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

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#18-03

SUBJECT: LIQUOR LICENCE APPLICATION #18-03
ROYAL CANADIAN LEGION BRANCH #148
4354 HASTINGS STREET (SEE ATTACHED SKETCH #1)

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

RECOMMENDATIONS:

1. **THAT** Council support the subject liquor primary licence application, as described in Section 4.0 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, Sandra Castagner, #104 – 1723 Frances Street, Vancouver, BC V5L 1Z5.

REPORT**1.0 BACKGROUND INFORMATION**

- 1.1 This Department has received an application for a liquor primary licence at 4354 Hastings Street (Sketch #1 *attached*), specifically to transition a liquor primary club licence to a liquor primary licence.
- 1.2 Appearing elsewhere on tonight's Council agenda for Final Adoption, is rezoning amendment bylaw #13897, for Rezoning Reference #12-11, to permit the proposed liquor licence establishment through the inclusion of the C8f District as a guideline.
- 1.3 The Liquor and Cannabis Regulation Branch (LCRB), as part of its assessment process for liquor licence applications, requests that local government provide comment on various applications, including for liquor primary club licences wishing to transition to liquor primary licences. If local government opts to provide comment, the LCRB requires that local government gather public input for the community in the vicinity of the proposed establishment.

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- 1.4 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor license applications. Based on the adopted guidelines, City comment is provided on applications seeking to establish a new liquor primary facility which requires rezoning and a public hearing. The Liquor Control and Licensing Branch (precursor to the LCRB) was advised of these adopted recommendations.

2.0 POLICY SECTION

The subject liquor licence application aligns with the following goals and sub-goals of the Corporate Strategic Plan:

A Connected Community

- Social connection – enhance social connections throughout Burnaby

An Inclusive Community

- Create a sense of community – provide opportunities that encourage and welcome all community members and create a sense of belonging

A Dynamic Community

- Economic opportunity Foster an environment that attracts new and supports existing jobs, businesses and industries

To learn more about the City of Burnaby's Corporate Strategic Plan, please visit www.burnaby.ca/CSP.

3.0 NEIGHBOURHOOD CONTEXT

The subject tenant space is proposed to be located on the ground floor of a five-storey mixed-use development, with commercial/retail at grade and residential uses above. The site of the proposed development was formerly occupied by the Royal Canadian Legion Branch #148, but is currently vacant. Commercial and mixed-use buildings are located to the west, north, and east of the subject site. Single-family homes are located to the south of the site across the lane.

4.0 SUBJECT APPLICATION

- 4.1 The proposed application is for a liquor primary establishment within an approximate 225.2 m² (2,424 sq. ft.) commercial retail unit on the ground floor of the development. Specifically, this Department has received an application to transition the Legion's current liquor primary club licence to a liquor primary licence. It is noted that the liquor primary club licence for the Legion – originally constructed circa 1955 with the ground level formerly used for the Legion's canteen (liquor licence establishment) and club and the second-storey used as an auditorium and for offices – permitted a total of 425 seats, whereas the re-established space will permit a total of 50 seats. The new licence would be for a general liquor primary licence open to the general public. It is also noted that the

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current liquor primary club licence permits hours of liquor service from 10:00 a.m. to 12:00 a.m. Sunday to Thursday, and, 11:00 a.m. to 1 a.m. Friday and Saturday, whereas the re-established space has slightly shorter hours of liquor service, noted below. Details of the proposed liquor licence establishment include:

- a liquor primary licence on the ground floor;
- a seating capacity of 50 interior seats which front onto Hastings Street;
- a maximum person capacity of up to 65 persons (including patrons and staff); and,
- proposed hours of liquor service from 11:00 a.m. to 12:00 a.m. Sunday to Thursday, and, 11:00 a.m. to 1 a.m. Friday and Saturday.

- 4.2 In order to permit the proposed liquor licence establishment, the inclusion of the C8f District zoning designation is required. Rezoning Reference #12-11 was initiated to fulfil this requirement. Council consideration of the liquor licence application is intended to be concurrent with Final Adoption of Rezoning Reference #12-11, which appears elsewhere on tonight's agenda.

