

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2015 May 20

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#15-04

SUBJECT: LIQUOR LICENCE APPLICATION #15-04
RELAX RESTAURANT
5988 WILLINGDON AVENUE (SKETCH #1 AND #2 ATTACHED)

PURPOSE: To provide Council with a recommendation regarding the subject food primary liquor licence.

RECOMMENDATIONS:

1. **THAT** Council support the requested amendment to the subject food primary liquor licence, as described in Section 3.0 of this report, subject to the following:
 - liquor service hours to 2:00 am within the interior of the establishment;
 - patio hours to 10:00 p.m. Sunday through Thursday and 12:00 midnight Friday and Saturday;
 - no amplified or live music on the patios; and
 - the registration of a Section 219 Covenant, within 45 days of Council approval of this application, to ensure compliance with the above conditions.
2. **THAT** a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Mr. Randall Olafson, Randall Olafson Consulting Ltd., Suite #200 – 11575 Bridgeport Road, Richmond, BC V6X 1T5.

REPORT**1.0 BACKGROUND INFORMATION**

- 1.1 This Department has received an application to extend the hours of liquor service for the Relax Restaurant at 5988 Willingdon Avenue from between 9:00 a.m. and midnight, to between 9:00 a.m. and 2:00 a.m., seven days a week, for both the interior restaurant and banquet rooms and the exterior patio space. The food primary liquor licence for the Relax Restaurant includes the 125 person capacity hotel restaurant on the fifth floor and four

To: City Manager
From: Director Planning and Building
Re: Liquor Licence Application #15-04
Relax Restaurant
Food Primary Liquor Licence

2015 May 20.....Page 2

hotel banquet rooms on the third floor. A patio on the fifth floor facing Kingsway adjacent to the Relax Restaurant and a patio on the third floor facing Willingdon Avenue adjacent to the hotel's banquet rooms and pre-function lobby area are included in the subject application for extended hours.

- 1.2 The Liquor Control and Licencing Branch (LCLB), as part of their assessment process for food-primary liquor licence applications, requests that local government provide comment on applications seeking to amend the operating hours of a food primary licensed establishment to past midnight. LCLB regulations also state that if the requested licence may affect nearby residents, local government must gather the views of the residents.
- 1.3 On 2003 May 05, Council adopted processing procedures and guidelines for liquor licence applications, in which Council will continue to receive reports on applications for new or amended food primary licences that propose to serve liquor past 12:00 a.m. midnight if:
 - a. The proposed hours of liquor sale are later than 2:00 a.m.; or,
 - b. The establishment has, or proposes to have a patio; or,
 - c. The establishment has or proposes to have patron participation entertainment past 12:00 a.m. midnight.

This report provides comment on this application based on the above guidelines.

2.0 PROPERTY CONTEXT

The subject site is located within the core of the Metrotown Town Centre Development Plan area and is zoned CD Comprehensive Development District based on the C3 General Commercial District and RM5 Multiple Family Residential District. The site is improved with a new mixed use building, approved under Rezoning Reference #11-15, that includes the subject restaurant and banquet rooms, a 25 storey multi-family residential tower, 13 storeys of hotel, and a four-storey commercial podium along Kingsway. The podium contains a City-owned non-profit office space, a commercial fitness facility, a restaurant/lounge and retail uses as well as a residential/hotel amenity space on the fifth floor. Two multiple-family residential towers are located to the north and northeast of the site and an office tower is located to the immediate east. Across Kingsway to the south are older low-scale commercial buildings and the Crystal mixed-use development which includes commercial and multi-family residential uses; to the southwest are a gas station and a parking lot. Across Willingdon Avenue to the west is the Old Orchard shopping centre.

To: City Manager
From: Director Planning and Building
Re: Liquor Licence Application #15-04
Relax Restaurant
Food Primary Liquor Licence

2015 May 20.....Page 3

3.0 SUBJECT APPLICATION

- 3.1 The subject Liquor Licence Application applies to the Relax Restaurant, which is licensed as a food primary establishment with a 125 person capacity hotel restaurant on the fifth floor, and four hotel banquet rooms on the third floor, for a total licensed person capacity of 418. There is an additional maximum of 60 seats on the patio adjacent to the hotel restaurant on the fifth floor; any seating on the patio adjacent to the banquet rooms on the third floor would be taken from the interior capacity. The current hours of liquor service for the restaurant and banquet rooms are from 9:00 a.m. to midnight, Monday through Sunday. The existing liquor licence does not include the subject patios.
- 3.2 The subject application proposes to extend the closing time of the subject establishment to 2:00 a.m., Monday through Sunday. The proposed extension of hours applies to both the interior and patio portions of the establishment.
- 3.3 In providing its resolution on the proposed amendment to the subject food primary establishment, local government must consider and comment on each of the criteria listed below. In response to this application, input has also been solicited from pertinent City Departments and the Burnaby RCMP.

