

REPORT

Community Services Department

To: Mayor Johnstone and Members of Council
Date: August 26, 2024

From: Blair Fryer, Acting Director Community Services
File: #2519645

Item #: 2024-487

Subject: Application for Extension of Liquor Service Hours: #200-55 Eighth Street, Hyack Sushi

RECOMMENDATION

1. WHEREAS New Westminister City Council consider a staff report regarding an application from Hyack Sushi located at #200-55 Eighth Street to change their food primary licence to allow extended liquor service hours.
2. WHEREAS the proposed extended hours are Sunday to Thursday 9:00AM to 1:00AM and Friday to Saturday 9:00AM to 2:00AM.
3. WHEREAS the establishment has operated at this location since June 2017 and the business has not generated noise complaints and the proposed licence change is not expected to result in noise or negative impacts to the community based on the establishment's compliance history, size, hours of operation and location;
4. WHEREAS the location is in the Downtown commercial district of the city;
5. WHEREAS the New Westminister Police Department does not oppose the application;
6. WHEREAS a sign was placed in front of the business for 25 days, two notices circulated in the City's e-newsletter (Citypage Online), to 1200+ subscribers, and invitations sent to the Downtown Residents' Association and the Downtown Business Improvement Association, providing details regarding the application and inviting the public to submit comments to the City; and

7. WHEREAS the City did not receive any correspondence.
 8. THEREFORE BE IT RESOLVED THAT New Westminster City Council recommends the approval of the application by Hyack Sushi located at #200-55 Eighth Street to change their food primary licence to allow extended liquor service hours.
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PURPOSE

This report provides information regarding an application from Hyack Sushi to change their food primary licence to allow for extended liquor service hours past midnight.

SUMMARY

Hyack Sushi, located at #200-55 Eighth Street, has applied to the City of New Westminster and the Province's Liquor and Cannabis Regulation Branch (LCRB) to change their food primary liquor licence hours to allow for extended liquor service hours past midnight.

Approval of this application would allow the establishment to remain open for extended hours to help generate additional revenue to offset increasing business operating costs. There would be no change to the total maximum occupancy of the business, which would remain at 110 people. The permitted operating hours would change from Sunday to Saturday 9:00AM to 12:00AM to extended hours of Sunday to Thursday 9:00AM to 1:00AM and Friday to Saturday 9:00AM to 2:00AM.

BACKGROUND

Policy and Regulations

All applications for extended hours (past midnight) for Food Primary Licenses (e.g. restaurants) must obtain approval from both LCRB and the City.

Liquor and Cannabis Regulation Branch Policy

LCRB's process to consider an application for Food Primary License extended hours can be summarized as follows:

- The operator submits an application through the online LCRB portal;
- The local government chooses to opt-in or opt-out of the process of providing comment. New Westminster's practice is to opt-in and for City staff to conduct the public input process.
- The local government provides a resolution to LCRB indicating their support or opposition to the application. The local government has 90 days to provide a resolution unless an extension is requested. Prior to considering a resolution, the local government must conduct a public input process to obtain the views of

residents. The resolution must contain comments pertaining to the potential for negative impacts on the community and the views of residents; and

- After the local government provides a resolution regarding the application, LCRB proceeds to make a final decision regarding amending the establishment’s application.

City Policy

The City’s process to consider an application is as follows:

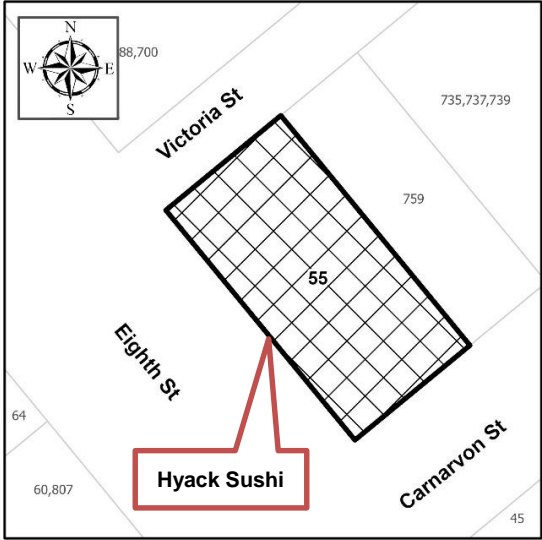
- City staff meet with the applicant to discuss the application;
- The applicant posts a project sign on site for approximately 30 days with details of the proposal and inviting public comment;
- Two notices are placed in the City’s e-newsletter inviting public comment on the application;
- Emails are sent to applicable residents’ and business associations inviting comments;
- Council considers a staff report regarding the application and adopts a resolution regarding the application; and
- Staff submits the resolution to LCRB.

