
TO: CITY MANAGER **DATE:** 2020 July 22

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#20-01

SUBJECT: LIQUOR LICENCE APPLICATION #20-01
GREAT BEAR PUB
#170 – 5665 KINGSWAY (SEE *ATTACHED* SKETCHES #1 AND #2)

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

RECOMMENDATIONS:

1. **THAT** Council authorize staff to gather public input regarding extended patio operating hours for the Great Bear Pub at #107 – 5665 Kingsway, (see *attached* Sketches #1 and #2), as described in Section 4.1 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, Surinder Pal Singh, 13895 – 92nd Avenue, Surrey, BC V3V 1J3.

REPORT**1.0 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.
- Partnership - Work collaboratively with businesses, educational institutions, associations, other communities, and governments.

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.

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2.0 BACKGROUND INFORMATION

- 2.1 This Department has received an application for extended hours of liquor service on the patio of the Great Bear Pub, a liquor primary establishment located at #170 – 5665 Kingsway. The pub has operated at this location since 1981 and has had a small patio since 1992.
- 2.2 The Liquor and Cannabis Regulation Branch (LCRB), as part of its assessment process for applications to change the liquor service hours at liquor primary establishments, requests that local government provide comment on such applications. If a local government opts to provide comment, the LCRB requires that local government gather public input for the community near the proposed establishment.
- 2.3 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor license applications, in which Council would continue to receive reports on applications for new or amended liquor primary licences that propose a permanent extension of hours, an increase in person capacity, or the addition of a patio. The only exception to this procedure is for liquor primary and manufacturer establishments that apply for a temporary outdoor expanded service area to support physical distancing requirements during the COVID-19 Global Pandemic. Council granted pre-approval to cover these temporary outdoor use applications on 2020 June 1.

3.0 NEIGHBOURHOOD CONTEXT

The Great Bear Pub is located within the Royal Oak Urban Village. The larger property on which the pub is located is split-zoned C2 Community Commercial District and P8 Parking District. The C2 District portion of the property is improved with a standalone restaurant and a low-scale strip commercial building, which has multiple tenants, including the subject pub, a private liquor store, a restaurant, a retail store, personal service establishments, and offices. The P8 District portion of the site is improved with a large surface parking lot. Single-family residential dwellings of various ages are located to the north and east, and are separated from the subject site by an unopened lane and Dufferin Avenue, respectively. Older low-scale commercial buildings are located to the south, west, and east of the site along Kingsway.

4.0 SUBJECT APPLICATION

- 4.1 The subject application involves a request for an extension to liquor service hours on the patio of the Great Bear Pub, which is a liquor primary establishment located on the west side of the property's strip commercial building, beside a liquor store to the north and a restaurant to the south. The current hours of liquor service inside the pub is 11 am to 2 am, seven days a week, while the patio hours are 11 am to 8 pm, seven days a week. The applicant is requesting to extend the hours of liquor service on the patio to 11 am to 10 pm Sunday to Thursday, and 11 am to 11 pm Friday and Saturday.

The following is an assessment of the proposal's consistency with pertinent Council adopted guidelines:

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(a) *Observance of a sufficient distance from, or physical separation from:*

- *Existing liquor primary establishments*

The closest liquor primary establishment is the Portuguese-Canadian Seniors Foundation located at 5455 Imperial Street, approximately 0.5 km (0.31 miles) to the southwest across Kingsway and Lane Street. In addition, there is a current rezoning application to permit a liquor primary licence at an existing karaoke establishment at B-6681 MacPherson Avenue (Rezoning Reference REZ#19-24), located more than 100 m (328 ft.) across Kingsway to the southwest.

- *Residential uses*

The nearest properties with single and two-family homes, zoned R5 Residential District, are located approximately 60 m (197 ft.) to the north, and are separated from the pub by a parking lot, fencing and landscaping, and an unopened lane. Single-family homes and a multiple-family dwelling are located 75 m (246 ft.) across Dufferin Avenue to the east.

- *Schools*

The nearest elementary school (Windsor Elementary) is located approximately 0.5 km (0.31 miles) to the east.

- *Care facilities*

The nearest child care facility is located approximately 200 m (656 ft.) to the east.

