
TO: CITY MANAGER **DATE:** 2017 September 06

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#17-01

SUBJECT: LIQUOR LICENCE APPLICATION #17-01
GRAND VILLA CASINO
4331 DOMINION STREET

PURPOSE: To provide Council with a recommendation for a new liquor primary licence within the Grand Villa Casino.

RECOMMENDATIONS:

1. **THAT** Council authorize staff to gather public input regarding the subject liquor primary licence application, which involves a proposal for a new separate liquor primary licence with a Family Food Service Term & Condition for Personas restaurant/lounge, as described in Section 3.0 of this report.
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.

REPORT**1.0 BACKGROUND INFORMATION**

- 1.1 This department has received a liquor licence application (LLA) regarding the liquor primary establishment at the Grand Villa Casino (Sketch #1 *attached*). The applicant is requesting to remove Personas, a restaurant/lounge with patio located on the southwest corner of the casino's ground floor, from the existing licenced liquor primary service area of the casino in order for Personas to have a separate liquor primary licence with a Family Food Service Term & Condition. As part of this LLA request, the applicant is also requesting to play background music on all seven patios of the casino (including Personas' patio).
- 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, retention and refurbishment of the existing 23

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storey 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 a conference centre. As part of the rezoning, a Section 219 Covenant was registered to limit the hours of liquor service to 11:00 am to 2:00 am 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 pm 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 am in the associated patio areas of the casino and increase licenced 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.

On 2014 March 24, Council gave Final Adoption to Rezoning Reference #13-27 to permit an increase in the number of slot machines permitted at the Grand Villa Casino from 1,000 to 1,200, while maintaining the number of gaming tables permitted at 86.

On 2015 July 20, Council approved liquor licence application (LLA) #15-03 for the Grand Villa Casino to extend interior liquor service hours to 3:00 am on Friday and Saturday, to limit service hours on the casino's seven patios (including Personas) to 11:00 am to 2:00 am seven days a week, to permit seating on two associated patios (including Personas), and to increase the licenced person capacity from 4,344 to 4,817.

On 2017 June 26, Council gave Final Adoption to Rezoning Reference #15-34 to permit the construction of a new 54 seat restaurant patio at the Grand Villa Casino adjacent the Buffet Restaurant.

- 1.3 The Liquor Control and Licencing Branch (LCLB), as part of its assessment process for liquor primary liquor licence applications, requests that local government provide comment on applications seeking to establish a new or amend an existing liquor primary liquor licence. LCLB regulations also state that if the requested licence may affect nearby residents, local government must gather the views of the residents.
- 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.

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, Atlas Restaurant/Lounge, Villa Bistro¹, 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 applies to the Grand Villa Casino, a large two-level complex on the western portion of the casino/hotel development. The casino's current single liquor licence encompasses 5,431 m² (58,458.8 sq. ft.) of approved gaming floor area² and the following food and beverage facilities:
- Personas Restaurant on the main level with 193 interior seats and 88 seats on the adjacent patio;
 - Chow Lucky Noodle Bar on the main level with 22 seats;
 - The Buffet restaurant on the main level with 88 interior seats³;
 - 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 44 seats; and,
 - Maple Bar on the second level with 11 seats and 16 proposed seats on the adjacent patio.

¹ Villa Bistro is a small Food Primary establishment located adjacent to the Atlas Restaurant/Lounge and scheduled to open in mid-September.

² The applicant, through PPA#17-61, is proposing to add 20 m² (215.28 sq. ft.) of gaming floor area, for a new total of 545 m² (5,866.33 sq. ft.) of gaming floor area.

³ A 54 seat restaurant patio for the Buffet has been approved (Rez#15-34) with construction pending. Licensed service on the patio would require a future LLA.

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- 3.2 The subject application proposes to remove Personas, a restaurant/lounge with patio located on the southwest corner of the casino's ground floor, from the existing licenced liquor primary service area in order for Personas to have a separate liquor primary licence with a Family Food Service Term & Condition. This proposed change would permit minors in Personas until 10:00 pm when accompanied by a parent or guardian, while excluding minors' access to gaming products and services.

