
TO: CITY MANAGER **DATE:** 2018 October 24

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#18-02

SUBJECT: LIQUOR LICENCE APPLICATION #18-02
EARL'S RESTAURANT (BRIDGE) LTD.
3850 LOUGHEED HIGHWAY

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

RECOMMENDATIONS:

1. **THAT** Council authorize staff to gather public input regarding the subject food primary licence amendment, which involves a proposal for patron participation entertainment in the form of dancing, as described in Section 3.0 of this report.
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 the applicant, Ms. Kelly Tsang, Earl's Restaurant (Bridge) Ltd., #200-425 Carrall Street, Vancouver, BC, V6B 6E3.

REPORT**1.0 BACKGROUND INFORMATION**

- 1.1 This department has received a liquor licence application (LLA) to amend the existing food primary licence for Earl's Restaurant (Bridge) Ltd. (Earl's) at 3850 Lougheed Highway (Sketch #1 *attached*). The applicant is requesting an endorsement for patron participation entertainment in the form of dancing, which is proposed to occur between the hours of 9:00 p.m. and 12:00 a.m. The applicant has applied for a patron participation endorsement to accommodate special events, with dancing, such as birthdays, and retirement or Christmas parties that they anticipate occurring on any night of the week, but generally not more than once per month.
- 1.2 No change is requested to the person capacity or liquor service hours at the subject restaurant. The approved seating capacity for Earl's is 210 seats inside and 64 seats in the outdoor patio area, for a total of 274 seats. The subject restaurant currently holds a food primary liquor licence which permits the service of liquor from 9:00 a.m. to 1:30 a.m. Monday through Saturday, and 9:00 a.m. to 12:00 a.m. Sunday. It should be noted that the permitted hours of liquor service extend beyond current operating hours.

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Regardless, this application would limit the patron participation entertainment to the hours of 9:00 p.m. and 12:00 a.m.

- 1.3 The Liquor and Cannabis Regulation Branch (LCRB), as part of their assessment process, requests that either local government provide the LCRB with a resolution on applications seeking to amend a food primary liquor licence to permit patron participation entertainment or that the local government delegate LCRB staff with the authority to provide comment. LCRB regulations also state that if local government opts to provide comment they must gather public input for the community in the vicinity of the proposed endorsement service area.
- 1.4 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor license applications, including that Council will continue to receive reports on applications to amend food primary licences to include patron participation entertainment. The LCRB was advised of these adopted recommendations.

2.0 NEIGHBOURHOOD CONTEXT

The subject site is located within the Bridge Business Park area, south of Lougheed Highway between Gilmore Avenue and Boundary Road. Immediately adjacent to Earl's is a Swiss Chalet restaurant and beyond, across a mutual access easement (private roadway) linking Lougheed Highway with Henning Drive, is an ICBC Motor Licence office. To the north, across Lougheed Highway, are 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.

3.0 SUBJECT APPLICATION

- 3.1 The subject application involves a request to establish a dance floor of not more than 23.2 m² (250 sq. ft.) in the northerly portion of the 928 m² (9,988 sq. ft.) restaurant, with recorded music, to accommodate special events. The proposed dancing would occur between the hours of 9:00 p.m. and 12:00 a.m.; when the restaurant closes before 12:00 a.m., dancing would not extend beyond closing hours.
- 3.2 The LCLB, as part of their assessment process of applications for amendments to existing food primary licences, requests that local government provide comments on the additional following criteria:

(a) The impact of noise on nearby residents

It is not anticipated that the requested dance floor and associated music inside the restaurant would have any significant noise impact on area residents for the following reasons:

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- The restaurant's proximity to major arterial roads (Lougheed Highway, Boundary Road and Gilmore Avenue) which provide ambient traffic noise to the north, west and east;
- The dance floor's internal nature;
- The restaurant's total licenced person capacity is not increasing; and,
- The restaurant's relatively isolated location, approximately 450 m (1,476 ft.) away from the nearest residential use.

A three storey hotel, located 230 m (755 ft.) southwest of the subject property, is the only nearby land use which the proposed patron participation could have any potential impact on. However, considering the above factors and that there are other buildings between the restaurant and hotel, any potential noise impacts should be negligible. Finally, the Burnaby Noise or Sound Abatement Bylaw also applies.

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

In addition to the reasons stated above in section 3.2 (a), it is not anticipated that the subject application would have any significant impact on the community given that the majority of buildings in the immediate area are for office uses, which would typically occur between the hours of 9:00 a.m. and 6:00 p.m. and are not likely to conflict with the proposed hours of dancing (9:00 p.m. and 12:00 a.m.).

(c) Whether the amendment will result in the service area being operated in a manner that is contrary to primary purpose

It is not anticipated that the proposed dance floor would result in the service area being operated in a manner that is contrary to its primary purpose, given that the proposed dance floor is accessory in nature, it would comprise a relatively small portion of the restaurant, and it is intended to accommodate occasional special events.

