
TO: CITY MANAGER **DATE:** 2015 July 15

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#15-03

SUBJECT: LIQUOR LICENCE APPLICATION #15-03
GRAND VILLA CASINO
4331 DOMINION STREET (SKETCH #1 *ATTACHED*)

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

RECOMMENDATIONS:

1. **THAT** Council support the requested amendment to the subject liquor primary liquor licence, as described in Section 3.0 of this report, subject to the following:
 - liquor service hours limited to 11:00 am to 2:00 a.m., Sunday through Thursday, and 11:00 a.m. to 3:00 a.m., Friday and Saturday, within the interior of the establishment;
 - liquor service hours limited to 11:00 a.m. to 2:00 a.m. on all seven patios of the establishment;
 - no live or amplified music on the patios;
 - no off-site liquor sales;
 - a maximum licensed person capacity of 4,817; and,
 - the registration of a replacement 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. Glenn Atchison, Gateway Casino and Entertainment Ltd., Corporate Office, 4331 Dominion Street, Burnaby, BC V5G 1C7.

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REPORT

1.0 INTRODUCTION

1.1 This Department has received an application for an extension to the hours of liquor service for the Grand Villa Casino at 4331 Dominion Street, the addition of seats on associated patio areas, and an increase in the licensed person capacity.

1.2 On 2005 November 28, Council gave Final Adoption to Rezoning Reference #04-38 for the redevelopment of a new casino/hotel complex including demolition of the existing structure on a portion of the subject site (4331 Dominion Street), retention and refurbishment of the existing 23 story hotel tower, and construction of a new three-storey building with structured parking attached to the hotel tower. The new building included a relocated casino, a restaurant, a sports bar/restaurant, and conference centre. As part of the rezoning, a Section 219 covenant was registered to limit the hours of liquor service to 11:00 a.m. to 2:00 a.m. and ensure there would be no off-site sales of alcohol. In addition, a Section 219 covenant was registered to require that liquor sales on the patio of the proposed sports bar be terminated at 10:00 p.m. and that there be no amplified music. The development of the sports bar and its associated outdoor patio seating were subsequently not pursued.

On 2008 September 15, Council approved Liquor Licence Application (LLA) #08-02 to extend liquor service hours to 2:00 a.m. in the associated patio areas of the casino and increase licensed capacity from 1,525 to 4,344 persons. It is noted that no seating or amplified music in the associated patios areas was approved at that time.

1.3 The Liquor Control and Licencing Branch (LCLB), as part of their assessment process for liquor primary liquor licence applications, requests that local government provide comment on applications seeking to amend the operating hours of liquor service for liquor primary establishments. LCLB regulations also state that if the requested licence may affect nearby residents, local government must gather the views of the residents. It is noted that staff have requested, and received, an extension to the 90 day time period in which local government must provide a resolution regarding the subject Liquor Licence Application.

1.4 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 liquor primary licences that propose an extension of hours, an increase in person capacity, or the addition of a patio.

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

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2.0 NEIGHBOURHOOD CONTEXT

- 2.1 The subject site is located within the Willingdon/Canada Way Business Centre area on the northeast corner of Dominion Street and Sumner Avenue and is zoned CD Comprehensive Development District (based on the C3, C3d, and C3f General Commercial District as guidelines). The site is improved with the Grand Villa Casino and the Delta Burnaby Hotel and Conference Centre, approved under Rezoning Reference #04-38. The casino/hotel development currently accommodates the Grand Villa Casino with its associated food and beverage facilities and seven patio areas, the 200 room Delta Hotel and Conference Centre, Delta Lounge, EBO Restaurant, Grand Dynasty restaurant, and a Starbucks café.
- 2.2 To the south, across Dominion Street, are the casino's parkade and offices (connected to the casino/hotel development by an overhead pedestrian walkway) and two additional office buildings. To the west, across Sumner Avenue, are industrial properties zoned M1 Manufacturing District. To the north is Highway 1 with the Willingdon Business Park and Brentwood Town Centre beyond. To the east, across Willingdon Avenue, are mid-rise office buildings

3.0 SUBJECT APPLICATION

- 3.1 The subject Liquor Licence Application for the Grand Villa Casino has been submitted in order to amend the liquor licence as follows:

- extend the hours of liquor service from 11:00 am to 2:00 am, seven days a week, to 9:00 a.m. to 4:00 a.m., seven days a week.;
- increase the licensed person capacity from 4,344 to 4,817; and,
- add patio seats on two of the casino's seven patios.

