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**To:** General Purposes Committee **Date:** August 12, 2014  
**From:** W. Glenn McLaughlin **File:** 12-8275-30-001/2014-  
Chief Licence Inspector & Risk Manager Vol 01  
**Re:** **Shelter Island Restaurants Ltd., doing business as  
Tugboat Annie's Pub, 6911 Graybar Road Unit 100**

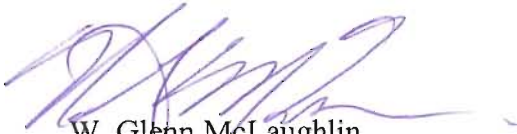
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**Staff Recommendation**




That the application from Shelter Island Restaurants Ltd., doing business as Tugboat Annie's Pub, for an amendment to increase the occupant load from 85 person capacity to 194 patron capacity (78 interior and 116 exterior) under Liquor Primary Licence No. 110707, 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 occupant load 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 were considered.
  - b. The impact on the community was assessed through a community consultation process.
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 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)

<b>REPORT CONCURRENCE</b>	
<b>CONCURRENCE OF GENERAL MANAGER</b> 	
<b>REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE</b>	<b>INITIALS:</b> 
<b>APPROVED BY CAO</b> 	

## 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 application submitted to LCLB and to the City of Richmond by Shelter Island Restaurants Ltd., (The Applicant) operating as Tugboat Annie’s Pub. The application is for the following amendment to their Liquor Primary Licence No. 110707;

- To increase the patron capacity *from* 85 person capacity (65 interior and 20 exterior) *to* 194 person capacity (78 interior and 116 exterior).

The increase in capacity results from a reconfiguration of the upper and lower interior areas and enclosing a portion of the exterior area on the premises (Attachment 1). This increase requires the Applicant to submit an application to LCLB to increase the occupant load on their liquor licence which calls for Local Government comment on the increase. For amendments to Liquor Primary licences, the process requires Local Government to provide comments with respect to the following:

- the potential for noise; and
- the impact on the community.

### Analysis

The Applicant’s operation is located in east Richmond and is situated at the south end of Graybar Road overlooking an arm of the Fraser River. The business has been in operation at Unit 100-6911 Graybar Road since 1986, where the two level building offers a pub and restaurant services.

The property is under Land Use Contract 127 and the business use of a pub and restaurant is consistent with the permitted land uses in the Contract. To the south of the building is a marina and to the north, east and west is a mix of industrial and office uses. There are no residential complexes within a 50 metre radius of the operation.

### 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 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.*

The required signage was posted on Friday November 29, 2013, and the three ads were published in local newspaper on December 4, 5 and 11, 2013.

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 2). This letter provides details of the proposed liquor licence application and requests the public to communicate any concerns to the City.

There are 4 properties identified within the consultation area. On December 5, 2013, letters were sent to 29 businesses and property owners to gather their view on the application.

All public consultations ended January 6, 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 increase in patron capacity is supported.

#### Potential for Impact on the Community

Any typical potential impacts associated with increased patron capacity such as drinking and driving, criminal activity and late-night traffic are not expected to be unduly increased with this amendment. Based on 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.

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 Inspections and Business Licence Departments. These agencies generally provide comments on the compliance history of the Applicant's operations and premises.

Activity associated to the building reconfiguration impacted the processing of comment on this application within the typical timeframe. The applicants' submission of an updated fire safety plan to Richmond Fire-Rescue in March of 2014 and resolution of outstanding building issues with the Building Permits and Inspections Division in July of 2014 resulted in final inspection of the premises. With the reconfiguration achieving regulatory compliance there are no objections to the application from any agencies or City divisions.

**Financial Impact**

There will be an increase in licence fee assessed as the number of seats has increased.

**Conclusion**

Following the public consultation period, staff reviewed the Liquor Primary Licence amendment application against the legislated review criteria and recommends Council support the amendments to increase the patron capacity 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: Interior/Exterior Building Plan

