



Item.....
Meeting..... 2021 May 31

COUNCIL REPORT

TO: ACTING CITY MANAGER 2021 May 26

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #20-24
Liquor Primary Establishment

ADDRESS: 102/103 – 6462 Kingsway (see *attached* Sketches #1 and #2)

LEGAL: Portion of East Half Lot 8 and Portion 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, and in accordance with the development plan entitled “#102/103-6462 Kingsway, Burnaby, B.C.” prepared by Van Land Use Consulting)

APPLICANT: Van Land Use Consulting
512 Saint George Street
New Westminster, BC V3L 1L2
Attn: Joseph Van Vliet

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2021 June 29.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2021 June 14 and to a Public Hearing on 2021 June 29 at 5:00 pm.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The granting of any necessary statutory rights-of-ways, easements and/or covenants, including, but not limited to, the granting of a Section 219 Covenant to ensure that licensed capacity and operating hours are maintained as described in Section 4.1 of this report.

To: Acting City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #20-24
2021 May 26Page 2

- c) The consolidation of the subject property through an application for cancellation of interior lot lines through the Land Title Office.

R E P O R T

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit a karaoke box room (KBR) establishment to operate as a liquor primary licence establishment.

2.0 POLICY CONTEXT

The subject application aligns with the following City policies: Corporate Strategic Plan (2017), Regional Context Statement (2013), Official Community Plan (1998), Economic Development Strategy (2007).

3.0 BACKGROUND

- 3.1 The subject site is comprised of one 295.43 m² (3,180 sq.ft.) commercial retail unit (CRU) within a commercial building located on the south side of Kingsway, between Gilley Avenue and Southoaks Crescent (Sketch #1 and #2 *attached*), in the Edmonds Town Centre area. There are currently four business licences issued for the property's various tenants, which include two restaurants, one hookah lounge and the subject KBR establishment. Vehicular access to the site is from Kingsway and a rear (southern) laneway.
- 3.2 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.
- 3.3 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.
- 3.4 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.

3.5 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 karaoke, which include providing designated servers, glass front doors with no obstructions, and video surveillance, would also need to be considered.

3.6 On 2020 October 05, Council received the report of the Planning and Building Department concerning the rezoning of the subject site and authorized the Department to continue to work with the applicant in the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation to a Public Hearing.

4.0 GENERAL COMMENTS

4.1 Details of the proposed liquor licence establishment include:

- maximum person capacity of up to 80 persons (including patrons and staff); and,
- hours of liquor service from 11:00 AM to 2:00 AM, seven days a week.

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

4.1.1 *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: Acting City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #20-24
2021 May 26Page 4

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 hookah lounge. The subject site is located approximately 500 m (1,640 ft.) from another KBR establishment.

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

The proposed form of entertainment would continue to be karaoke. No outdoor patios are proposed. The proposed hours of liquor service are 11:00 AM until 2:00 AM daily, which are in line with Council adopted guidelines. A maximum capacity of 77 patrons and 3 staff, for a total of 80 persons, is proposed.

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.

It is noted that the proposed establishment generally conforms to the Council-adopted karaoke guidelines for food primary establishments such that:

- the proposed establishment has transparent glass doors for the entrances to karaoke box rooms, thereby ensuring good visibility for the RCMP, Liquor Inspectors, and other patrons;
- the proposed establishment has suitable lighting in each of the box rooms; and,
- the proposed establishment has a video surveillance system including a camera in every box room.

4.1.3 Satisfaction of all parking requirements on site.

The subject site complies with the parking requirements of the Zoning Bylaw.

4.1.4 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.

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

The subject site is accessible to bus service along Kingsway.

The proposed development is 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.

- 4.2 The Liquor and Cannabis Regulation Branch (LCRB), as part of its assessment process for liquor primary liquor licence applications, requests that local government provide comments on the additional following criteria:

4.2.1 The impact of noise on nearby residents

Given the nature of the proposed liquor licence establishment and its location in a commercial area along Kingsway, staff do not anticipate potential noise impacts beyond what would otherwise be expected in this Town Centre location. It is noted that all uses are subject to the Burnaby Noise or Sound Abatement Bylaw.

To: Acting City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #20-24
2021 May 26Page 6

4.2.2 The impact on the community if the application is approved

The proposed liquor licence is considered supportable for the site and is not anticipated to result in significant community impact if approved. The RCMP has been notified of the proposed rezoning, and do not have any significant concerns.

It is noted that the LCRB also requires that local government gather public input from the community within the immediate vicinity of the establishment. The Public Hearing process for this rezoning would be used to satisfy this 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 separate liquor licence application (LLA) would be received by Council for consideration.

- 4.3 In summary, the proposed rezoning to permit a liquor primary licence is considered supportable, given that it generally meets the Council-adopted guidelines for new liquor licence establishments, and its minimal anticipated noise impact and impact on the community.