- 3.2 The subject Liquor Licence Application applies to the Grand Villa Casino, a large two-level complex on the western portion of the casino/hotel development. The casino includes 5,296 m² (57,006 sq. ft.) of gaming area, 1,200 slot machines, and the following food and beverage facilities:

- Personnas Restaurant on the main level with 198 interior seats and 88 seats on the adjacent patio;
- DNB Restaurant on the main level with 22 seats;
- The Buffet restaurant on the main level with 88 seats;
- Centro Bar on the main level with 46 seats;
- Cypress dining area on the second level with 16 seats;
- Alpina Bar on the second level with 19 seats; and,
- Maple Bar on the second level with 11 seats and 16 proposed seats on the adjacent patio.

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- 3.3 The current hours of liquor service for the subject establishment, including patio areas, are from 11:00 a.m. to 2:00 a.m., seven days a week. The current licensed person capacity for the subject establishment, including patio areas, is 4,344.
- 3.4 The subject application proposes to extend the hours of liquor service from 9:00 a.m. to 4:00 a.m., seven days a week, which are the maximum hours of liquor sale permitted by the Liquor Control and Licensing Branch. The same extension of hours are also requested for the patio adjacent to Personas Restaurant.

The subject application also proposes to increase the licensed person capacity to 4,817. This increase is partly accounted for by the 88 seats on the main floor patio adjacent to Personas Restaurant on the southwest corner of the building, with proposed hours of liquor service from 9:00 a.m. to 4:00 a.m. It is noted that this patio area was approved under Preliminary Plan Approval (PPA) #14-77 on 2014 October 29. Approval is also sought for 16 seats on a smaller second level smoking patio located on the east side of the casino, adjacent to the Delta Hotel. The proposed hours of liquor service on this patio, which is currently open 24 hours, are 9:00 a.m. to 1:00 a.m., seven days a week.

Also included in the request for increased licensed person capacity is an increase in seating for the casino's interior food and beverage facilities and a more accurate calculation of the occupant load for the gaming area than was calculated in 2008 for Liquor Licence Application #08-02.

- 3.5 In response to this application, input has also been solicited from pertinent City Departments and the Burnaby RCMP. In addition, the applicant has submitted letters from the British Columbia Lottery Corporation (BCLC) confirming their support of the requested person capacity and the requested amendment to liquor service hours.

4.0 GENERAL DISCUSSION

- 4.1 On 2003, May 05, Council adopted a number of recommendations regarding processing procedures and criteria for assessing different types of liquor licence applications, including approving guidelines for assessing applications for new and amended liquor primary licences. The adopted guidelines are utilized as a general guide to assess this proposal. Consideration of these guidelines is outlined below:

a) Observance of a sufficient distance from or physical separation from:

- *existing liquor primary establishments*
- *residential uses*
- *schools*
- *care facilities*
- *other uses such as gaming facilities, cyber centres, amusement arcades, and billiard halls*

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The subject site is not located proximate to potentially conflicting uses. Other than the 20 seat Delta Lounge, located on the second level of the casino/hotel development, adjacent to EBO Restaurant, the closest liquor primary facility is Professor Mugs Pub, located more than 250 m away at the British Columbia Institute of Technology (BCIT). Residential uses and BCIT are also located approximately 250 m away. Moscrop Secondary is approximately 1.5 km to the south. The subject establishment is also not proximate to any care facilities, with the Carleton Gardens seniors residential facility located more than 250 m to the west, Burnaby General Hospital approximately 800 m to the southwest, and the nearest licensed child care facilities approximately 400 m to the west. It is also noted that there are no cyber centres, amusement arcades, or billiard halls in the area.

b) Nature of proposed establishment (e.g. entertainment, outdoor patio, hours and person capacity)

