

CITY OF BURNABY

PLANNING AND BUILDING REZONING REFERENCE #19-24 2019 JUNE 05

ITEM #13

1.0 GENERAL INFORMATION

- 1.1 Applicant:** Van Land Use Consulting
413 Alberta Street
New Westminster, BC V3L 3J6
Attn: Joe Van Vliet
- 1.2 Subject:** Application for the rezoning of:
Lot 98, District Lot 94, Group 1, NWD Plan 47057
- From:** C4 Service Commercial District
- To:** CD Comprehensive Development District (based on C4 and C4f Service Commercial District)
- 1.3 Address:** B – 6681 MacPherson Avenue
- 1.4 Location:** The subject site is comprised of one commercial retail unit (CRU) within a low-rise commercial development located on the southwest corner of Kingsway and MacPherson Avenue within the Royal Oak Community Plan (Sketches #1 and #2 *attached*).
- 1.5 Size:** The site consists of one CRU with an area of approximately 375.4 m² (4,041 sq.ft.).
- 1.6 Services:** The Director Engineering will be requested to provide all relevant servicing information.
- 1.7 Rezoning Purpose:** The purpose of the proposed rezoning bylaw amendment is to permit Mix 2 Karaoke to operate as a liquor primary license establishment.

2.0 POLICY FRAMEWORK

The subject 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 Healthy Community

- Healthy life - Encourage opportunities for healthy living and well-being.

A Dynamic Community

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

3.0 NEIGHBOURHOOD CHARACTERISTICS

The subject site is comprised of the southern CRU, totalling approximately 375.4 m² (4,041 sq.ft.), within a three unit commercial building zoned C4 Service Commercial District and located on the southwest corner of Kingsway and MacPherson Avenue (Sketch #1 *attached*). There are currently three business licences issued for the property, including two restaurant licenses (Mix 2 Karaoke and pizza restaurant) and one retail licence.

Commercial developments in line with the C4 District are located immediately to the west, to the east across MacPherson Avenue and to the north across Kingsway. To the south, across Lane Street, are low rise industrial developments in line with the M4 Special Industrial District. Vehicular access to the site is from MacPherson Avenue and loading access is from Lane Street.

4.0 BACKGROUND INFORMATION

- 4.1 The subject property is located within the Royal Oak Community Plan Area and is designated for medium density mixed use development (Sketch #2 *attached*).
- 4.2 On 2019 April 06, Preliminary Plan Approval #09-084 was given for a 50 seat karaoke box room (KBR) facility with a restaurant component in the subject unit. The applicant is now requesting to be permitted to operate as a liquor primary KBR establishment. While KBR establishments are considered a public assembly and entertainment use and are permitted in a variety of Commercial Districts in Burnaby, establishments with a liquor primary licence are considered a liquor licence establishment. New liquor licence establishments are permitted subject to a rezoning to an appropriate sub-district in specific Commercial or Institutional Districts. In this case, a liquor primary licence at the proposed location requires rezoning to the "f" sub-district of the C4 District, which permits liquor licence establishments that serve up to 100 persons at any one give time.
- 4.3 On 1999 June 14, Council adopted guidelines for KBR establishments in food primary establishments. The 1999 guidelines include consideration of proximity to other liquor primary establishments and to single- and two-family residential zones, minimum seating capacity, and physical requirements such as transparency of walls and lighting. In the

absence of KBR guidelines for liquor primary establishments, this application will consider, where applicable, the existing 1999 guidelines in addition to the guidelines discussed below.

- 4.4 On 2003 May 05, Council adopted guidelines for assessing applications for new liquor licence establishments. The 2003 guidelines include consideration of the 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, amusement arcades, and billiard halls; the nature of the proposed establishment (e.g. entertainment, hours, and person capacity); the satisfaction of all parking requirements on site; the safe and convenient vehicular and pedestrian access; and the proximity to public transit.
- 4.5 It is noted that if minors were to be permitted in a liquor primary establishment, the Liquor and Cannabis Regulation Branch (LCRB) would require a Family Food Service term and condition on the licence, requiring that minors (anyone under 19 years of age) would only be permitted in the facility until 10 pm, provided they are accompanied by a parent or guardian and meal service is available. LCRB regulations regarding private rooms in liquor primary establishments, including KBR, which include providing designated servers, glass front doors with no obstructions, and video surveillance, would also need to be considered.

5.0 GENERAL INFORMATION

- 5.1 In order to permit the proposed liquor primary KBR establishment, the inclusion of the C4f District zoning designation is required. The following is a preliminary assessment of the proposal's consistency with the 2003 liquor primary licence guidelines and the 1999 KBR food primary licence guidelines.