- 3.3 The Planning and Building Department has solicited comments on this application from relevant City Departments, including the RCMP Burnaby Detachment. No City Departments have expressed any objections to the establishment of a dance floor within this licensed restaurant.
- 3.4 LCRB regulations state that if local government provides comment they must gather public input for the community in the vicinity of the proposed endorsement service area. 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.

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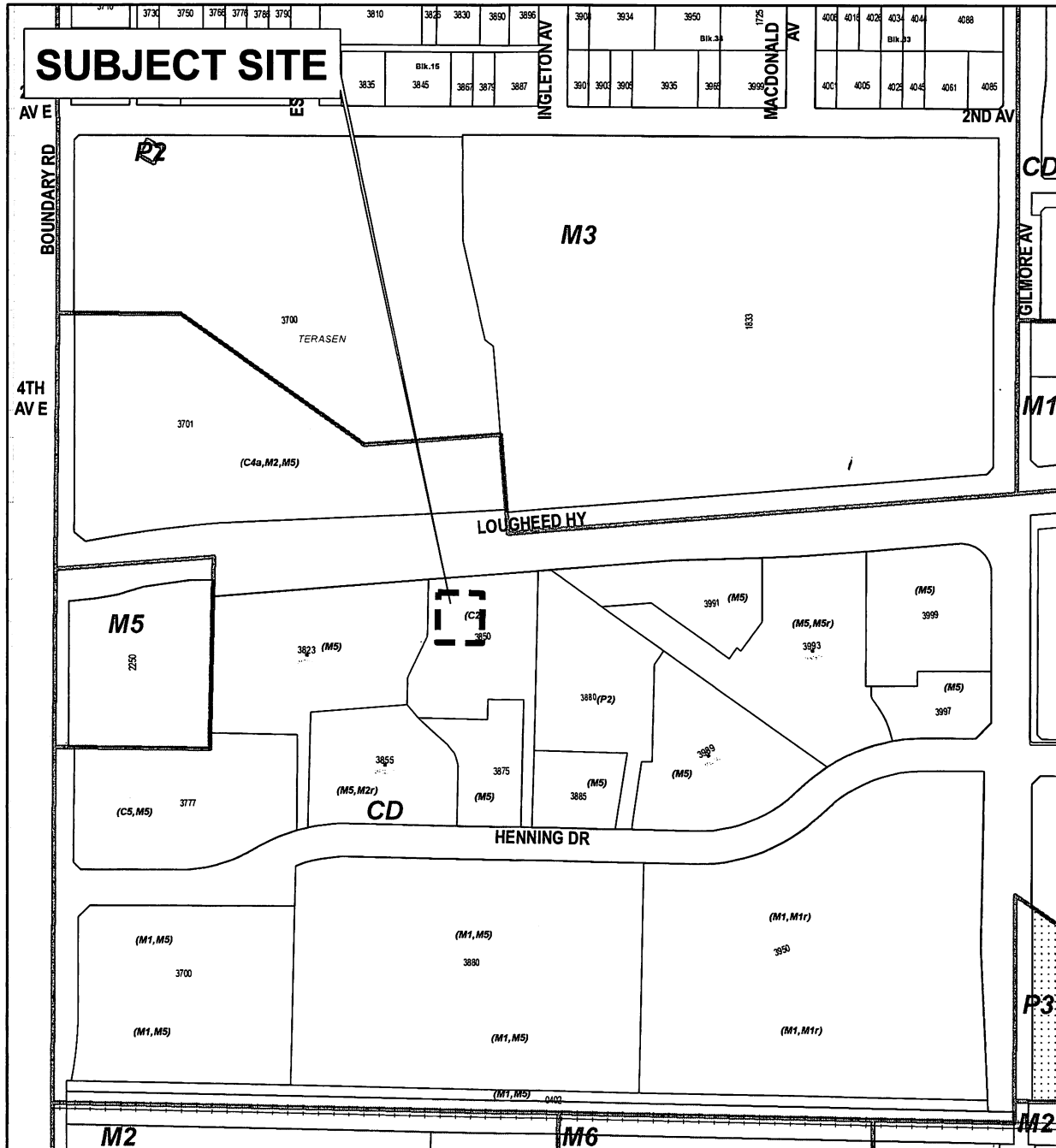
4.0 CONCLUSION

Based on the information presented above, staff recommend that Council support the requested amendment to the existing food 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 and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Ms. Kelly Tsang, Earl's Restaurant (Bridge) Ltd., #200-425 Carrall Street, Vancouver, BC, V6B 6E3.


Lou Pelletier, Director
PLANNING AND BUILDING

KL:sla
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



PLANNING & BUILDING DEPARTMENT




DATE:
OCT 18 2018

SCALE:
1:4,500

DRAWN BY:
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LIQUOR LICENSE APPLICATION #18-02
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 Subject Site

Sketch #1