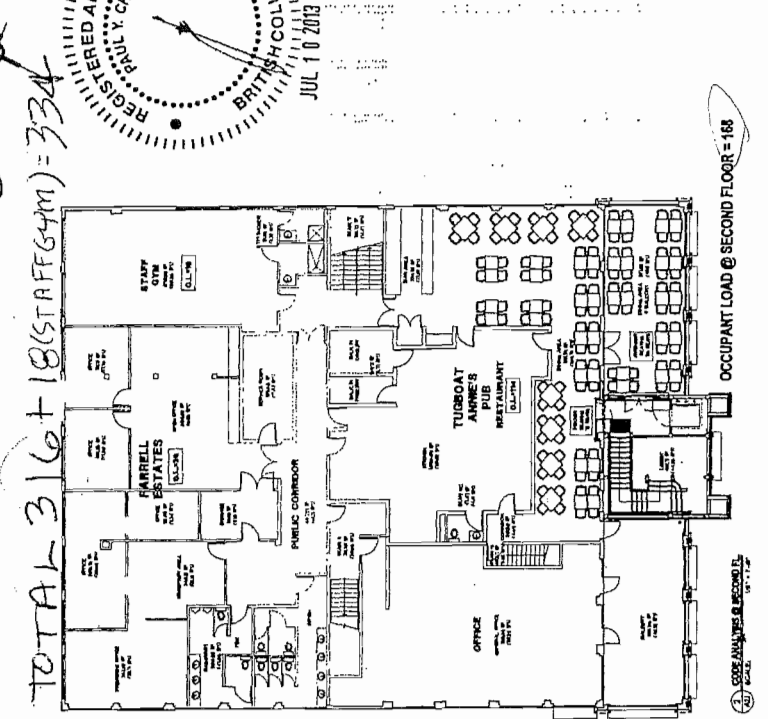
Att. 2: Site Map

# OCCUPANT LOAD ONLY

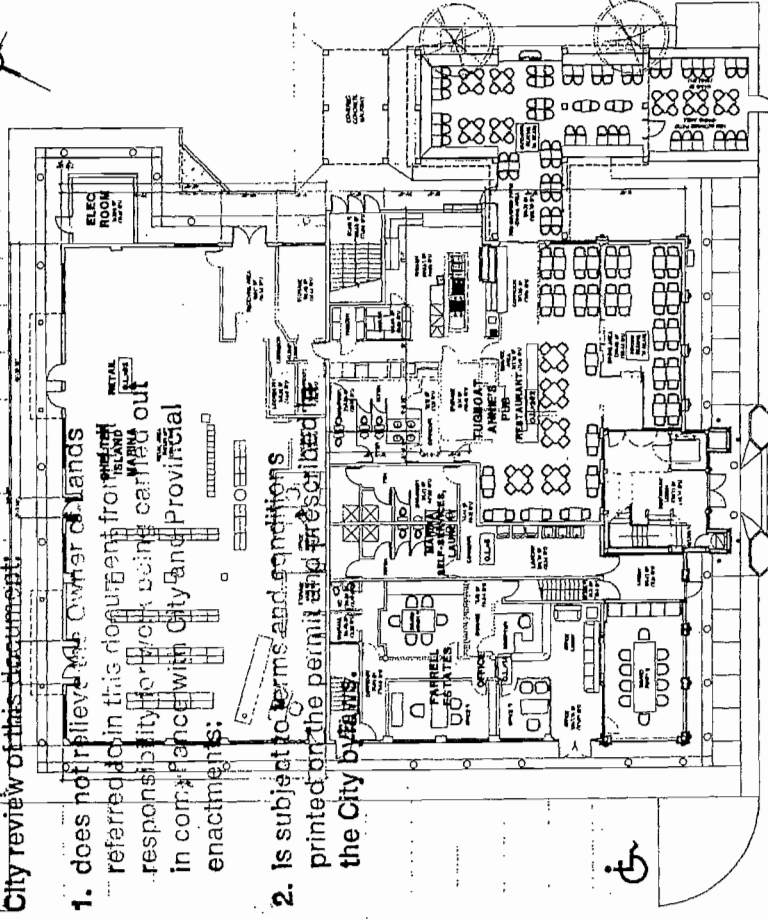
INT STAFF  
EXT STAFF

OL AZ UP 72 36 60  
DOWN 78 116 8  
TOTAL 316 + 18(STAFF GYM) = 334

Richmond Building Approvals Department  
City review of this document  
1. does not relieve the Owner of Lands referred to in this document from the responsibility of which being carried out in compliance with City and Provincial enactments;  
2. Is subject to terms and conditions printed on the permit and prescribed by the City bylaws.



OCCUPANT LOAD @ SECOND FLOOR = 168



OCCUPANT LOAD @ GROUND FLOOR = 314

OCCUPANT LOAD @ SECOND FLOOR = 168

**RICHMOND BUILDING APPROVALS DEPARTMENT**  
 SHEETER ISLAND HARINA SHOP:  
 RETAIL AREA: 3133A SQ / 3' : 361 PERSONS  
 OFFICE: 1834 SQ / 46.6 : 41 STAFF  
 KITCHEN: 644 SQ / 16.1 : 3 STAFF  
 STORAGE: 1824 SQ / 46.6 : 3 STAFF  
 TOTAL: 7435 SQ / 186.4 : 83 O.L.