5.1.1 Observance of a sufficient distance from, or physical separation from:

- ***Existing liquor primary establishments;***
Two existing liquor primary establishments are located in the vicinity: Great Bear Pub at 5665 Kingsway to the northeast across Kingsway, approximately 130 m (427 ft.) away, and the Portuguese-Canadian Seniors Foundation at 5455 Imperial Street to the southwest across Imperial Street, approximately 150 m (492 ft.) away.

The 1999 guidelines establish a minimum distance of 200 m (656 ft.) as an acceptable separation between food primary licenced establishments with KBR and liquor primary establishments. Although the subject site does not meet this acceptable separation, since roadways provide physical separation from the karaoke establishment, and the existing nearby liquor primary establishments may cater to different clientele, it is not anticipated that the distance between the subject site and the nearby liquor primary establishments is of concern.

- *Residential uses;*

There are a few houses located in the M4 District across Lane Street and Imperial Street to the south of the subject property. These properties are designated for future CD Comprehensive Development (based on C9 Urban Village Commercial District) within the Royal Oak Community Plan and are currently located in the context of various light industrial activities. Single and two-family homes, zoned R5 Residential District, are located across Kingsway and beyond the commercial uses, more than 150 m (492 ft.) away.

The 1999 guidelines establish a minimum distance of 100 m (328 ft.) as an acceptable separation between food primary licenced restaurants with KBR and properties that are zoned for single and two-family dwellings. As per above, the R5 District properties are located more than 100 m (328 ft.) from the subject unit.

- *Schools and care facilities; and,*

The proposed liquor primary KBR is located more than 500 m (1,640 ft.) to the nearest school (Windsor Elementary) and more than 330 m (1,082 ft.) to the nearest care facility.

- *Other uses such as gaming facilities, cyber centres, amusement arcades and billiard halls.*

The proposed liquor primary KBR establishment is located approximately 130 m (427 ft.) from a hookah lounge located across Kingsway and approximately 150 m (492 ft.) from another KBR establishment located at 5679 Imperial Street. It should be noted that, should the subject rezoning application be approved, this would likely preclude additional rezoning applications in the area to permit liquor service within KBRs.

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

The proposed form of entertainment for the subject 375.4 m² (4,041 sq.ft.) establishment is for karaoke, which is in line with current operations. No outdoor patios are proposed. The proposed hours of liquor service are 9:00 am to 2:00 am, seven days a week. However, it is noted that on 2003 March 10, Council adopted a policy establishing 11:00 am as the standard earliest opening time for considering new requests to change the permitted hours of liquor sale for liquor primary establishments. Patron capacity has not yet been specifically determined but is estimated to be in the range of 50 persons, to a maximum of approximately 59 persons. If authorized by Council, staff will work with the applicant on the preparation of a suitable plan of development, including appropriate capacity and hours of operation in line with Council adopted policies. In addition, staff will seek to confirm noise mitigation measures, and will obtain from the LCRB

confirmation of operational and patron management guidelines and requirements given the proposed karaoke use of the venue. Staff will also review comments from other departments, including the RCMP.

It should be noted that the 1999 KBR guidelines in food primary establishments require a minimum seating capacity of 100 patrons in order to provide more “eyes on” KBRs. However, since generally most patrons within the subject site would be within their own karaoke room, the number of patrons required would have no impact. Further, as noted earlier, the C4f District permits liquor licence establishments that serve a maximum of 100 persons which would preclude the guideline requirement.

5.1.3 *Satisfaction of all parking requirements on site.*

The subject unit currently meets the required number of parking stalls per Preliminary Plan Approval #09-084.

5.1.4 *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 parking area is provided via MacPherson Avenue, and pedestrians have access via Kingsway and MacPherson Avenue.

5.1.5 *Good proximity (within 250 meters) of public transit.*

The development site is adjacent to Kingsway night bus service and walkable from Royal Oak Station.

The proposed development appears to be generally consistent with the 2003 Council adopted guidelines for liquor licence establishments and with the 1999 Council adopted guidelines for KBR within food primary establishments. However, it should be noted that the 1999 guidelines include requirements for physical design that will need to be considered as staff work with the applicant on the preparation of a suitable plan of development.


- 5.2 A Section 219 Covenant will be required to limit the establishment’s hours of liquor service and person capacity.
- 5.3 The Director Engineering will be required to provide an estimate for any additional servicing upgrades necessary to serve the proposed use.
- 5.4 It is noted that the LCRB, as part of its assessment process for new liquor primary licence applications, requests that local government provide comment on such applications.