A Section 219 Covenant registered in the Land Title Office currently states that a maximum licenced person capacity in the casino's existing licenced area, including Personas, shall not exceed 4,817. The applicant has not requested any increase over this capacity, with a person capacity of 281 seats (193 interior seats and 88 patio seats) for Personas and the remaining licenced person capacity of 4,536 (i.e. 4,817-281) for the balance of the casino's liquor primary service area, which is proposed to be expanded by 456 m² (4,908.34 sq.ft.) through the conversion of a former staff area on the second floor into gaming floor area. Preliminary Plan Approval has been granted for this floor area expansion (PPA #17-61). It is noted that the maximum number of slot machines (1,200) and gaming tables (86) is in accordance with previous rezoning approvals (Rez#13-27).

The Section 219 Covenant registered in the Land Title Office also states that no live or amplified music is permitted on the casino's patios. In this regard, the applicant is requesting to play background music⁴ on all seven patios, including Personas, until 1:00 am. The Burnaby Noise or Sound Abatement Bylaw would apply, limiting commercial noise to 65 dBA between 7:00 and 10:00 pm and 60 dBA between 10:00 pm and 7:00 am at the property line and 60 dBA between 7:00 and 10:00 pm and 55 dBA between 10:00 pm and 7:00 am within a residential district.

- 3.3 It is noted that the hours of liquor service for Personas and the remainder of the casino are not proposed to change and would remain limited to 11:00 am to 2:00 am, Sunday through Thursday and 11:00 am to 3:00 am, Friday and Saturday, within the interior of the establishment. On all seven patios of the establishment (including Personas patio), liquor service hours are limited to 11:00 am to 2:00 am.
- 3.4 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 Background music is generally defined as music played at low volumes and intended to contribute to the ambience in an unobtrusive manner. Conversations involving talking at a typical volume can occur without interruption or the need to raise speaking volumes.

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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*

The subject liquor primary establishment is not located proximate to potentially conflicting uses. Other than the existing liquor primary licence for the casino and the Atlas Restaurant/Lounge, located within the casino/hotel development, the closest liquor primary facility is Habitat 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 licenced 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 liquor primary establishment is a part of a casino facility which includes a gaming area, a variety of food and beverage facilities, and patios areas. 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 is the only nearby site with overnight occupancy. The nearest residential property is approximately 250 m away.

Given that there is no adjacent residential development, the nature of the casino, the ambient Highway #1 noise, the small size of most patios, and the larger Personas patio

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being remote from the hotel, Planning staff support the request for music to play at background levels to 1:00 am on all patios, subject to compliance with the Burnaby Noise or Sound Abatement Bylaw. It is also expected that any noise related to the use of the outdoor patio areas would be self-monitored by the owner/operators of the casino-hotel complex and adjusted in response to complaints or instructions. In addition, hotel guests would be aware that the facility is part of the casino.

Staff support the new liquor primary licence with a Family Food Service Term & Condition for Personas restaurant/lounge, given the following measures will be taken to ensure minors are unable to access the casino from Personas:

- at the entrance to the casino from Personas, there will be signs posted that state “No Minors Permitted Beyond This Point”;
- there will be a Gaming Security Officer stationed at the casino entrance during Personas’ business hours;
- an “Accompanied Minors Permitted Until 10:00 pm” sign will be posted at the public exterior entrance to Personas; and
- an accessible exterior entrance will be required so that persons of all ages and levels of ability may access Personas.

BCLC has also provided six examples of locations where family friendly restaurants associated with gaming facilities are permitted within BC⁵.

Hours of liquor service are not proposed to change and are considered acceptable. In addition, staff support the proposed separated person capacity as there is no overall change in the maximum number currently permitted, with current maximum licenced person capacity of 4,817 proposed to be separated into 281 for Personas and 4,536 (i.e. 4,817-281) for the remaining liquor primary service area.

c) Satisfaction of all parking requirements on site

The subject site satisfactorily meets the off-street parking requirements required under the Zoning Bylaw.