- The subject establishment is a casino with a 5,296 m² (57,006 sq. ft.) gaming area, a variety of food and beverage facilities, and seven patios, two of which offer food and beverage service. The establishment operates 24 hours a day and is part of a larger complex that contains the Delta Hotel and Convention Centre. It is located in an industrial/business centre area, adjacent to Highway 1 and Willingdon Avenue; the adjacent hotel, which is contractually operated for the casino, and whose management supports the proposed hours of liquor service, is the only nearby site with overnight occupancy. The nearest residential property is approximately 250 m away.
- Given the nature of the establishment, its operating hours and relative isolation from any conflicting uses, some extension of the hours of liquor service may be warranted. However, the proposed extension to 4:00 a.m. represents a significant departure from existing hours of liquor service in other venues. In Burnaby, the latest hours of liquor service are 2:00 am. In the Lower Mainland, no liquor primary establishments have hours of service past 3:00 am, with the exception of an airline lounge at YVR Airport. Eighty-one Lower Mainland venues, mostly in Vancouver, have a 3:00 am closing hour of liquor service on weekends; 33 of those have a 3:00 am closing hour of liquor service also on weekdays.
- The proposed hours of liquor service are also later than other BC casinos. Only one casino, the Edgewater Casino in Vancouver, has hours of liquor service past 2:00 am; this casino closes at 3:00 am on Friday and Saturday evenings.
- As such, the proposed extension of hours could potentially change the nature of the establishment from a casino complex with ancillary liquor service to a

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destination for liquor service. A continuation of liquor service to 2:00 am on weekdays, consistent with the closing times of other Burnaby liquor primary establishments, and a more minor extension to 3:00 am on weekends (Fridays and Saturdays), consistent with other venues in Vancouver, would ensure that the casino is not singled out as a late night drinking establishment and that the character of the development as a casino/hotel complex is not altered.

In addition, this more modest extension would permit the City to assess later liquor service hours in an incremental manner, and could provide a basis for evaluating additional extensions for this venue, and/or for other Burnaby liquor licence establishments.

With respect to a 9:00 a.m. opening hour of liquor service, it is noted that on 2003 March 10, in response to a Liquor Licence Application for Champs Pub, (LLA#02-07), a pub located on the subject site prior to redevelopment, Council adopted a policy establishing 11:00 a.m. as the standard earliest opening time for new requests to change the permitted hours of liquor sale for liquor primary establishments. No requests for opening hours of liquor sale prior to 11:00 a.m. have been supported since that time. It is also noted that of the 16 casinos in British Columbia with liquor primary licences, seven have opening hours of liquor service of 11:00 a.m. or later. Therefore, in line with Council policy and past decisions regarding opening hours of liquor sale on the site, it is recommended that liquor sales prior to 11:00 a.m. not be supported.

The permitted hours of liquor sale for the casino's seven patios, including the one adjacent to Personas Restaurant and the smaller one on the second level, are 11:00 a.m. to 2:00 a.m., seven days a week. However, the Personas Restaurant patio currently closes at 12:00 midnight, Monday through Friday, and 1:00 a.m., Friday and Saturday, earlier than the permitted liquor service closing time. In addition, the proposed closing time for liquor sales on the second level patio is 1:00 a.m. A continuation of the permitted 2:00 a.m. closing time for all patio areas is generally supportable, given the absence of nearby residential development, ambient traffic noise from Highway #1 and Willingdon Avenue, and the Personas Restaurant patio being relatively remote from the hotel tower. However, an extension of hours of liquor service to 3:00 a.m., Fridays and Saturdays, would increase, in practice, liquor service by two hours on the two subject patios, representing a significant change that may not be warranted given the greater potential for outdoor noise to be communicated across distance and the reduction in ambient noise that occurs in the early hours of the morning.

With respect to the requested increase in licensed person capacity from 4,344 to 4,817, the increase represents an approximately 10% increase in person capacity and is therefore supportable due to the relatively minor nature of the proposed increase.

c) *Satisfaction of all parking requirements on site*

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The subject site satisfactorily meets the off-street parking requirements required under Rezoning Reference #13-27 which approved an increase in the number of permitted slot machines from 1,000 to 1,200. It is noted that parking for the casino was calculated based on the square footage of the gaming area and the number of slot machines. The seats associated with the restaurant and beverage facilities within the casino were considered accessory to the casino and are therefore not subject to additional parking requirements.

d) Safe and convenient access for vehicular traffic to the site, as well as safe access for pedestrians to the liquor licence establishment

The site has safe and convenient access for vehicular traffic, as well as safe access for pedestrians. Provisions include a traffic signal at Sumner Avenue and Canada Way, sidewalks and boulevards adjacent to the site, a pedestrian connection to Willingdon Avenue from Dominion Street cul-de-sac, and an above grade pedestrian overpass across Dominion Street connecting the casino/hotel complex and the facility's parking structure.

e) Good proximity (within 250 metres) of public transit

Bus service is available within less than a 500 m walk at the intersection of Willingdon Avenue and Canada Way and the intersection of Gilmore Avenue and Canada Way.