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

The Grand Villa Casino is located more than 4 km (2.49 miles) to the northwest. A hookah lounge is located approximately 100 m (328 ft.) to the northwest across Elgin Avenue.

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

The existing pub patio is an acceptable use for an Urban Village location. The applicant would like, at a minimum, to extend the licensed patio hours from 11 a.m. to 8 p.m., seven days a week, to 11 a.m. to 10 p.m., Sunday to Thursday, and 11 a.m. to 11 p.m., Friday and Saturday. The Burnaby Noise and Sound Abatement Bylaw, identifies a reduction in noise at 10 p.m. The applicant, after being advised of the Bylaw requirements, has noted that the north and west perimeter of the patio is bounded with a solid glass fence, which will help mitigate noise from the patio. The applicant further noted that various operational measures would be taken to reduce noise after 10 p.m., including no audio (e.g. music, TV) on the patio, no seating of larger parties or events on the patio, and hired security and staff to monitor the noise and limit the number of patrons on the patio.

In light of the above, patio operating hours of 11 a.m. to 10 p.m., Sunday to Thursday, and 11 a.m. to 11 p.m., Friday and Saturday, are considered by this Department to be generally

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supportable, subject to public consultation. It is suggested that the recommended patio hours be operating hours rather than licensed hours to help ensure that there are not undue noise impacts on the neighbourhood. Finally, it is noted that the requested operating hours of the patio are similar to those of other restaurants in the area.

The maximum 208 person capacity for the pub (188 inside and 20 on the patio,) is not proposed to change. Should the recommended patio operating hours be supported by Council, following public consultation, a Section 219 Covenant would be registered in the Land Titles Office to ensure that person capacity, operating hours, and other relevant considerations such as the restriction of amplified audio on the patio are applied.

(c) Satisfaction of all parking requirements on site

Sufficient off-street parking is provided on-site.

(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 pub is provided from Kingsway, Elgin Avenue, and Dufferin Avenue. Sidewalks are provided along all frontages of the larger property.

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

The pub is located within 200 metres of bus stops on Kingsway.

In general, the proposed development is consistent with the Council-adopted guidelines for assessing applications for liquor primary licences.

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

(a) The impact of noise on nearby residents

Given the pub's general orientation towards the standalone restaurant and away from the residential neighbourhood to the north and east, and the applicant's proposed noise mitigation measures, staff do not anticipate the recommended patio operating hours to have potential noise impacts beyond what would otherwise be expected in this Urban Village location. Furthermore, it is noted that all uses are subject to the Burnaby Noise and Sound Abatement Bylaw.

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

The recommended extension to patio operating hours is recognized as a suitable component of the existing pub. Given the context of the pub and its modest-sized patio, it is not expected that extended patio hours would have a significant impact on the community, if approved.

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In response to this application, input was solicited from relevant City Departments, including the RCMP Burnaby Detachment. The RCMP did not express objections to the recommended patio operating hours, and the concerns of Environmental Services were considered in Section 4.1.

It is noted that the LCRB also requires that local government gather public input for the community within the immediate vicinity of the establishment. 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.

- 4.3 In summary, given the subject patio's Urban Village location and proximity to Metrotown, the recommended extended patio hours generally meets the Council-adopted guidelines for assessing liquor licence establishments. In addition, given the patio's modest size, its existence in a long-standing neighbourhood pub that has caused little concern to the City and nearby residents, its proximity to a primary arterial road, proposed noise mitigation measures, and the expected minimal noise impact and impact on the community, the recommended extended patio operating hours are considered supportable, subject to staff gathering public input.

5.0 CONCLUSION

Based on the information presented above, staff recommend that Council support the recommended extended patio operating hours for the Great Bear Pub, as discussed in Section 4.1 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 any 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, Surinder Pal Singh, 13895 – 92nd Avenue, Surrey, BC V3V 1J3.



E. W. Kozak, Director
PLANNING AND BUILDING

LS:tn

Attachments

cc: Director Finance
Director Parks, Recreation and Cultural Services
Officer-in-Charge, RCMP, Burnaby Detachment
City Clerk

Director Engineering
Chief Licence Inspector
City Solicitor

Sketch #1

