

CITY OF BURNABY

PLANNING AND BUILDING REZONING REFERENCE #20-24 2020 SEPTEMBER 30

ITEM #05

1.0 GENERAL INFORMATION

- 1.1 Applicant:** Van Land Use Consulting
512 Saint George Street
New Westminster, BC V3L 1L2
Attn: Joseph Van Vliet
- 1.2 Subject:** Application for the rezoning of:
Lot 9 Except: North 16 ½ Feet Being Measured At Right Angles to
the North Boundary; District Lot 96 Group 1 New Westminster
District Plan 1740
- From:** C4 Service Commercial District
- To:** CD Comprehensive Development District (based on C4 and C4f
Service Commercial District and the Edmonds Town Centre Plan as
guidelines)
- 1.3 Address:** 102 and 103 – 6462 Kingsway
- 1.4 Size:** The site consists of one CRU with an area of approximately 295.43
m² (3,180 sq.ft.).
- 1.5 Services:** The Director Engineering will be requested to provide all relevant
servicing information.
- 1.6 Rezoning Purpose:** The purpose of the proposed rezoning bylaw amendment is to permit
Solo Karaoke to operate as a liquor 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 one CRU totalling approximately 295.43 m² (3,180 sq.ft.), including a mezzanine. The CRU is within a single-storey, five-unit commercial building constructed in 1964 and located on the south side of Kingsway, between Gilley Avenue and Southoaks Crescent (Sketch #1 and #2 *attached*). There are currently four business licences issued for the property's various tenants, which include two restaurants, one public hall and the subject Karaoke Box Room (KBR) establishment.

Commercial developments in line with the C4 Service Commercial District are located along Kingsway to the east and to the west. To the north, across Kingsway, is commercial development in line with the C7 Drive-In Restaurant District. To the south, across a laneway, is a multi-family development in line with the Comprehensive Development District (CD) based on RM3 Multiple Family Residential District and the Edmonds Town Centre Plan as guidelines. Vehicular access to the site is from Kingsway and the laneway to the south.

4.0 BACKGROUND INFORMATION

- 4.1 The subject property is located within the Edmonds Town Centre Plan area and is designated for commercial uses under the C2 District as a guideline (Sketch #2 *attached*).
- 4.2 A rezoning application was submitted in 2019 (Rezoning Reference #19-23) to allow the previous business which occupied the same space (K-Mix Karaoke) to operate as a liquor licence establishment. That application was subsequently withdrawn at the applicant's request prior to Council consideration, and the current business (Solo Karaoke) has since been operating in the space.
- 4.3 The applicant is requesting to operate their existing KBR establishment (Solo Karaoke) 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 given time.

- 4.4 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.
- 4.5 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.
- 4.6 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, such as providing designated servers, glass front doors with no obstructions, and video surveillance, would also need to be considered for the KBR.

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:*
There are no liquor primary establishments near the subject site. The nearest liquor primary establishment is the Great Bear Pub located at #170-5665 Kingsway, approximately 950 m (3,117 ft.) from the subject site.

▪ *Residential uses:*

There are CD (RM3) multi-family homes located across the laneway to the south. However, given the subject site is located within a Town Centre, there is generally an expectation for a greater mix of uses and higher activity levels to maintain a lesser degree of physical separation between residential uses and a liquor primary establishment.

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. R5 District properties are located approximately 90 m (295 ft.) from the subject site; however, these residential properties are located across Kingsway (6 lanes) and behind commercial uses fronting the north side of Kingsway. Therefore, the anticipated impact of the proposed liquor primary KBR establishment on these residential properties is minimal.

▪ *Schools and care facilities:*

The proposed liquor primary KBR establishment is located approximately 200 m (656 ft.) to the nearest school (St. Francis de Sales Elementary) and approximately 250 m (820 ft.) to another nearby school (Windsor Elementary).

There are four child care facilities located approximately 200 m to 300 m (656 ft. to 984 ft.) from the subject site. The proposed liquor primary KBR is located approximately 300 m (984 ft.) from an assisted living facility.

While the subject site is located in proximity to schools and care facilities, given its orientation to Kingsway and location in an established commercial development, it is not anticipated that the distance between the subject site and the nearby schools and care facilities is of concern.

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

The proposed liquor primary KBR establishment is located adjacent to a public hall. The subject site is located approximately 500 m (1,640 ft.) from another KBR establishment.

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

The proposed form of entertainment for the 295.43 m² (3,180 sq.ft.) subject site is for karaoke, which is in line with current operations. No outdoor patios are proposed. The proposed hours of liquor service are 11:00 AM until 2:00 AM daily.

Patron capacity has not yet been specifically determined but is estimated to be in the range of 80 persons. If authorized by Council, staff will work with the applicant on the preparation of a suitable plan of development, including room location, appropriate capacity and hours of operation in line with Council adopted policies. In addition, staff will 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 most patrons within the subject site would be within their own karaoke box room, a minimum number of required patrons would be less relevant. 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 site will be required to comply with the parking requirements of the Zoning Bylaw.