- 4.2 The LCLB, as part of their assessment process of applications for amendments to existing liquor primary licences, requests that local government provide comments on the additional following criteria:

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

Given the casino's relatively isolated location approximately 250 m away from residential uses and ambient traffic noise to the north and east, it is not anticipated that noise associated with extended hours of liquor service or seats on the Personas Restaurant patio and the patio off of the Maple Bar would be significant. Furthermore, it is expected that any noise would be self-regulated by casino/hotel management. However, it is considered appropriate that no live or amplified music be permitted on the patio areas.

The proposed increase in licensed capacity, which is based on more accurate measurement of the gaming area and an increase in the number of seats in the casino's food and beverage facilities, is spread throughout the casino and is therefore not anticipated to have significant noise implications.

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

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The subject establishment is not located proximate to potentially conflicting uses, including residential uses. Furthermore, the nature of the establishment is considered generally well suited to the office/light industrial context of the immediate area. Therefore, it is not expected that a modest extension of hours, the requested patio amendments, or the requested increase in person capacity would have a significant impact on the community.

- 4.3 The RCMP have commented that they have no concerns regarding the requested amendments to the existing liquor primary licence, given the nature of the establishment and the existence of good security measures. The casino has extensive responsible liquor service policies and it is not anticipated that the casino would be a draw to patrons of other liquor primary establishments.
- 4.4 With respect to hours, the Engineering Department, Environmental Services Division has indicated that they are not supportive of extending liquor service past 2:00 a.m. due to concerns about noise disturbances from patrons arriving and departing from the site and the precedent for other liquor primary establishments. With respect to patio hours, due to general noise concerns, Environmental Services is not supportive of an extension to the hours of liquor service on the Personas Restaurant patio beyond its current hours of operation (12:00 midnight, Monday through Friday, and 1:00 a.m., Friday and Saturday to 4:00 a.m.), due to general noise concerns, but are supportive of the 1:00 a.m. closure of liquor sales on the eastern second level patio.
- 4.5 The gathering of input from residents is not recommended for this application for the following reasons:
- public input was sought for the casino/hotel development under REZ#04-38;
 - public input was sought for the casino patio areas under LLA#08-02;
 - public input was sought for substantial increased licensed capacity under LLA#08-02;
 - the increase in licensed hours is modest;
 - the increase in licensed capacity is modest, relative to the overall development; and,
 - there is no change to the prevailing land use designation of the site.

It is acknowledged that the LCLB, as part of their liquor licensing process, may also gather public input.

- 4.6 In summary, the request to extend the hours of liquor service at the subject liquor primary establishment from 9:00 a.m. to 4:00 a.m., seven days a week, is not supported. As noted above, a closing hour of liquor service past 3:00 a.m., Friday, and Saturday, would not be consistent with other gaming facilities, and there is no comparable 4:00 a.m. closing hour of liquor service in the Lower Mainland. However, given the subject establishment's

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unique context as part of a larger casino/hotel complex, its removal from residential areas, its 24 hour operation, and the lack of RCMP concerns, an extension in closing hour of liquor service from 2:00 a.m. to 3:00 a.m., Friday and Saturday, is generally supportable provided that the general character of the casino/hotel complex does not change to that of a late night drinking establishment. In addition, the proposed increase in licensed person capacity and the proposed seating on the main level patio adjacent Personas Restaurant and the second level patio adjacent to the Maple Bar (with patio hours of liquor service from 11:00 a.m. to 2:00 a.m., seven days a week) is generally supportable.

If Council were to support the above amendments, it is recommended that the two existing Section 219 Covenants registered on the property as conditions of REZ#04-38 be removed. Furthermore, it is recommended that a new Section 219 Covenant be registered on the property, within 45 days of Council approval of the application, to limit the hours of liquor service in the subject establishment to the above noted hours, to prohibit live or amplified music on the patios, to prohibit off-site sales of liquor, and to limit the licensed person capacity of the establishment to 4,817.

