

TO: CHIEF ADMINISTRATIVE OFFICER**DATE:** March 16, 2023**FROM:** GENERAL MANAGER
PLANNING AND DEVELOPMENT**FILE:** 46000 06
Reference: LLA #23-02**SUBJECT:** LIQUOR LICENCE APPLICATION #23-02
BIRDIES RESTAURANT
3850 LOUGHEED HIGHWAY**PURPOSE:** To provide Council with information regarding a liquor licence application for Birdies Restaurant and to initiate a public consultation process.

RECOMMENDATIONS:

1. **THAT** Council authorize staff to gather public input regarding a permanent extension of liquor service hours for Birdies Restaurant, located at 3850 Lougheed Highway (see *attached* Sketch #1).
2. **THAT** a copy of this report be forwarded to the General Manager, Liquor and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to Kelly Gannon, Earls Restaurant, #200-425 Carrall Street, Vancouver, BC, V6B 6E3.

REPORT**1.0 INTRODUCTION**

The City has received an application for a new food primary liquor licence for Birdies Restaurant, proposed to be located at 3850 Lougheed Highway. The applicant has requested to extend the hours of liquor service past midnight at the subject establishment, Monday to Saturday, from 9:00 a.m. - 1:30 a.m. The hours of liquor service requested on Sundays are from 9:00 a.m. – midnight. The application also notes that an outdoor patio is proposed and will close at midnight, daily.

2.0 POLICY

The subject application aligns and complies with the following City Policies: Regional Context Statement (2013), Official Community Plan (1998), Corporate Strategic Plan (2022), Economic Development Strategy (2007), and the May 05, 2003 Report to Council, *Processing Procedure and Criteria for Liquor Licence Applications*.

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3.0 BACKGROUND INFORMATION

- 3.1 The subject site, zoned CD Comprehensive Development District (utilizing the C2 Community Commercial District as a guideline), is located within the Bridge Business Park area, south of Lougheed Highway between Gilmore Avenue and Boundary Road. Immediately adjacent to the site is a former Swiss Chalet restaurant and farther east, is an ICBC Motor Licence office. To the north, across Lougheed Highway, is an automobile dealership and a BC Hydro facility. To the west, south and southwest are two- to three-storey office buildings. Beyond, to the southwest, is a three-storey hotel.
- 3.2 Birdies is a new restaurant brand under the Earls Kitchen + Bar group, which is planned to open in the same building previously occupied by the Earls Bridge Park restaurant. Earls Bridge Park closed last year and had its food primary liquor licence transferred to a new Earls restaurant at Brentwood Town Centre. Therefore, Birdies is required to obtain a new liquor licence at the subject site.
- 3.3 Liquor licence applications for new food primary establishments are not typically referred from the Liquor and Cannabis Regulation Branch (LCRB) to local government, unless they include a request for patron participation entertainment or a request to permanently extend liquor service hours before 9:00 a.m. or after midnight. Since the applicant is requesting an extension of liquor service hours, so that liquor service ends at 1:30 a.m. from Monday to Saturday, a referral to local government was required. LCRB regulations also state that if the local government opts to provide comment, they must gather public input from the community in the vicinity of the establishment.
- 3.4 On May 05, 2003, Council adopted recommendations for processing procedures and guidelines for liquor license applications, including that Council will continue to receive reports on applications for food primary establishments with liquor service past midnight if the establishment has or proposes to have a patio. The LCRB was advised of these adopted recommendations.

4.0 DISCUSSION

- 4.1 The subject application involves a request to extend the hours of liquor service past midnight on a new food primary liquor licence for Birdies Restaurant. The requested extended hours of liquor service are from 9:00 a.m. – 1:30 a.m., Monday to Saturday. The hours of liquor service on Sundays, from 9:00 a.m. – midnight, are not considered extended hours. The proposed outdoor patio would close by midnight, daily.
- 4.2 The applicant proposes to accommodate 40 staff members on site, 195 patrons inside of the restaurant, and 68 patrons on the patio. As a result, the total person capacity requested inside the restaurant and on the patio is 303 persons.
- 4.3 The subject application would require the registration of a Section 219 Covenant restricting liquor service hours interior to the establishment from 9:00 a.m. – 1:30 a.m.


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Monday to Saturday and 9:00 a.m. – midnight on Sunday, and on the patio from 9:00 a.m. – midnight. The covenant would also state that the retractable door connecting the indoor restaurant area to the outdoor patio be closed at midnight on Sunday through Thursday, and 1:30 a.m. on Friday and Saturday. In addition, the covenant would require that the sound system on the patio and the speakers located in the establishment are to be lowered at 10:00 p.m. to the extent necessary to comply with the *Burnaby Noise or Sound Abatement Bylaw (1979)*.

- 4.4 Should the proposed extension of liquor service hours be supported by Council following public consultation, a Section 219 Covenant would be registered in the Land Title Office to ensure that person capacity, operating hours, and other relevant considerations are applied.

5.0 CONCLUSION

Based on the information presented above, staff support the request and recommend that Council authorize staff to gather public input on Birdies' liquor licence application to extend the hours of liquor service in its establishment. Once this input has been gathered from the public, staff will submit a subsequent report to Council responding to the comments of nearby residents. Staff also recommend that a copy of this report be forwarded to the General Manager, Liquor and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and Kelly Gannon, Earls Restaurant, #200-425 Carrall Street, Vancouver, BC, V6B 6E3.



E.W. Kozak, General Manager
PLANNING AND DEVELOPMENT

CB:spf

Attachment 1 – Sketch 1