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,

⁵ The six examples include: Starlight Casino in New Westminster, Cascades Casino in Langley, Cascades Casino in Kamloops, Cascades Casino in Penticton, Lake City Casino in Vernon, and Chances in Squamish.

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sidewalks and boulevards adjacent to the site, a pedestrian connection to Willingdon Avenue from the 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 impact of noise on nearby residents

Given there is no proposed increase in the total licenced person capacity for Personas and the casino, 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 the requested background music on licenced patios would have any significant impact on area residents. It is expected that any noise would also be self-regulated by casino/hotel management. The Burnaby Noise or Sound Abatement Bylaw also applies.

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

Given there is no proposed increase in the total licenced person capacity for Personas and the casino, and its relatively isolated location from potentially conflicting uses, including residential uses, it is not anticipated that the liquor primary liquor licence application or the request to play background music on all patios would have a significant impact on the community.

- 4.3 The RCMP and Social Planning staff have commented that they have no concerns regarding the requested liquor primary licence or 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 Records in the Engineering Department, Environmental Services Division indicate there in one previous noise complaint related to existing casino operations, which has since been resolved, on record from a resident in the 4100 block of Dominion Street. The complaint was related to live music with speakers on a patio. The Engineering Department, Environmental Services Division would not be in support of allowing the

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applicant to play live music outdoors, however, background music would not raise an issue.

- 4.5 Given the single complaint on record, the casino's isolated location and proximity to the Highway, the self-regulated nature of the establishment with their own hotel guests staying on premises, and the applicant's commitment regarding background music as previously defined above, Planning staff consider it is feasible to permit background music (no live music) to be played on all patios until 1:00 am without adverse effect. The operation would also be subject to the requirements of the Burnaby Noise or Sound Abatement Bylaw.
- 4.6 LCLB regulations state that if the proposed licence may affect nearby residents, local government must gather the view of the residents. It is therefore recommended that staff gather public input from property owners and residents, similar to a Public Hearing notification process. The gathering of public input would include: letters being sent to all property owners and occupants within 30 metres of the site, inviting written comments be sent to the Planning Department; notification in two consecutive issues of the local newspaper; and the placement of a sign at the site.
- 4.7 In summary, the request to create a separate liquor primary licence with a Family Food Service Term & Condition for Personnas restaurant/lounge is supported by this Department. As a result of a new liquor primary licence for Personnas, the existing maximum licenced person capacity of 4,817 for the casino would remain but be separated into two licenced areas - 281 for Personnas and 4,536 (i.e. 4,817-281) for the revised liquor primary service area. The latter includes an increase of 456 m² (4908.34 sq.ft.) to the existing liquor primary service area on the second floor of the casino. Planning also supports permitting background music only (no live music), not to exceed the Burnaby Noise or Sound Abatement Bylaw levels, on all seven patios (including Personnas, patio) until 1:00 am.

If Council supports the proposed liquor licence, it is recommended that the existing Section 219 Covenant registered on the property be removed and replaced with a new Section 219 Covenant within 45 days of Council approval of the application. This new Covenant would establish the revised licenced liquor primary service areas with updated maximum licenced person capacity for each area and to permit background music (no live music) on the patios (not to exceed the Burnaby Noise or Sound Abatement Bylaw levels). Other terms and conditions of the existing Section 219 Covenants relating to overall licenced person capacity in the licenced liquor primary licence service area, the prohibition of off-site sales of liquor, and the hours of operation would be included in the new Section 219 Covenant.