**PLUMBING FACILITIES AND HEALTH REQUIREMENTS:**  
 NUMBER OF PERSONS OF EACH GENDER: 41  
 NUMBER OF WATER CLOSETS REQUIRED FOR MEN: 1  
 NUMBER OF WATER CLOSETS REQUIRED FOR WOMEN: 1  
 NUMBER OF WATER CLOSETS PROVIDED FOR MEN: 1 HC  
 NUMBER OF WATER CLOSETS PROVIDED FOR WOMEN: 1 HC

**OCCUPANT LOAD:**  
 DINING AREA (INDOOR): 21 SEATS  
 DINING AREA (OUTDOOR): 16 SEATS  
 KITCHEN STAFF: 3 STAFF  
 FRONT STAFF: 5 STAFF  
 TOTAL: 46 O.L.

**OCCUPANT LOAD:**  
 DINING AREA (INDOOR): 21 SEATS  
 DINING AREA (OUTDOOR): 16 SEATS  
 KITCHEN STAFF: 3 STAFF  
 FRONT STAFF: 5 STAFF  
 TOTAL: 46 O.L.

**PLUMBING FACILITIES AND HEALTH REQUIREMENTS:**  
 FOR TURBOAT ANNE'S PUB (GROUND / UPPER FLOOR)  
 NUMBER OF PERSONS OF EACH GENDER: 24  
 NUMBER OF WATER CLOSETS REQUIRED FOR MEN: 4  
 NUMBER OF WATER CLOSETS REQUIRED FOR WOMEN: 1  
 FOR FARRELL ESTATE'S OFFICE (GROUND / UPPER FLOOR)  
 NUMBER OF PERSONS OF EACH GENDER: 25  
 NUMBER OF WATER CLOSETS REQUIRED FOR MEN: 1  
 NUMBER OF WATER CLOSETS REQUIRED FOR WOMEN: 1  
 FOR STAFF GYM (UPPER FLOOR)  
 NUMBER OF PERSONS OF EACH GENDER: 18  
 NUMBER OF WATER CLOSETS REQUIRED FOR MEN: 1  
 NUMBER OF WATER CLOSETS REQUIRED FOR WOMEN: 1

**OCCUPANT LOAD ONLY**  
 USE & OCCUPANCY REVIEW ONLY  
 By BAMK  
 Date 13.11.01

**RICHMOND BUILDING APPROVALS DEPARTMENT**  
 FARRELL ESTATE'S OFFICE (GROUND / UPPER FLOOR):  
 OFFICE (UPPER FLOOR): 2501 SQ / 73 : 307 PERSONS  
 OFFICE (GROUND): 1834 SQ / 46.6 : 41 PERSONS  
 STORAGE (UPPER): 1824 SQ / 46.6 : 3 STAFF  
 TOTAL: 6159 SQ / 166.3 : 35 O.L.

**PLUMBING FACILITIES AND HEALTH REQUIREMENTS:**  
 NUMBER OF PERSONS OF EACH GENDER: 3  
 NUMBER OF WATER CLOSETS REQUIRED FOR MEN: 1  
 NUMBER OF WATER CLOSETS REQUIRED FOR WOMEN: 1  
 NUMBER OF WATER CLOSETS PROVIDED FOR MEN: 1 HC  
 NUMBER OF WATER CLOSETS PROVIDED FOR WOMEN: 1 HC