(a) *The potential for noise if the application is approved.*

The subject establishment is located on the northeast corner of Kingsway and Willingdon Avenue within the Council-adopted Metrotown Town Centre Development Plan area. The patio on the third floor adjacent to the hotel banquet rooms is primarily oriented to Willingdon Avenue, while the patio on the fifth floor adjacent to the hotel restaurant is oriented to Kingsway. Given the location of the patio areas along Willingdon Avenue and Kingsway, two major arterials, noise generated by patrons would largely be indistinguishable from the ambient traffic noise. In addition, the location of the subject establishment within the core of the Metrotown area is expected to be relatively lively, associated with somewhat higher noise levels.

Nevertheless, it is noted that hotel units on the 6th to 18th floors and residential units on the 20th to 44th floor are located above the patio areas. As noted earlier, two residential towers are located north and northeast of the subject property at 4506 and 4567 Hazel Street, with the patio on the third floor located approximately 40 m. (131 ft.) from the former tower. Multi-family residences are also located to the south across Kingsway in the Crystal Development.

The Engineering Department, Environmental Services Division notes that there have been two previous complaints from residents of the multi-family residential towers on Hazel Street regarding ventilation noise at the subject property. These complaints have been resolved; however, given the past history of complaints, and the proximity of

To: City Manager
From: Director Planning and Building
Re: Liquor Licence Application #15-04
Relax Restaurant
Food Primary Liquor Licence

2015 May 20.....Page 4

residential uses, the Environmental Services Division anticipates concerns related to the proposed extension of hours and requests that patio hours be restricted to 10:00 p.m.

Planning staff agree that, given the location of the patios on the third and fifth floors, the patio hours of the subject establishment should be limited to 10:00 p.m. Sunday through Thursday. However, given the subject establishment's location within a mixed-use hotel development in the core of a Town Centre area, it is considered reasonable that the patio hours be limited to 12:00 midnight on Fridays and Saturdays. The operation is also subject to the requirements of the Burnaby Noise or Sound Abatement Bylaw 1979, Amendment Bylaw No. 1, 1995.

(b) *The impact on the community if the application is approved.*

The restaurant and banquet rooms are recognized as an integral part of the subject hotel's operations. Furthermore, the operation of the hotel is an important component of the subject mixed-use development, contributing to Burnaby's hotel supply and furthering the realization of Metrotown as a regionally significant and vibrant town centre area. The RCMP have commented that they have no concerns regarding the requested amendment to the existing food primary licence.

With respect to parking, the subject site satisfactorily meets the off-street parking requirements required under Rezoning Reference #11-15 and is adequately accessible by all forms of transportation. Bus service is readily available along Kingsway and the Metrotown and Patterson SkyTrain stations are within an appropriate walking distance. The subject establishment is generally well suited to the surrounding context and it is not expected that the extension of non-patio hours at the subject food primary establishment would have a significant impact on the community.

(c) *The amendment may result in the establishment being operated in a manner that is contrary to the primary purpose (i.e. if the focus would shift from the service of food to the service of liquor).*

Permitting this establishment to operate until 2:00 a.m. may result in a higher percentage of liquor sales, particularly late in the evening; however, the operators would be expected to abide by the conditions of their food primary liquor licence.

- 3.4 In summary, while the extension of hours to 2:00 a.m. within the interior of the subject food establishment is supported, the extension of hours on the patios to 2:00 a.m. is not supported. Given the proximity of multi-family residential towers to the north and south, a history of complaints from those towers, and the presence of residences on the higher floors of the subject site, it is recommended that the patio hours be limited. Specifically, it is recommended that a Section 219 Covenant be registered on the property, within 45 days of Council approval of this application, to limit the hours of use of the patio to 10:00

To: City Manager
From: Director Planning and Building
Re: Liquor Licence Application #15-04
Relax Restaurant
Food Primary Liquor Licence

2015 May 20.....Page 5

p.m. Sunday through Thursday and 12:00 midnight Friday and Saturday, and to prohibit amplified or live music on the patios.

- 3.5 Given that public input was sought for the development and its associated hotel and patio areas under Rezoning Reference #11-15 and that there is no change to the prevailing land use designation of the site, it is the opinion of staff that the pursuit of a City public input process is not required for this application. It is acknowledged that the LCLB, as part of their liquor licensing process, may also gather public input.

