
TO: CITY MANAGER **DATE:** 2019 February 06

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#18-04

SUBJECT: LIQUOR LICENCE APPLICATION #18-04
EARL'S RESTAURANT LTD.
6070 SILVER DRIVE

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 for Earl's Restaurant, which involves a proposal to relocate their food primary liquor licence from 4361 Kingsway to the subject site, located at 6070 Silver Drive, (see Sketches #1 and #2 *attached*), with hours of liquor service 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 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 transfer the existing food primary licence from Earl's Restaurant (Earl's) at 4361 Kingsway to the proposed relocated Earl's, at 6070 Silver Drive, located within the nearby Station Square development. Specifically, Earl's is requesting that the permitted hours of liquor service at the subject site be from 9:00 a.m. to 1:30 a.m. daily. It is noted that at their current Kingsway location, Earl's 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 is noted that the approved seating capacity for Earl's at their Kingsway location is 245 seats total (within the interior and patio area). The proposed subject site is proposing 229 seats inside the restaurant and 80 seats on the patio for a total of 309 seats.

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- 1.2 The Liquor and Cannabis Regulation Branch (LCRB) advises that when relocating a food primary establishment, an endorsement for hours of liquor service after midnight cannot transfer location without local government comment and LCRB approval. Further, the 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 extend hours of liquor service between midnight to 4:00 a.m. or that the local government opt out of providing 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.
- 1.3 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 the hours of liquor sales in food primary establishments past 12:00 a.m. if the establishment has, or proposes to have, a patio. The LCRB was advised of these adopted recommendations.

2.0 NEIGHBOURHOOD CONTEXT

On 2012 July 30, Council granted Final Adoption to Rezoning Reference #04-09 for the Master Plan and detailed Phase I development plan for the Station Square site within the Metrotown Downtown Community Plan. The Master Plan concept established development guidelines for the redevelopment of the Station Square site to include five high-rise residential apartment towers over low-rise and street level office, retail, and restaurant uses. The subject site is located on the ground floor within Phase II of the Station Square development, approved under Rezoning Reference #12-42, which includes a proposed "High Street" concept along Silver Drive with ground level engaging, street-oriented retail and restaurant uses.

To the north, west and south of the proposed subject restaurant, different phases of the Station Square Development are proposed. To the east, are the Metropolis at Metrotown Shopping Centre and the Sears development site (Rezoning Reference #13-07).

3.0 SUBJECT APPLICATION

- 3.1 The subject application involves a request to transfer Earl's existing food primary licence from their current Kingsway location to the proposed relocated Earl's on the subject site within the Station Square development, with requested hours of liquor service from 9:00 a.m. to 1:30 a.m. daily. It is noted that these hours are very similar to those at the current location with the exception that Sunday hours are requested to be 1.5 hours later.
- 3.2 The LCRB, as part of their assessment process of applications for amendments to existing food primary licences, requests that local government provide comments on the following criteria:

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(a) The impact of noise on nearby residents

The subject establishment is located on Silver Drive, the High Street of the Station Square Master Plan, in the Metro Downtown neighbourhood of the Council-adopted Metrotown Downtown Community Plan. The Master Plan proposes a mixed-use concept with commercial uses at-grade, office uses on the second and third storeys, and five residential towers ranging in height from 35 to 57 storeys. Silver Avenue is described as both a "shopping street" and "restaurant row" with excellent solar orientation for patios and suspended lighting across the street to give a festive quality at night. Therefore, while the subject establishment is located near residential uses, the urban design is intended to create a more animated and vibrant area than a typical residential street, and the central location of the proposed subject restaurant is expected to be lively. It is also noted that the restaurant's proximity to major roads (Kingsway) and the SkyTrain line along Central Boulevard would provide ambient traffic noise to the north and south.

The Engineering Department, Environmental Services Division notes that there were two noise complaints in 2018 at Earl's current Kingsway location. These complaints have been resolved. However, in anticipation of potential noise concerns at the proposed subject location, the applicant has noted that the sound system on the patio will be programmed to be lowered at 10:00 p.m. to comply with Noise or Sound Abatement Bylaw 7332. It should also be noted that the entire proposed subject restaurant is 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

It is not anticipated that approving the application would result in negative impacts to the community as the proposed restaurant would be located on Silver Drive, which is considered the 'central nervous system' of the development where restaurants are envisioned as an integral part of the vibrancy of the area. Further, the location of Earl's on Silver Drive would contribute to the realization of Metrotown as a significant and vibrant town centre area. The subject site is also 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. As such, the proposed subject establishment is generally well suited to the surrounding context.

(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 liquor service hours would result in the subject restaurant being operated in a manner that is contrary to its primary purpose, particularly given that the proposed liquor service hours are very similar to the existing liquor service hours permitted for the Earl's restaurant located at 4361 Kingsway.

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- 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 proposed liquor service hours for the subject proposed 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.

