



To: General Purposes Committee **Date:** March 14, 2011
From: W. Glenn McLaughlin **File:**
Chief Licence Inspector & Risk Manager
Re: **Liquor Primary Amendment Application, 491581 BC Ltd., doing business as
Flying Beaver Bar & Grill, 4760 Inglis Drive**

Staff Recommendation

That the application to increase hours of liquor service under Liquor Primary Licence No. 167287 by 491581 BC Ltd., doing business as the Flying Beaver Bar & Grill, operating from premises located at 4760 Inglis Drive;

From 11:00 a.m. to Midnight, Monday to Sunday

To Sunday to Wednesday 9:00 a.m. to Midnight and Thursday to Saturday
9:00 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 application as the issuance will not pose a significant impact on the community.
2. Council comments on the prescribed considerations are as follows:
 - a. The potential for additional noise in the area if the application is approved was considered and determined that there will be little or no impact of additional noise in the area due to the location of the premises.
 - b. The impact on the community if the application is approved was considered and based on no responses being received from the public notices, the licence approval would have little impact.
 - c. The amendment to permit extended hours of liquor service under the Liquor Primary Licence should not change the establishment so that it is operated in a manner that is contrary to its primary purpose as there has been no history of non-compliance with this operation.
3. As the operation of the establishment as a licensed establishment might affect residents, the City gathered the views of the community as follows:
 - a. Signage was posted at the subject property and three public notices were published in a local newspaper. The signage and notice provided information on



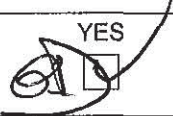
the application and instructions on how community comments or concerns could be submitted.

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

- a. That based on the lack of response received from all public notifications, Council considers that the amendment is acceptable to the community.


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

Att.

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	 For A. NAZARETH	
RCMP		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>		
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		 <input checked="" type="checkbox"/>	<input type="checkbox"/>	 <input checked="" type="checkbox"/> <input type="checkbox"/>	

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 Scott McVicker, General Manager, of the Flying Beaver Bar & Grill, (the "Applicant"), for the following amendment to its' Liquor Primary Licence No. 167287:

Change of hours in liquor service *from* Monday to Sunday 11:00 a.m. to Midnight *to* Sunday to Wednesday 9:00 a.m. to Midnight and Thursday to Saturday 9:00 a.m. to 1:00 a.m.

Amendments to liquor primary licences require 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 shares premises at 4760 Inglis Drive with Harbour Air that is operating a charter floatplane service on the east portion of the building. The building is surrounded by water to the south and to the north are commercial buildings that are part of the South Airport area. The zoning district is Airport. (Attachment 1)

The Applicant has been operating a combination restaurant and pub since 1995. The area is divided into a 20-seat restaurant that operates with a Food Primary Liquor Licence open to all ages of the General Public with serving hours of 9:00 a.m. to Midnight, Sunday to Wednesday, and Thursday to Saturday from 9:00 a.m. to 1:00 a.m. The pub area has 65 seats and a patio area where food, beverages and entertainment are offered. This area is restricted to patrons of legal drinking age.

The Applicant states that as the restaurant area already operates under the applied for extended hours of operation, they would like the liquor primary section to operate under the same hours making them more competitive with similar businesses operating in Richmond. (Attachment 2)

Summary of Application & Comments

To meet LCLB requirements, the City's review process requires that the public be notified of the proposed amendment and given an opportunity to express any concerns related to the proposal.

The City's process for reviewing applications on liquor related permits is prescribed by the Development Application Fee's Bylaw No. 7984 which calls for:

- 1.9.1 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 1.9.2.

- 1.9.2 Pursuant to an application under subsection 1.9.1, every **applicant** must:
- (a) pay an application fee of \$510;
 - (b) post and maintain on the subject property a clearly visible sign which indicates the intent of the application; 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.

Historically, the processing of liquor applications or amendments called for the City to send a letter to owners of all real property within a 100-meter radius of the establishment. This process is not required under the current bylaw, however the City may elect to continue this practise as a manner to gather public response to an application. Recognizing the subject and surrounding properties are federally owned and the closest residential area is to the south of the subject property, and separated by the middle arm of the river, no letters were sent.

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

ITEM	DETAILS
City of Richmond Application Received	February 12, 2011
Type	Amendment to Liquor Primary Licence #167287
Location	4760 Inglis Drive
Proposed Hours of Liquor Sales	9:00 a.m. to Midnight Sunday to Wednesday 9:00 a.m. to 1:00 a.m. Thursday to Saturday
Zoning	Air
Business Owner	491581 BC Ltd., doing business as the Flying Beaver Bar & Grill
Date Sign Posted	February 9, 2011
Newspaper Publication Dates	February 9, 11, 16, 2011

The public consultation period for the application ended on March 11, 2011.

As of March 14, 2011, no responses have been received from the City wide public notifications.

Potential for noise

Staff is of the opinion that there would be no noticeable increase in noise if the additional hours of liquor service were supported.

Potential for impact on the Community

Based on the lack of any negative public feedback staff is of the opinion that there would be no impact on the community associated with extended hours of liquor sales and the endorsement of the application is warranted.

Potential to operate contrary to its primary purpose

There have not been any non-compliance issues related to this operation and staff do not foresee this establishment being operated in a manner that would be contrary to its main purpose as both a restaurant and pub if this application approved.

Other agencies comments

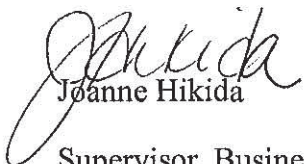
As part of the review process the Richmond RCMP and Business Licence Division - Special Projects did not express any objections or concerns with the application.