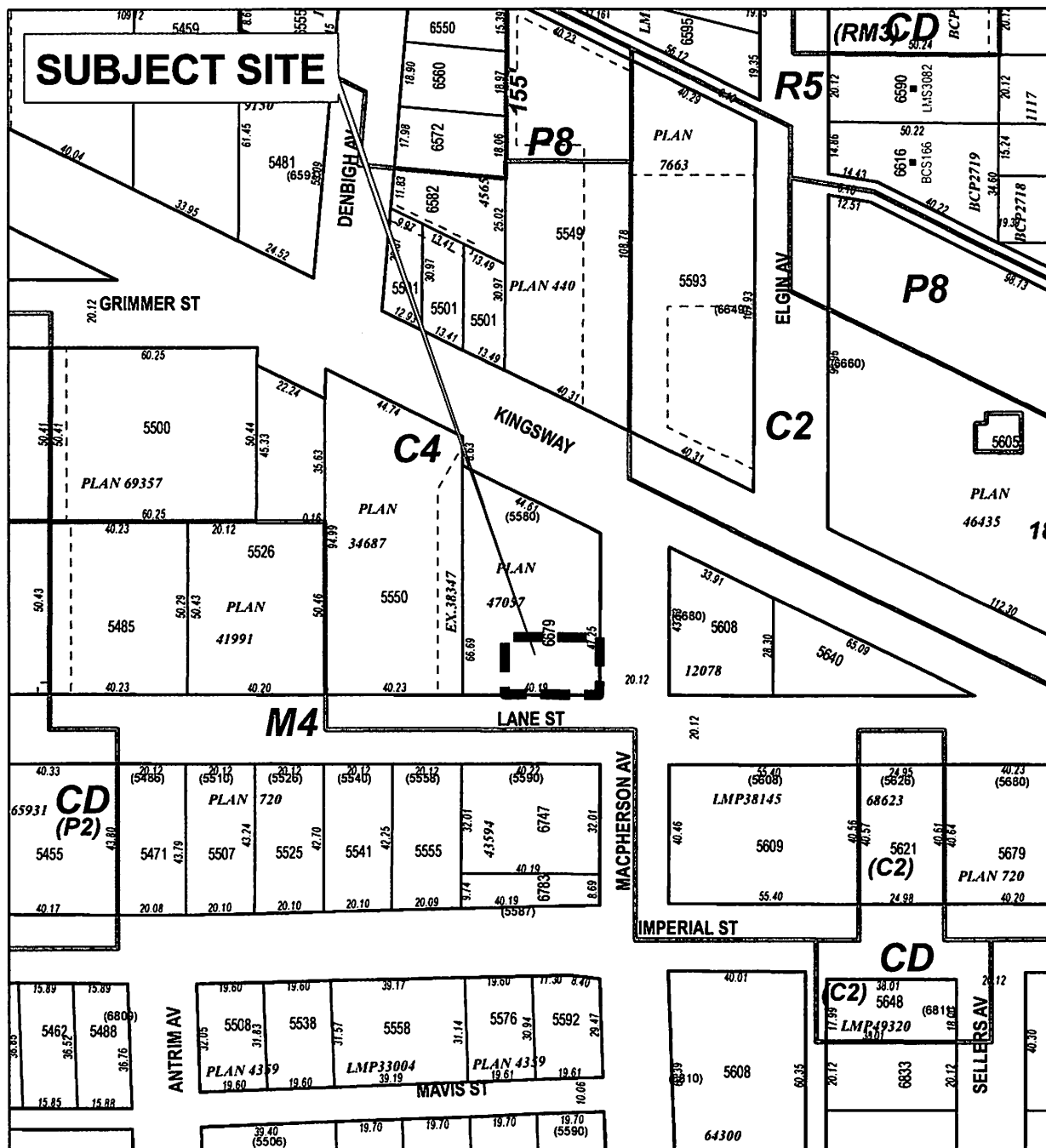
LCRB regulations also state that if the new licence may affect nearby residents, local government must gather the view of the residents. The Public Hearing process for this rezoning would be utilized to satisfy the provincial public input process, including written notice to residents/tenants and property owners within 30 m of the subject site and advertisement in two consecutive local newspapers. In addition, should the proposed rezoning advance, a Burnaby liquor licence application (LLA) may be received by Council for consideration, following Final Adoption of the subject rezoning.

5.5 The proposed prerequisite conditions to the rezoning will be included in a future report.

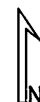
6.0 RECOMMENDATION

THAT the Planning and Building Department be authorized to continue to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.