4.0 CONCLUSION

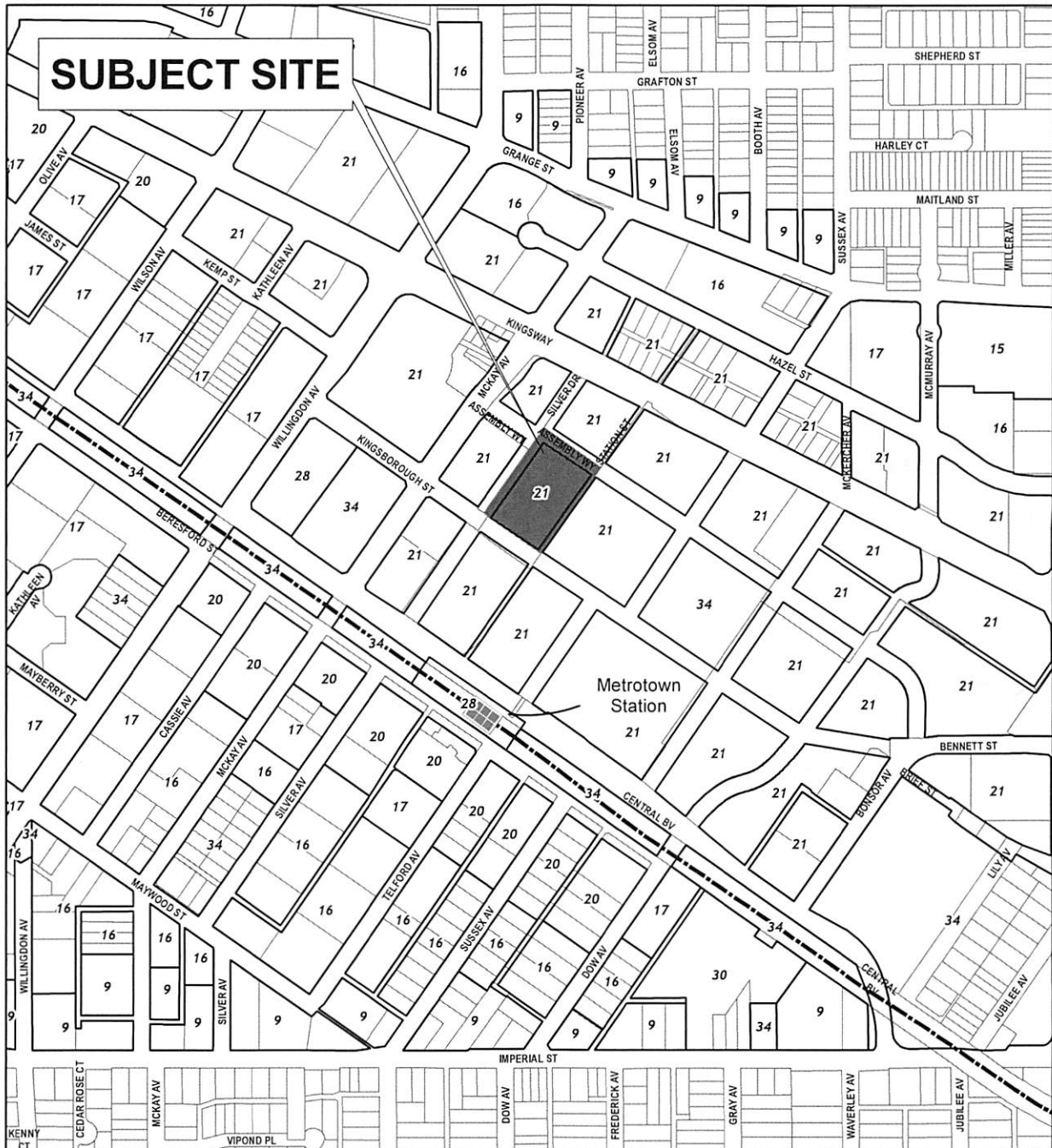
Based on the information presented above, staff recommend that Council support the requested amendment to the food primary licence for the subject establishment proposed for 6070 Silver Drive, as discussed in Section 3.0 of this report, subject to staff gathering public input. Once this input has been 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 Ltd., #200-425 Carrall Street, Vancouver, BC, V6B 6E3.



Lou Pelletier, Director
PLANNING AND BUILDING

KL:rh
Attachments

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



- 9 Medium Density Residential (RM3s)
- 15 High Density Residential (RM5)
- 16 High Density Residential (RM4s)
- 17 High Density Residential (RM5s)
- 18 High Density Mixed Use (RM4s/C2)
- 19 High Density Mixed Use (RM4s/C3)

- 20 High Density Mixed Use (RM5s/C2)
- 21 High Density Mixed Use (RM5s/C3)
- 28 Institutional
- 30 Public School (P3)
- 34 Park and Public Use (P3)



Planning and Building Dept

Metrotown Plan