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 Kingsway and the rear laneway, and pedestrians have access via Kingsway. Should Council direct staff to work with the applicant to prepare a suitable plan of development, staff will work with the applicant to explore potential improvements to vehicle and pedestrian access where feasible.

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

The subject site is accessible to bus service along Kingsway.

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, person capacity, and any other necessary conditions.
- 5.3 It is noted that the LCRB, as part of their 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 affects 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.
- 5.4 The proposed prerequisite conditions to the rezoning will be included in a future report.

6.0 RECOMMENDATION

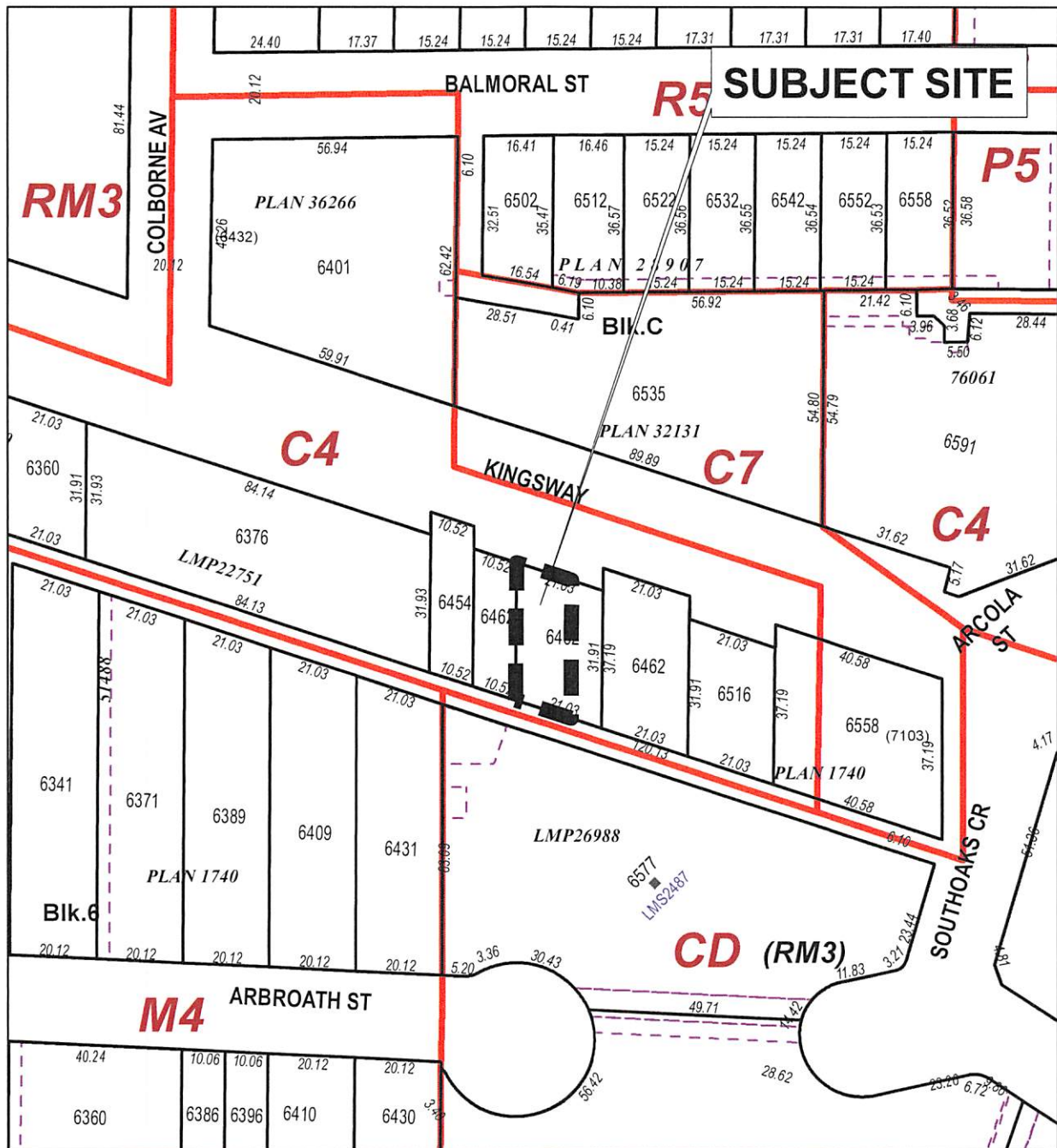
THAT the Planning and Building Department be authorized to continue to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.