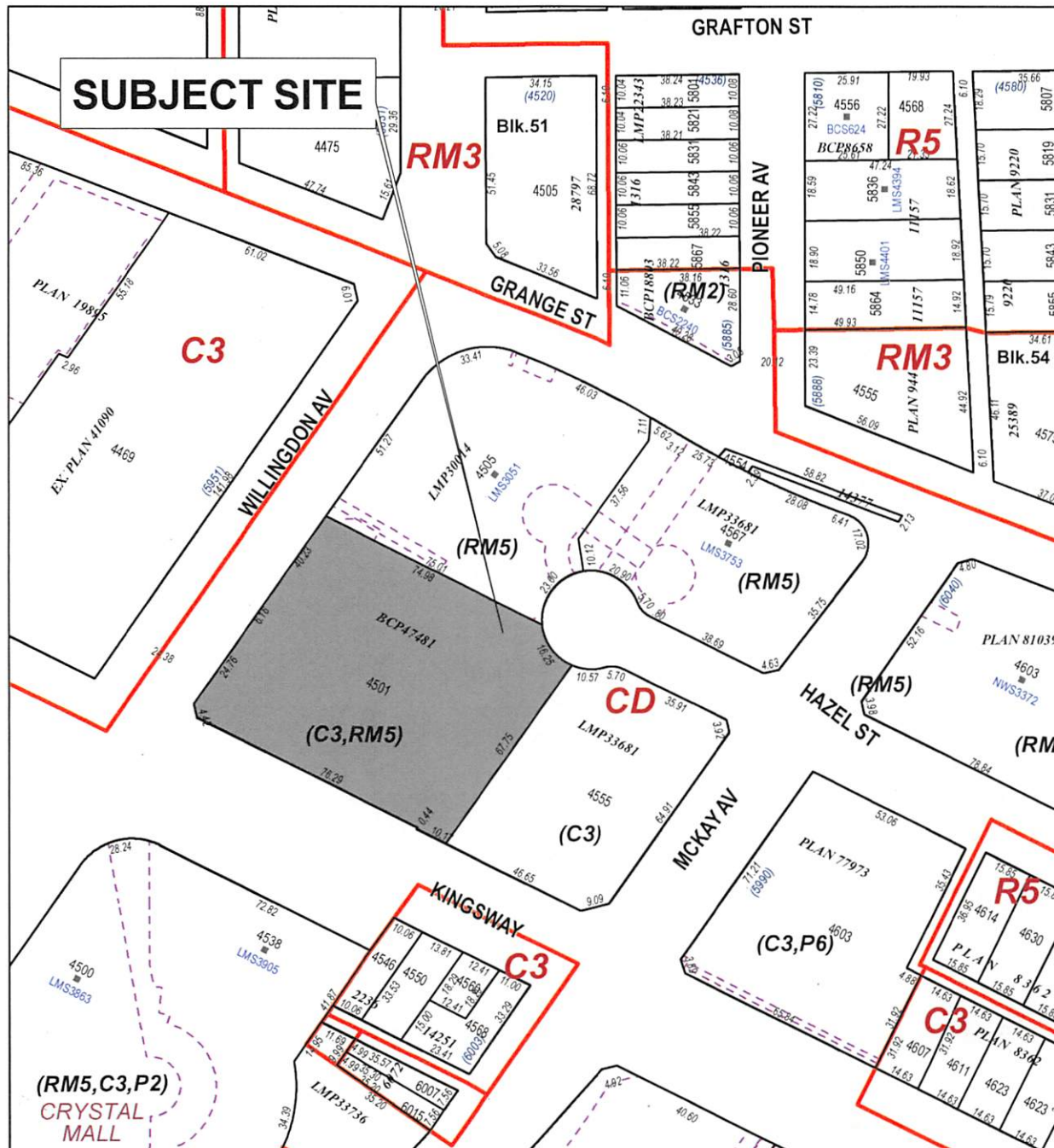
4.0 CONCLUSION

Based on the information presented above, staff recommend that Council support the amendment to the existing food primary liquor licence at the subject establishment, as discussed in Section 3.0 of this report. Staff also recommend that a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Mr. Randall Olafson, Randall Olafson Consultants Ltd., Suite #200 – 11575 Bridgeport Road, Richmond BC V6X 1T5.