Attachments
cc: City Solicitor
City Clerk



PLANNING & BUILDING DEPARTMENT



DATE:
MAY 28 2019

SCALE:
1:1,876

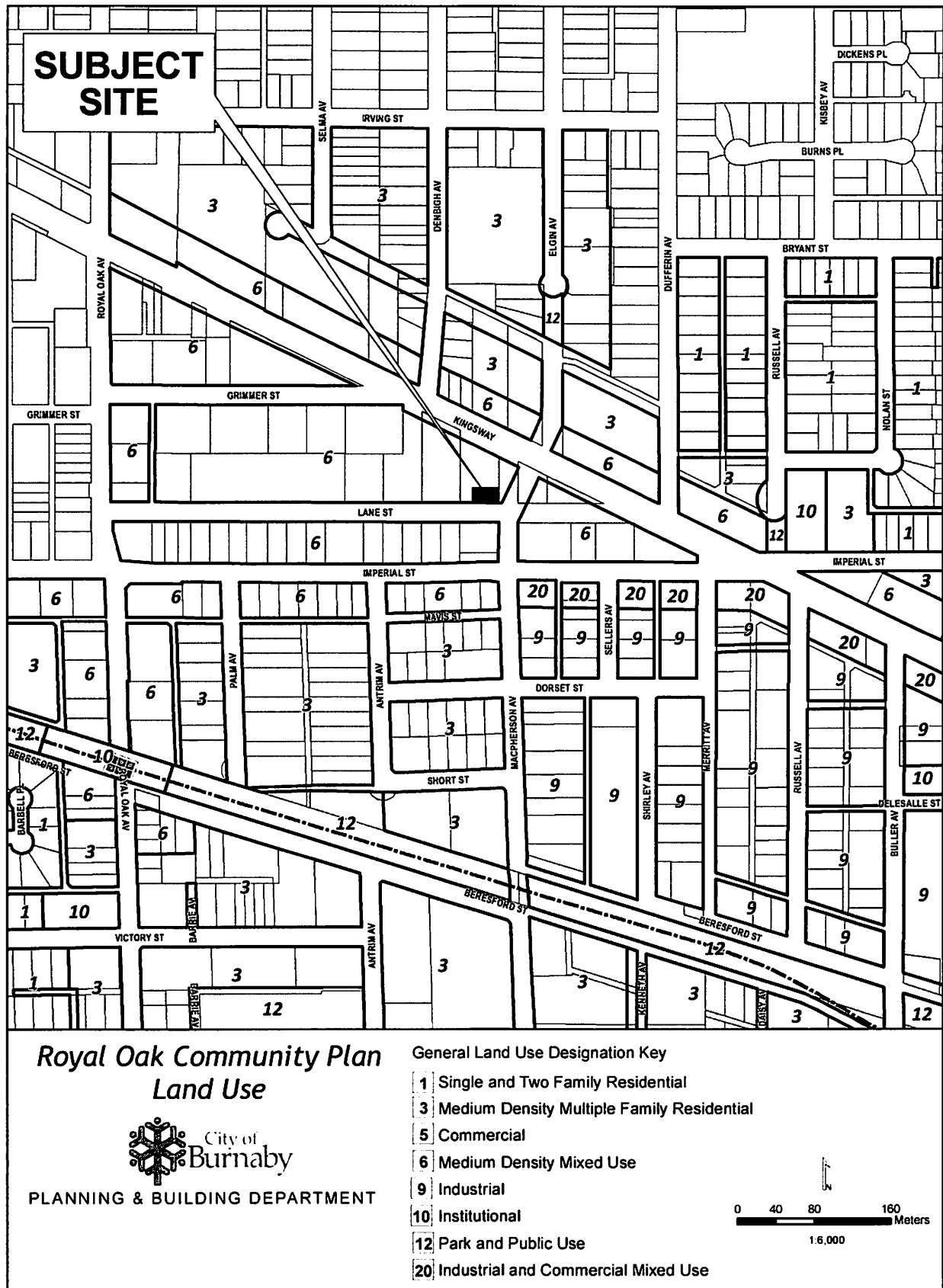
DRAWN BY:
AY

REZONING REFERENCE #19-24
6681 MACPHERSON AVENUE



Subject Site

Sketch #1



VAN LAND USE CONSULTING

April 26, 2019

Lou Pelletier
City of Burnaby
Planning and Building Department
4949 Canada Way
Burnaby, BC, V5G 1M2

Dear Lou:

RE: Letter of Intent for #B – 6681 MacPherson Ave, Burnaby

On behalf of Van Land Use Consulting, this letter is to outline the intent for the rezoning of #B – 6681 MacPherson Ave.

There is an existing retail building located on the south side of Kingsway at MacPherson Ave devised into three commercial units (6679 MacPherson, 1 – 6681 MacPherson, and B – 6681 MacPherson). B – 6681 MacPherson Ave has been operating as Mix 2 Karaoke.

The site is currently zoned C4 and requires a rezoning to C4f in order for Mix 2 Karaoke to operate as a liquor license establishment. A Liquor Primary License would be applied for through the Liquor and Cannabis Regulation Branch (LCRB).

Should you have any questions regarding this application for rezoning, please do not hesitate to contact me at (778) 551-0067.

Best regards,

Van Land Use Consulting



Joseph W. Van Vliet, BCom
Principal