AY:tn

Attachments

cc: City Solicitor
City Clerk



PLANNING & BUILDING DEPARTMENT




Date:
AUG 28 2020

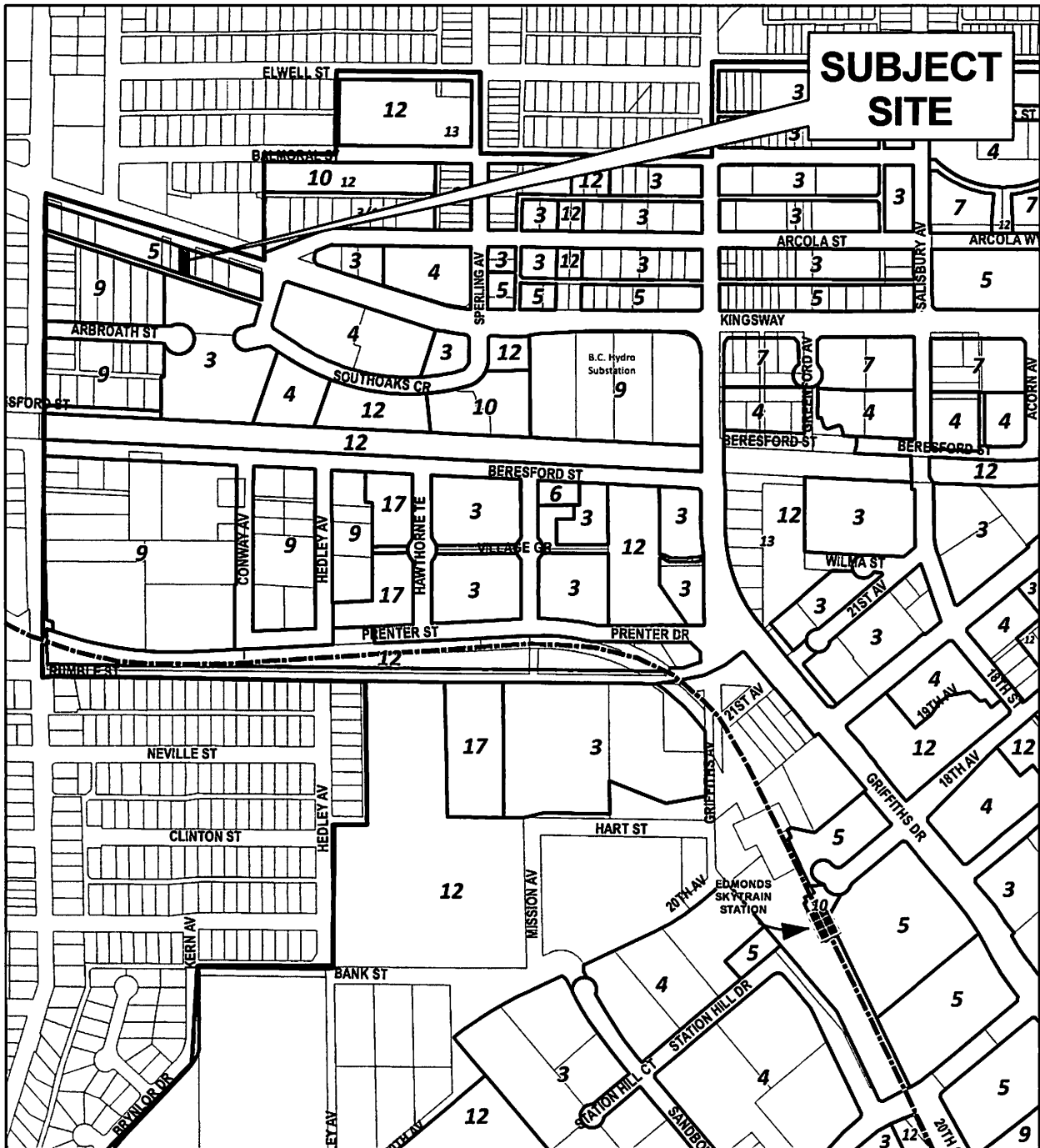
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JS

REZONING REFERENCE #20-24
6462 KINGSWAY

 Subject Site

Sketch #1



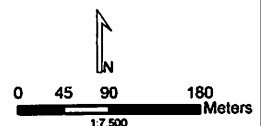
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| 1 Single and Two Family Residential | 9 Industrial |
| 3 Medium Density Multiple Family Residential | 10 Institutional |
| 4 High Density Multiple Family Residential | 12 Park and Public Use/Public School |
| 5 Commercial | 17 Low or Medium Density Multiple Family Residential (Ground Oriented) |
| 6 Medium Density Mixed Use | 22 Low/Medium Density Mixed Use |
| 7 High Density Mixed Use | |

Edmonds Town Centre Plan Development Guidelines



PLANNING & BUILDING DEPARTMENT

Note: Composite Sketch Subject to Change



Printed on August 28, 2020

Sketch #2

VAN LAND USE CONSULTING

August 25, 2020

Jeff Thompson
City of Burnaby
Planning and Building Department
4949 Canada Way
Burnaby, BC, V5G 1M2

Dear Jeff:

RE: Letter of Intent for 102 & 103 – 6462 Kingsway, Burnaby

On behalf of Van Land Use Consulting, this letter is to outline the intent for the rezoning of 102 & 103 – 6462 Kingsway.

There is an existing retail building located on the south side of Kingsway devised into five commercial units (101, 102, 103, 104 and 105). Units 102 & 103 are adjoined and currently operating as Solo Karaoke.

The site is currently zoned C4 and requires a rezoning to C4f in order for Solo 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

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Joseph W. Van Vliet, BCom
Principal