5.0 CONCLUSION

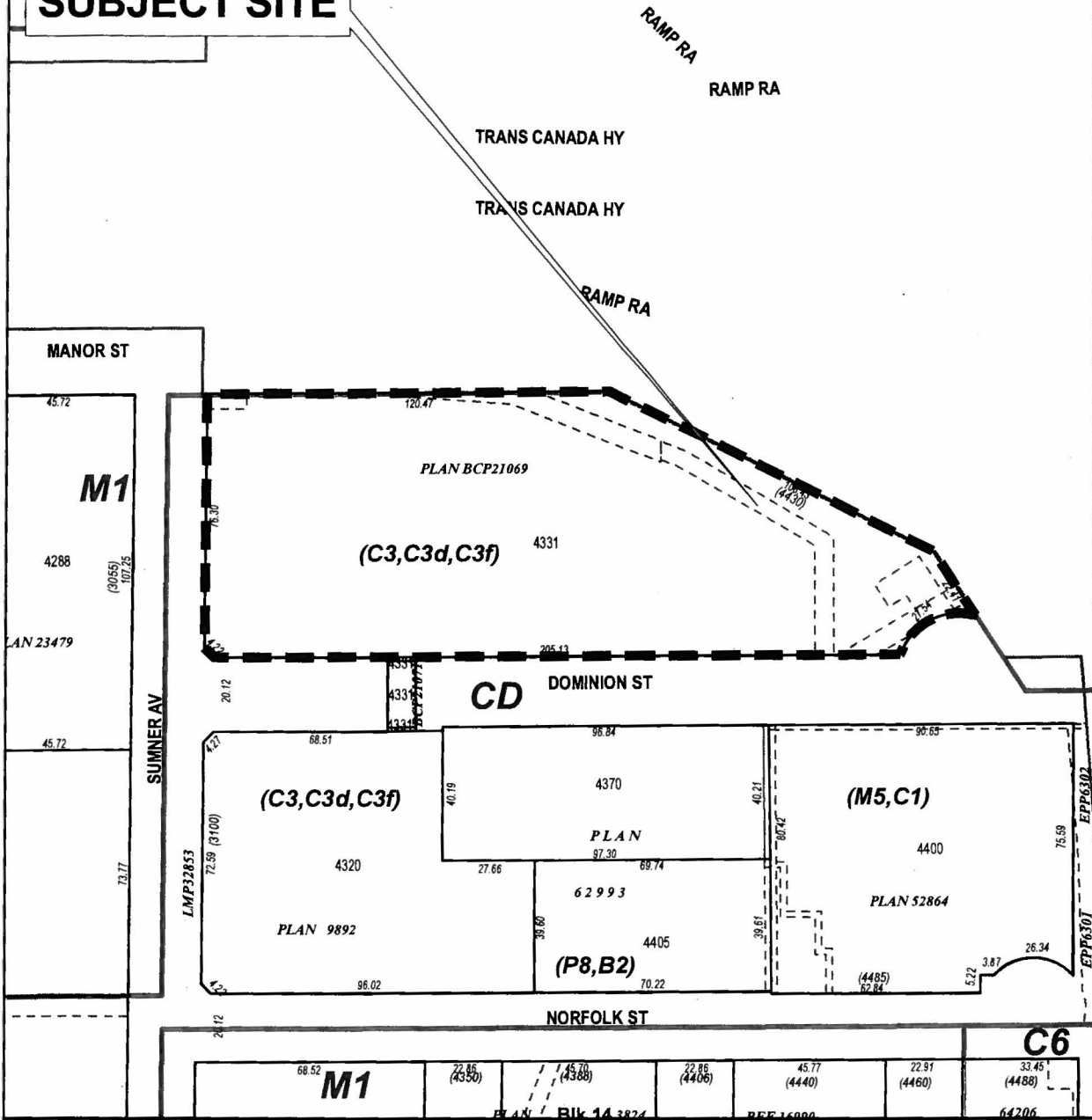
Based on the information presented above, staff recommend that Council support the amendment to the existing liquor primary liquor licence at the subject establishment, as discussed in Section 4.0 of this report. Staff also recommend that a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Mr. Glenn Atchison, Gateway Casino and Entertainment Ltd., Corporate Office, 4331 Dominion Street, Burnaby, BC V5G 1C7.


Lou Pelletier, Director
PLANNING AND BUILDING

LS:spf
Attachment

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

SUBJECT SITE



PLANNING & BUILDING DEPARTMENT



DATE: MAY 07 2015

SCALE: 1:2,000

DRAWN BY: AY

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Subject Site

Sketch #1