Financial Impact

None

Conclusion

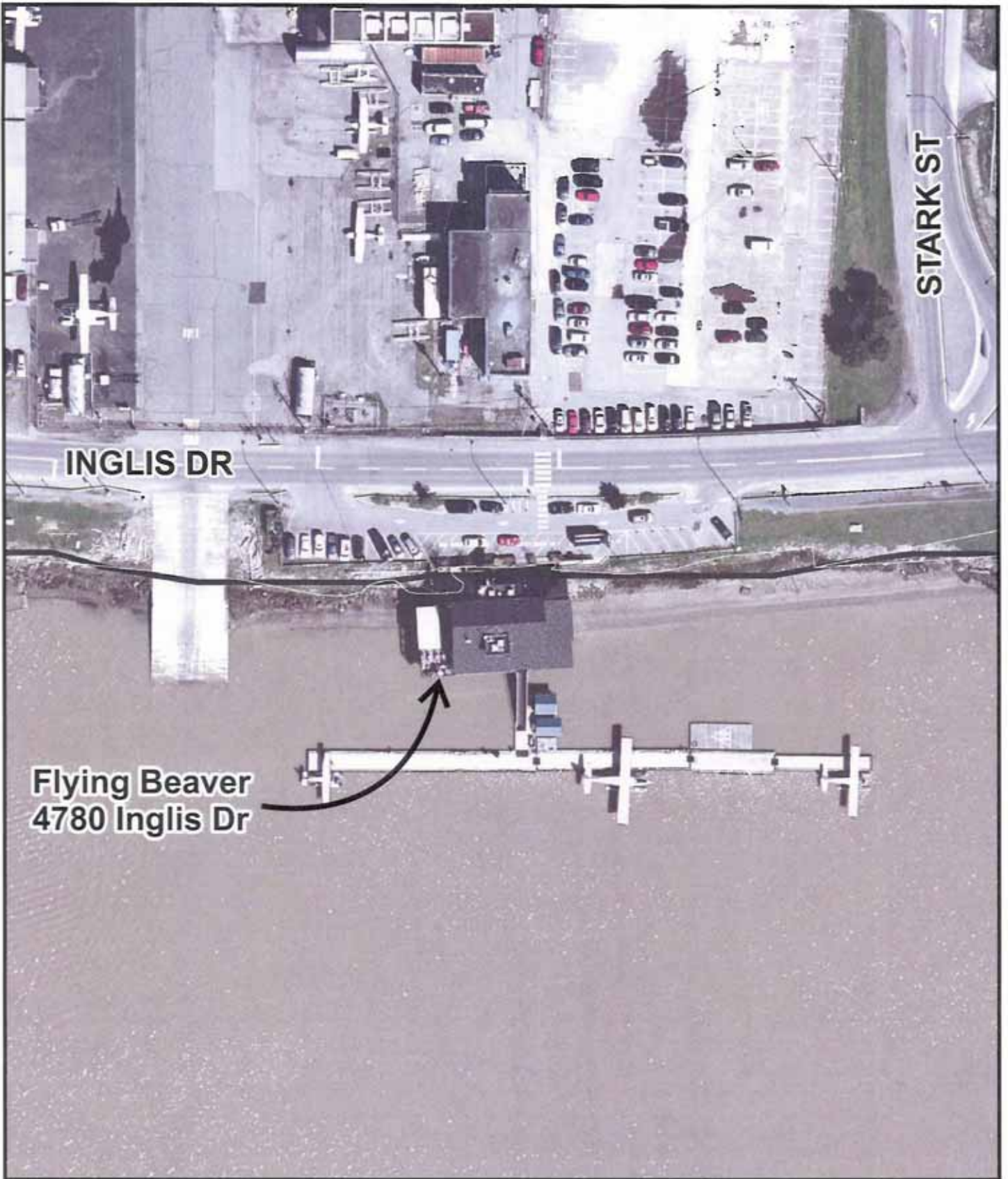
This review process has met the City standard to warrant Council support of the amendment application.



Joanne Hikida

Supervisor, Business Licenses
(604-276-4155)

JMH:jmh



Flying Beaver
4780 Inglis Dr



4780 Inglis Drive

GP - 40

Original Date: 03/07/11

Revision Date: 03/16/11

Note: Dimensions are in METRES

Flying Beaver Bar & Grill

4760 Inglis Drive
Richmond, B.C., V7B 1W4
604-273-0278

December 15th, 2010

To City of Richmond

I am writing this letter in hopes to extend our hours of service with our Liquor Primary licence. As of right now our hours of service is from 11:00am to midnight seven days a week. We are hoping to extend the hours from 9:00am to midnight Sunday to Wednesday and 9:00am to 1:00am Thursday to Saturday.

The reasons for the change, is so we can increase sales of our business and to better compete with other similar licenced bars and restaurants. We have a 2nd licence which is a food-primary licence, and those hours already start at 9:00am and extend to midnight Sunday to Wednesday, and 9:00am to 1:00am, Thursday to Saturday. Since we are already open at 9:00am and offering menu items at this time, we are hoping to be able to extend the same services into our liquor-primary sections as well. There are also a lot of sporting events that start earlier then 11:00am that we would like to be open for as well. Another reason for applying to extend the hours to 1:00 am Thursday to Saturday is so that both licences will be similar.

Thank you for your consideration.

Yours sincerely,



Paddy Gallagher
Bar Manager/ Assistant General Manager
Flying Beaver Bar & Grill