As indicated in the previous report to Council regarding Rezoning Reference #12-11, the proposed facility must also meet Council adopted guidelines for assessing the location of new liquor primary establishments. The following, as reported previously, is an assessment of the proposal's consistency with pertinent Council adopted guidelines:

- (a) *Observance of a sufficient distance from, or physical separation from:*
- *Existing liquor primary establishments;*
 - *Residential uses;*
 - *Schools;*
 - *Care facilities; and,*
 - *Other uses such as gaming facilities, cyber centres, amusement arcades and billiard halls.*

The proposed liquor licence establishment is located within 400 m (1,312.34 ft.) of a liquor primary establishment (the Old Admiral Pub). Given that the two establishments already coexisted without impacts to the community, the smaller size of the proposed liquor licence establishment, and the relative concentration of entertainment, restaurant, and liquor service uses within the Hastings Street Urban Village (Heights), staff do not anticipate any potential impacts with the establishment of the proposed liquor licence establishment in proximity to the existing pub.

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The proposed liquor primary establishment would be located on the ground floor of a five-storey mixed-use development in a commercial context. It would also be adjacent to other multiple-family residential and mixed-use developments. Given the context of the proposed development where a mix of commercial, entertainment and residential uses are generally expected to coexist, and the small size and nature of the proposed liquor licence establishment, the proximity of the proposed liquor licence establishment to residential uses is not considered to be a cause for concern. It is also noted that all uses within the Heights are subject to the provision of the Burnaby Noise or Sound Abatement Bylaw.

The subject site is not proximate to any schools, care facilities and other uses such as gaming facilities, cyber centres, amusement arcades and billiard halls.

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

As noted, the nature of the proposed establishment is as a liquor primary use operated by the Legion, with a maximum of 50 seats and a maximum capacity of 65 persons including staff, significantly less than the 425 seats permitted under the Legion's liquor primary club licence. The requested hours of liquor service are 11:00 a.m. to 12:00 a.m. Sunday to Thursday and 11:00 a.m. to 1 a.m. on Friday and Saturdays. These hours are considered appropriate and are consistent with Council policy, adopted 2003 March 10, establishing 11:00 a.m. as the standard earliest opening time for considering new requests to change the permitted hours of liquor sales for liquor primary establishments. It is noted that, as a prerequisite to Rezoning Reference #12-11, a Section 219 Covenant was registered on the property to ensure that licensed capacity and operating hours are maintained as described above.

(c) Satisfaction of all parking requirements on site.

The proposed development has a total of 10 underground parking spaces to support the proposed liquor primary establishment, in line with the Zoning Bylaw for the use.

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

Safe and convenient vehicular access to the development site is provided via the lane. Pedestrian access is also provided via Hastings Street.

(e) Good proximity (within 250 meters) of public transit.

The development site is in proximity to a bus stop at Madison Avenue and Hastings Street.

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In summary, given its location in the Hastings Street commercial corridor; and context for the proposed liquor primary establishment, its small size, and convenient and safe vehicular and transit access to the site, the proposed liquor primary establishment generally meets the Council adopted guidelines for liquor primary establishments.

- 4.3 The LCRB, as part of its assessment process for liquor primary licence applications, requests that local government provide comments on the following:

(a) The impact of noise on nearby residents

Given the nature of the proposed liquor primary establishment, staff do not anticipate any potential noise impacts beyond what would be otherwise expected in this location. Furthermore, information on the site's function as a public event and entertainment venue will be included in the disclosure statements for the residential units proposed on the property. It is noted that all uses within the proposed development are subject to the Burnaby Noise or Sound Abatement Bylaw.

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

The proposed liquor primary establishment is considered compatible with adjacent land uses, is supported by a range of commercial services and amenities, and is in proximity to transit. It is also noted that this establishment is replacing the former Legion Canteen and that there is a longstanding history of a liquor primary establishment at this location with no history of violations. Given the context of the proposed liquor licence establishment, its nature and relatively small size, staff do not anticipate any potential community impacts.

In response to this application, input was solicited from relevant City Departments, including the RCMP Burnaby Detachment, and there were no concerns raised.

(c) The view of residents and a description of the method used to gather views

The Public Hearing process for Rezoning Reference #12-11, held on 2018 June 26, was utilized to satisfy the required public input process, including written notice to residents/tenants and property owners within 30 m of the subject site and advertisement in two consecutive local newspapers. One letter in support was received and, apart from two speakers representing the Legion in support, no one appeared at the Public Hearing for Rezoning Reference #12-11.

5.0 CONCLUSION

Based on the information presented above, and that no public opposition for Rezoning Reference #12-11 was received, the proposed liquor primary licence is considered supportable. Staff therefore recommend that Council support the transition to a new liquor primary licence at the

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subject site, as discussed in Section 3.0. 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, Sandra Castagner, #104 – 1723 Frances Street, Vancouver, BC V5L 1Z5.


Lou Pelletier, Director
PLANNING AND BUILDING

LS:rh
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

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