Lou Pelletier, Director
PLANNING AND BUILDING

LS:spf
Attachments

cc: Director Engineering
Director Parks, Recreation and Cultural Services
Director Finance
Officer-in-Charge, RCMP, Burnaby Detachment
Chief Licence Inspector
City Solicitor
City Clerk



PLANNING & BUILDING DEPARTMENT

DATE:
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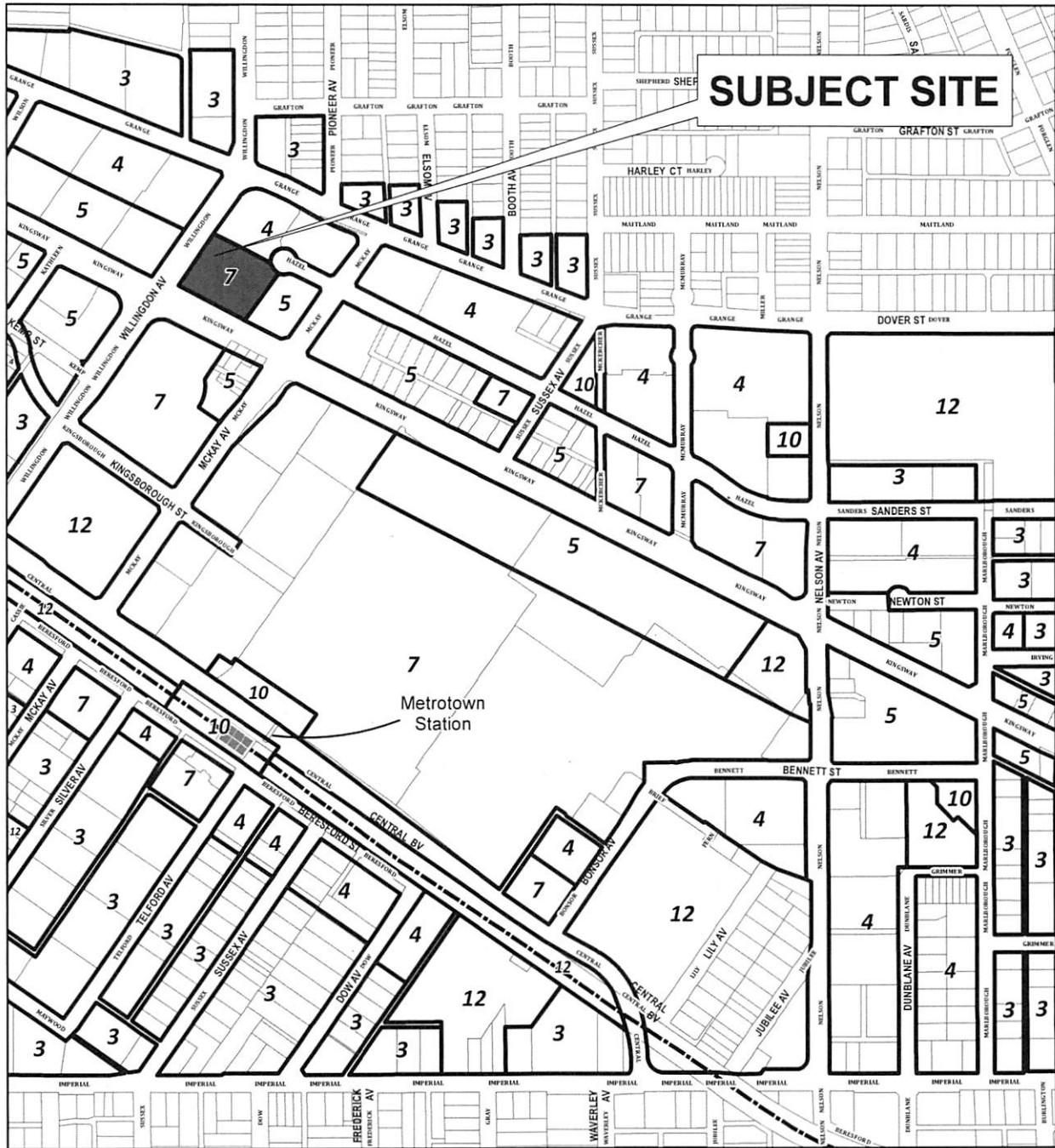
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LIQUOR LICENCE APPLICATION #15-01
5988 WILLINGDON AVENUE
RELAX RESTAURANT



Subject Site

Sketch #1



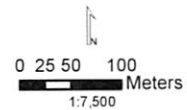
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| 2 Low Density Multiple Family Residential | 7 High Density Mixed Use |
| 3 Medium Density Multiple Family Residential | 10 Institutional |
| 4 High Density Multiple Family Residential | 12 Park and Public Use/Public School |
| 5 Commercial | |
| 6 Medium Density Mixed Use | |



Planning and Building Dept

Printed on April 14, 2015

Metrotown Plan



Sketch #2