
TO: CITY MANAGER **DATE:** 2020 September 23

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

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

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

RECOMMENDATIONS:

1. **THAT** Council support the requested amendment to the subject liquor primary liquor licence, as described in Section 3.0 of this report, subject to the following:
 - patio to be closed at 10:00 pm, seven days a week;
 - the audio system on the patio to be muted at 9:30 pm, seven days a week; and,
 - the registration of a Section 219 Covenant, within 45 days of Council approval of this application, to ensure compliance with the above conditions, as well as to record the establishment's maximum person capacity and interior liquor service hours.
2. **THAT** a copy of this report be forwarded to the applicant, Surinder Pal Singh, 13895 – 92nd Avenue, Surrey, BC V3V 1J3; and to the respondents to the public input process, as described in Section 3.0 of this report.
3. **THAT** following registration of the above noted Section 219 Covenant, 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.

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.

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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.

2.0 BACKGROUND INFORMATION

On 2020 July 27, Council received a report on the subject liquor licence application (LLA) for the Great Bear Pub at #170 – 5665 Kingsway (Sketches #1 and #2 *attached*). The subject application involves a request for an extension to liquor service hours on the patio of the pub, which is a liquor primary establishment located on the west side of the property's strip commercial building. The current hours of liquor service inside the pub are 11:00 am to 2:00 am, seven days a week, while the patio hours are 11:00 am to 8:00 pm, seven days a week. The applicant had requested to extend the hours of liquor service on the patio to 11:00 am to 10:00 pm Sunday to Thursday, and 11:00 am to 11:00 pm Friday and Saturday. The pub has a maximum person capacity of 208, with 188 inside and 20 on the patio. The report concluded that the requested extended patio hours as outlined above, were supportable, subject to gathering public input and providing a subsequent report on the application.

3.0 DISCUSSION

- 3.1 In line with Provincial requirements for local governments to gather the views of nearby residents, as part of their assessment of liquor licence applications, written notice was sent out to property owners and residents within a 30 m distance of the subject site (70 notifications); advertisements were placed in two consecutive issues of a local newspaper; and signage was posted on the subject site, which invited respondents to submit written comments to the Planning and Building Department.

The Planning and Building Department received five comments from property owners and/or residents in response to the public notification, one of which supported the proposal and four of which raised concerns. Staff address concerns regarding noise disturbances and potential increased crime in the subsections below:

3.1.1 Noise disturbances

Issue: Three respondents raised concerns related to noise, specifically that there is currently noise from patrons, including in the parking lot, and that extended patio hours would increase the current noise level.

Response: The Planning and Building Department has solicited comments on this application from relevant City Departments, including the RCMP Burnaby Detachment. The RCMP did not have objections to the proposed liquor service hours for the subject pub patio. Environmental Services did not object to patio hours being up to 10:00 pm, and their concerns were considered in the previous report to Council. Furthermore, the subject business is required to comply with the Burnaby Noise or Sound

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Abatement Bylaw. It is also noted that the subject establishment is located in the Royal Oak Urban Village near Metrotown, and is influenced by the ambient traffic noise from Kingsway, and is in proximity to other commercial developments that have evening operating hours, including the standalone restaurant on the same property that closes at 11:00 pm, seven days a week. As indicated in the previous report to Council, the north and west perimeter is bounded by a solid glass fence.

Regardless, given the concerns expressed, it is recommended that, rather than have patio hours to 11:00 pm on Friday and Saturday, the subject application be approved with the patio closing at 10:00 pm, seven days a week. In addition, the applicant will be required to have no audio on the patio after 9:30 pm. To ensure the above noted conditions are maintained, a Section 219 Covenant would be registered on the property. In addition, the applicant has noted that audio for the patio, which will be muted at 9:30 pm, is very low in volume and is controlled by pub staff, and has indicated that additional operational measures to reduce noise will be undertaken, including: posting of signs on the patio and exit door to “respect the neighbourhood” (i.e. suggesting lower voices when on the patio or leaving the premises); weekend security to monitor patrons leaving the premises more quietly; and reminding patrons of patio etiquette before seating. These operational measures would be in addition to those previously agreed to by the applicant, including: no seating of larger parties or events on the patio after 8 pm; weekend security to limit the number of patio patrons; and staff monitoring of noise levels on the patio.

3.1.2 Potential for an increase in illegal activities

Issue: One respondent raised concerns that the requested extension in hours would contribute to an increase in illegal activities, and indicated that there has been an increase in illegal activities, such as drug dealing, in the area.

Response: As indicated above, the RCMP did not object to the proposed amendment to this liquor licence. Nearby residents and/or the operator may contact the RCMP to address incidents related to crime or safety concerns.

3.2 In the 2020 July 27 Council report, the proposed amendment was evaluated with respect to Council-adopted guidelines for Liquor Primary applications, and generally met those guidelines. Also in that report, comments were provided as per the LCRB requirements on the impact of noise on nearby residents and the impact on the community if the application is approved. Given the subject establishment is oriented towards the property’s standalone restaurant and away from the residential neighbourhood, the applicant’s proposed noise mitigation and operational measures, and that all uses are subject to the Burnaby Noise and Sound Abatement Bylaw, staff do not anticipate the recommended patio hours to have potential noise impacts beyond what would otherwise be expected in this Urban Village location. Further, given the context of the pub, the recommended extension to hours on its modest-sized patio is recognized as a suitable component of the existing pub, and it is not anticipated that approving the application would have a significant negative impact on the community, if approved. Issues identified during the public consultation process have been further addressed, as per above, with recommended Friday and Saturday patio closing hours one hour earlier than previously proposed.