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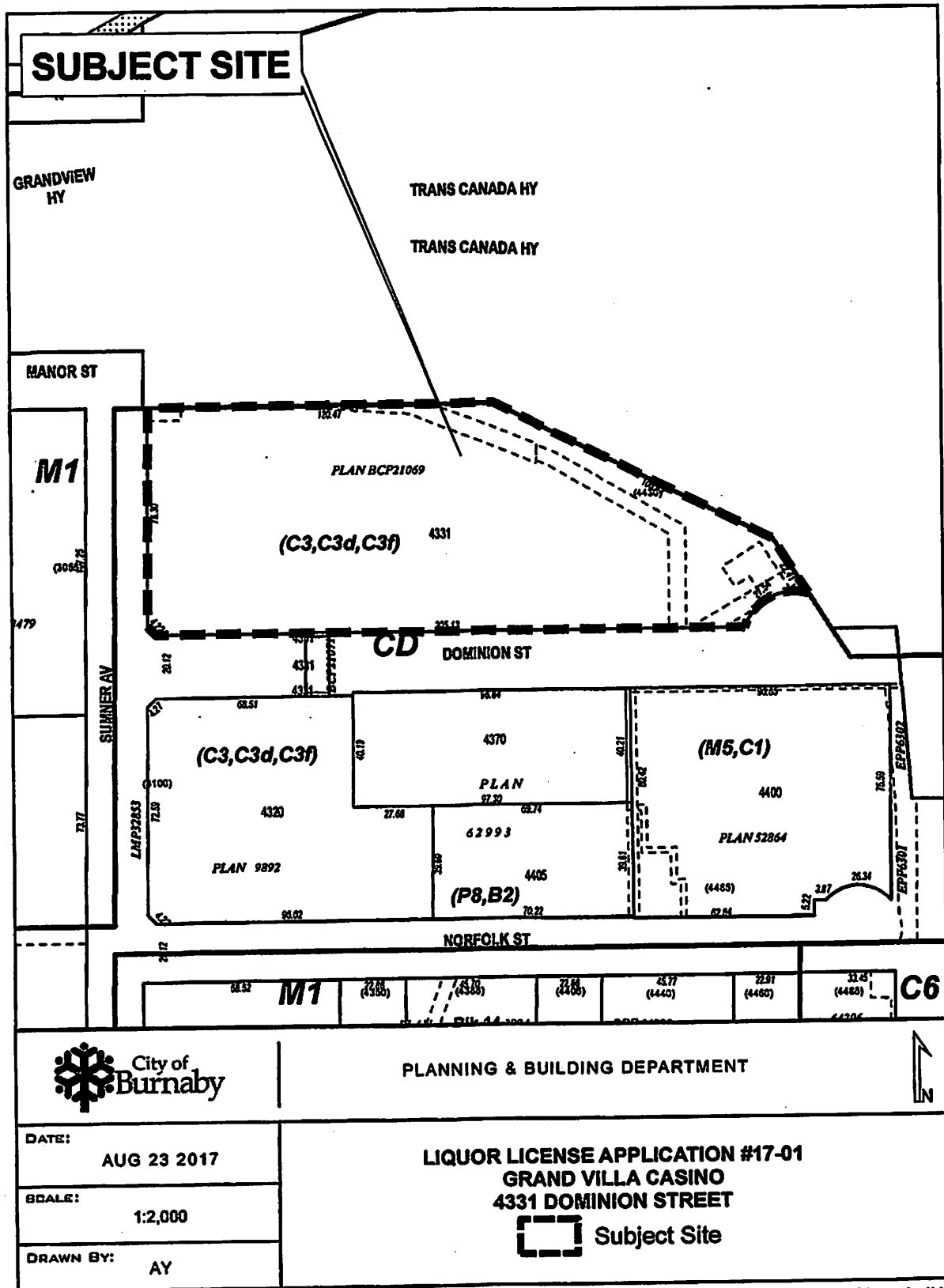
5.0 CONCLUSION

Based on the information presented above, staff recommend that Council support the new liquor primary licence at the subject establishment, as discussed in Section 3.0 of this report, subject to staff gathering public input. 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 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

KL:eb
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



Sketch #1