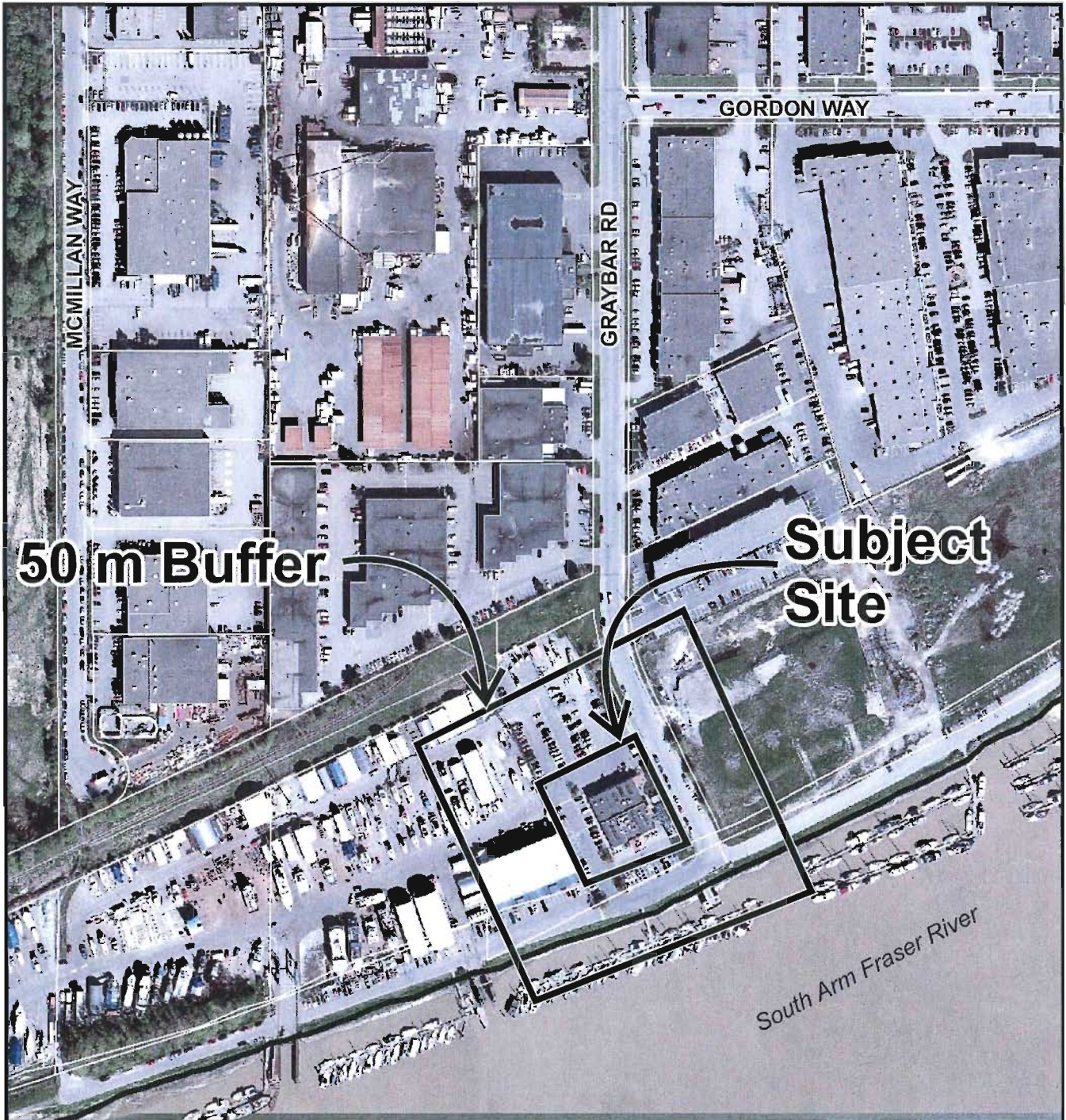
**OCCUPANT LOAD:**  
 OFFICE (UPPER FLOOR): 2501 SQ / 73 : 307 PERSONS  
 OFFICE (GROUND): 1834 SQ / 46.6 : 41 PERSONS  
 STORAGE (UPPER): 1824 SQ / 46.6 : 3 STAFF  
 TOTAL: 6159 SQ / 166.3 : 35 O.L.

**PLUMBING FACILITIES AND HEALTH REQUIREMENTS:**  
 NUMBER OF PERSONS OF EACH GENDER: 24  
 NUMBER OF WATER CLOSETS REQUIRED FOR MEN: 4  
 NUMBER OF WATER CLOSETS REQUIRED FOR WOMEN: 1  
 FOR FARRELL ESTATE'S OFFICE (GROUND / UPPER FLOOR)  
 NUMBER OF PERSONS OF EACH GENDER: 25  
 NUMBER OF WATER CLOSETS REQUIRED FOR MEN: 1  
 NUMBER OF WATER CLOSETS REQUIRED FOR WOMEN: 1  
 FOR STAFF GYM (UPPER FLOOR)  
 NUMBER OF PERSONS OF EACH GENDER: 18  
 NUMBER OF WATER CLOSETS REQUIRED FOR MEN: 1  
 NUMBER OF WATER CLOSETS REQUIRED FOR WOMEN: 1

RECEIVED  
 10/2013  
 STAFF GYM: 8 O.L.  
 8624 SQ / 46 : 3 O.L.



City of  
Richmond



6911 Graybar Rd

Original Date: 08/15/14

Revision Date: 00/00/00

Note: Dimensions are in METRES