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3.3 In summary, the response rate to the public consultation process for the proposed amendment to hours for a modest-sized patio in a long-standing neighbourhood pub was relatively low. Nevertheless, given concerns raised related to noise, staff recommend supporting the application with earlier Friday and Saturday patio closure hours than previously requested by the applicant, specifically the patio closing at 10:00 pm, seven days a week. Staff also recommend that audio on the patio be muted at 9:30 pm, seven days a week. The establishment will also be required to comply with Burnaby Noise or Sound Abatement Bylaw 1979. It is further recommended that a Section 219 Covenant be registered on the property, within 45 days of Council approval of this application, with the above conditions, as well as to record the establishment's maximum person capacity and interior liquor service hours.

4.0 CONCLUSION

Based on the information presented above, and as per the 2020 July 27 report to Council which assessed the application with respect to both Council-adopted guidelines for Liquor Licence Applications and LCRB criteria, staff recommend that Council support the extended patio liquor service and operating hours for the Great Bear Pub patio, as discussed in Section 3.0 of this report.

Staff recommend that a copy of this report be forwarded to the applicant, Surinder Pal Singh, 13895 – 92nd Avenue, Surrey, BC V3V 1J3; and to the respondents to the public input process. Staff also recommend that, following registration of the above noted Section 219 Covenant, 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.

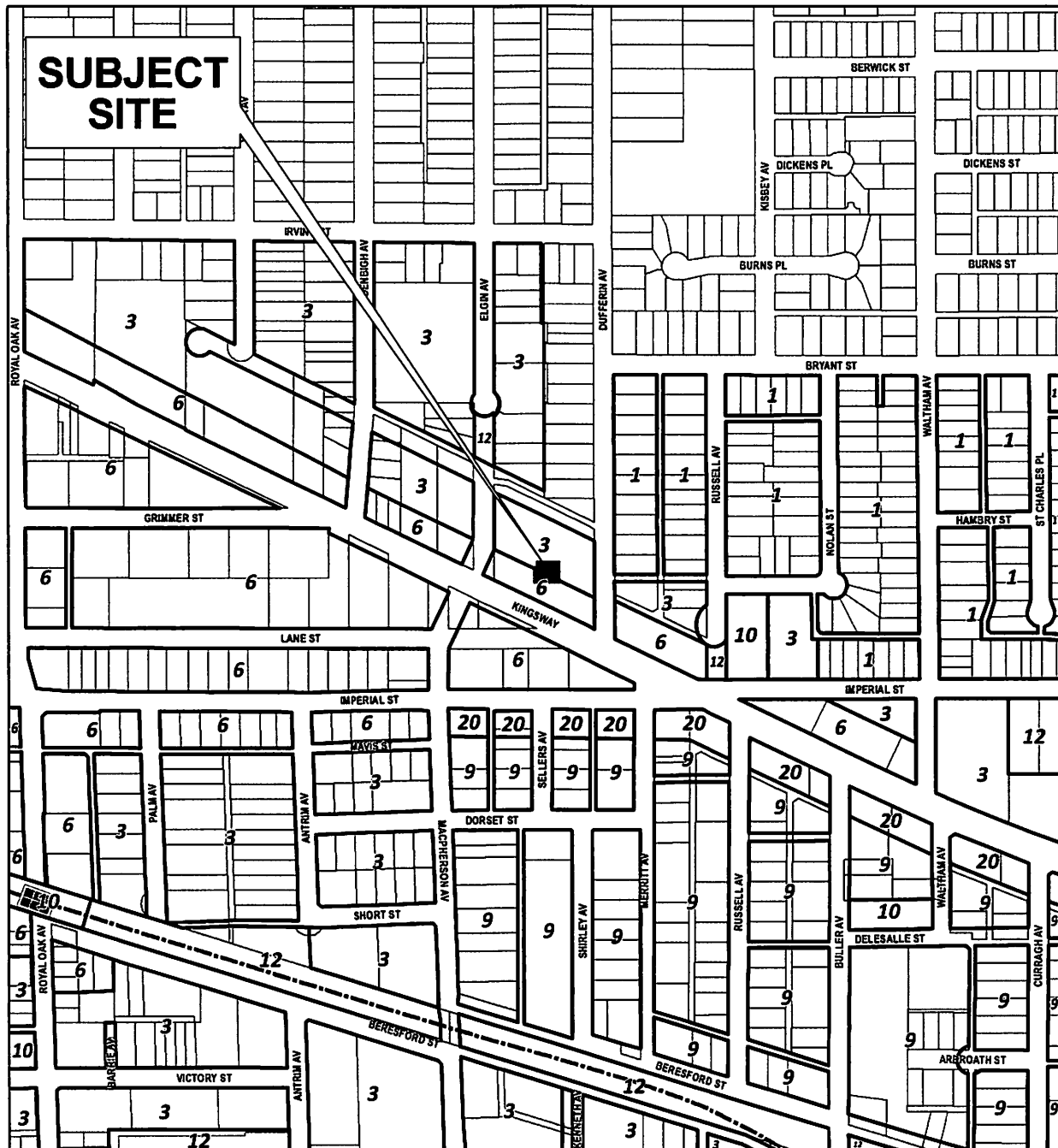

E.W. Kozak, Director
PLANNING AND BUILDING

LS:tn

Attachments

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





Royal Oak Community Plan Land Use



City of
Burnaby

PLANNING & BUILDING DEPARTMENT

General Land Use Designation Key

- 1** Single and Two Family Residential
- 3** Medium Density Multiple Family Residential
- 5** Commercial
- 6** Medium Density Mixed Use
- 9** Industrial
- 10** Institutional
- 12** Park and Public Use
- 20** Industrial and Commercial Mixed Use

