business Licence and Zoning 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.

The following table is a summary of the application data and dates:

ITEM	DETAILS
City of Richmond Application Received	January 30, 2013
Type	Amendment – Hours of operation under Liquor Licence No. 303140
Location	11660 Steveston Highway Unit 1020
Proposed Hours of Liquor Sales	Monday to Sunday, 9 a.m. to 2 a.m.
Zoning	Community Commercial
Business Owner	0791964 BC Ltd., Todd Shelly, owner
Date Sign Posted	February 7, 2013
Newspaper Publication Dates	February, 6, 8, 13, 2013
Letters to residents/businesses	February 13, 2013

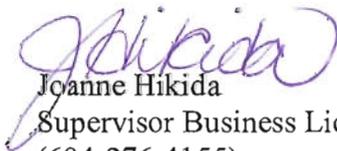
The public consultation period for the application ended on March 15, 2013.

**Financial Impact**

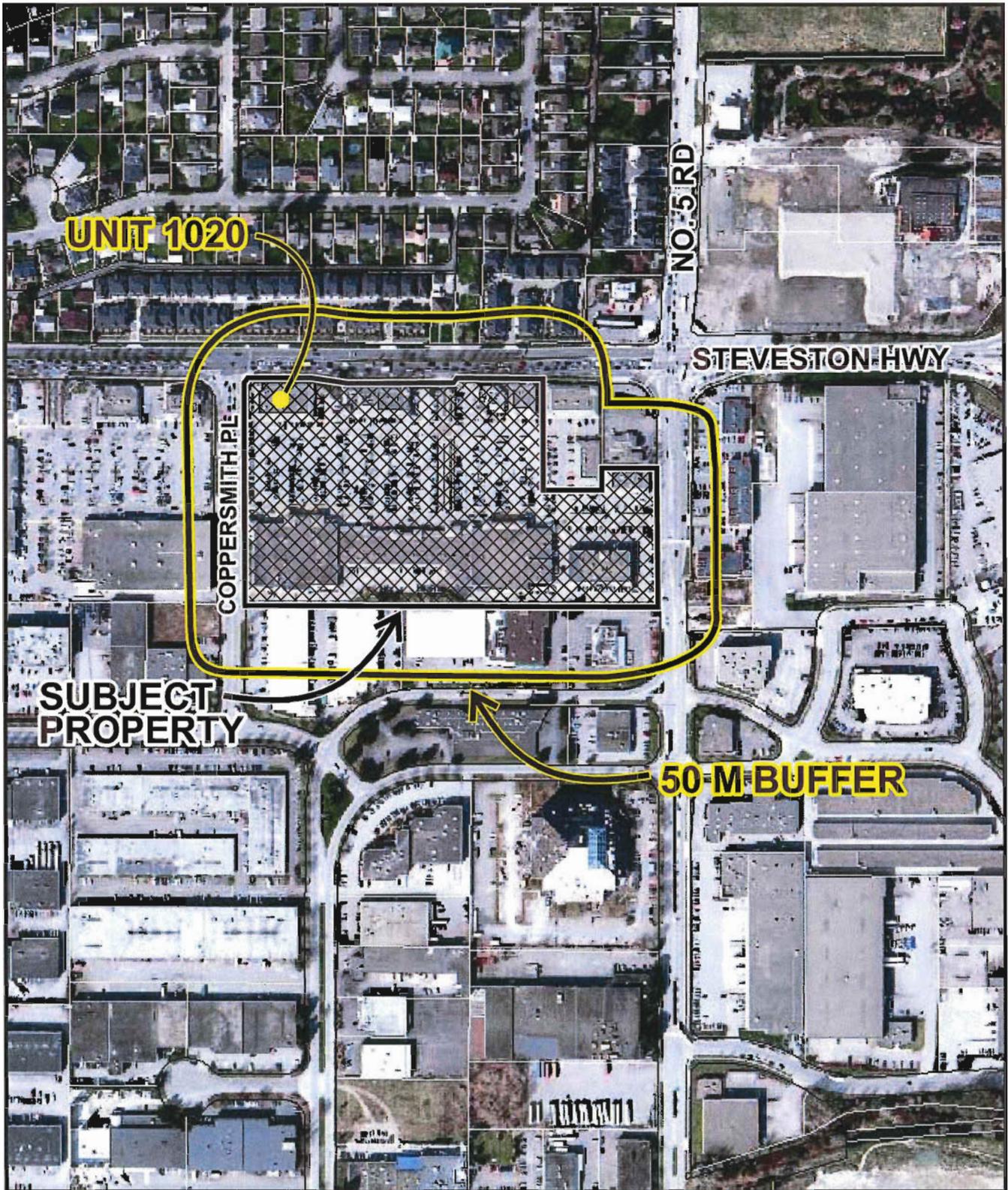
None

**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



Unit 1020 - 11660 Steveston Hwy

Original Date: 03/20/13

Revision Date:

Note: Dimensions are in METRES