Site Characteristics and Context

Hyack Sushi is located in the Downtown neighbourhood of the city, on Eighth Street between Victoria Street and Carnarvon Street. The property is situated in a historic low-rise building, within a mixed use high-density area of the Downtown. Hyack Sushi currently operates on the second floor of the commercial building that fronts Eighth Street.

Other properties surrounding the site include low to high density mixed-use developments with a variety of at-grade commercial spaces. A new mixed-use student housing development for Douglas College is currently under construction at the corner of Royal Avenue and Eighth Street, one block north-west from Hyack Sushi. In addition, the property is located in close proximity to Douglas College, Anvil Center and Anvil Office Tower, River Market, and New Westminster Skytrain station, which includes a variety of commercial units and residential towers.

A site context map is provided below (**Figure 1**):



PROPOSAL

The applicant is proposing to change their food primary liquor license hours to allow extended liquor service hours. The proposed hours are Sunday to Thursday 9:00AM to 1:00AM and Friday to Saturday 9:00AM to 2:00AM. The current permitted liquor service hours are Sunday to Saturday 9:00AM to 12:00AM. The occupancy of the establishment would remain at 110 people.

The applicant has requested extended liquor service hours to provide additional operating hours for customers and to increase revenue to cover their operational expenses.

DISCUSSION

As part of the review process, input was sought from the community as well as comments from New Westminster Police Department, the Provincial Liquor Inspector and other City departments.

Community Input

The applicant posted a sign in front of the establishment for 25 days over July/August 2024 with details of the application and proposed licence change. Additionally, two notices (July 25 and August 1, 2024) were placed in Citypage Online, the City’s e-newsletter with 1200+ subscribers, advising the public of the application and inviting comments. Invitations to provide feedback were also sent to the Downtown Residents’ Association and the Downtown Business Improvement Association. No correspondence was received.

Integrated Services Division

The City’s Integrated Services (Bylaws) division advises that since Hyack Sushi received their business licence in October 2017, six (6) calls for service have been opened:

- failure to remove snow (Jan 2020)
- graffiti tags (Jul 2021, May 2023, and Aug 2023)
- accumulation of garbage (Jan 2022)
- unsightly conditions (May 2022)

There are currently no outstanding issues at this time.

New Westminster Police Department

New Westminster Police Department advises they have not had issues with the applicant’s operations, and does not have concerns about this application.

Provincial Liquor Inspector

The Liquor Inspector reports that the applicant has not generated concerns or violations with respect to Provincial liquor regulations.

Views of residents

No correspondence was received.

The impact of noise on the community in the immediate vicinity of the establishment

The establishment has operated at this location since June 2017 and the business has not generated noise complaints. The proposed licence change is not expected to result in noise impacts to the community based on the establishment’s compliance history, size, hours of operation and location.

The impact on the community if the application is approved

Although there have been calls for service at the location, staff note they do not directly relate to the service of liquor. Staff believe that if the application is approved the anticipated effect will be positive. It will support a local business and provide additional food/beverage offerings for residents and visitors, contributing to activity within the downtown commercial area and within close proximity to SkyTrain services.

OPTIONS

There are two options Council presented for Council’s consideration:

1. THAT the following resolution be approved:

WHEREAS New Westminster City Council consider a staff report regarding an application from Hyack Sushi located at #200-55 Eighth Street to change their food primary licence to allow extended liquor service hours.

WHEREAS the proposed extended hours are Sunday to Thursday 9:00AM to 1:00AM and Friday to Saturday 9:00AM to 2:00AM.

WHEREAS the establishment has operated at this location since June 2017 and the business has not generated noise complaints and the proposed licence change is not expected to result in noise or negative impacts to the community based on the establishment’s compliance history, size, hours of operation and location;

WHEREAS the location is in the Downtown commercial district of the city;

WHEREAS the New Westminster Police Department does not oppose the application;

WHEREAS a sign was placed in front of the business for 25 days, two notices circulated in the City’s e-newsletter (Citypage Online), to 1200+ subscribers, and invitations sent to the Downtown Residents’ Association and the Downtown Business Improvement Association, providing details regarding the application and inviting the public to submit comments to the City; and

WHEREAS the City did not receive any correspondence.

THEREFORE BE IT RESOLVED THAT New Westminster City Council recommends the approval of the application by Hyack Sushi located at #200-55 Eighth Street to change their food primary licence to allow extended liquor service hours.

2. THAT Council provide staff with alternate direction.

Staff recommend Option 1.

INTERDEPARTMENTAL LIAISON

Staff from the Planning and Development Department (Integrated Services) were consulted regarding this matter. New Westminster Police Department and the Provincial Liquor Inspector were also consulted.

APPROVALS

This report was prepared by:

Alyssa Randhawa, Business Growth Coordinator

This report was reviewed by:

Carolyn Armanini, A/Manager Economic Development

This report was approved by:

Blair Fryer, A/Director Community Services

Lisa Leblanc, Acting Chief Administrative Officer