5.0 DEVELOPMENT PROPOSAL

5.1	Site Area (no change)	-	1,672.3 m ² (18,000 sq. ft.)
5.2	Gross Floor Area for subject unit (no change)	-	295.4 m ² (3,180 sq. ft.)
5.3	Parking for entire building (no change)		
	Required	-	18
	Provided	-	19
5.4	Loading for entire building (no change)		
	Required	-	2
	Provided	-	1 (legally non-conforming)

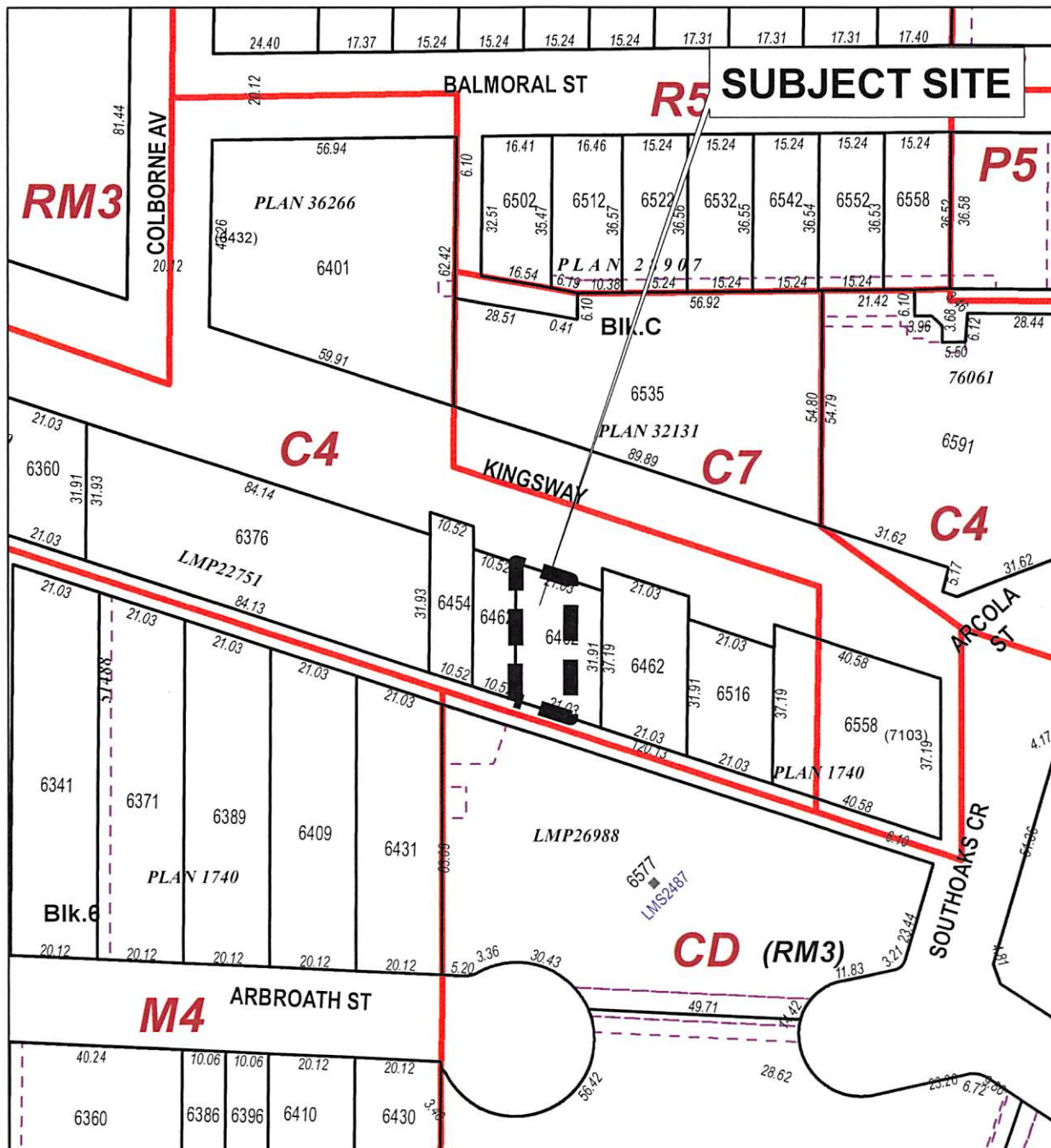

E.W. Kozak, Director
PLANNING AND BUILDING

AY:tn

Attachments

cc: Director Public Safety and Community Services
Officer-in-Charge, RCMP, Burnaby Detachment
City Clerk

Chief Licence Inspector
City Solicitor



PLANNING & BUILDING DEPARTMENT



Date:
AUG 28 2020

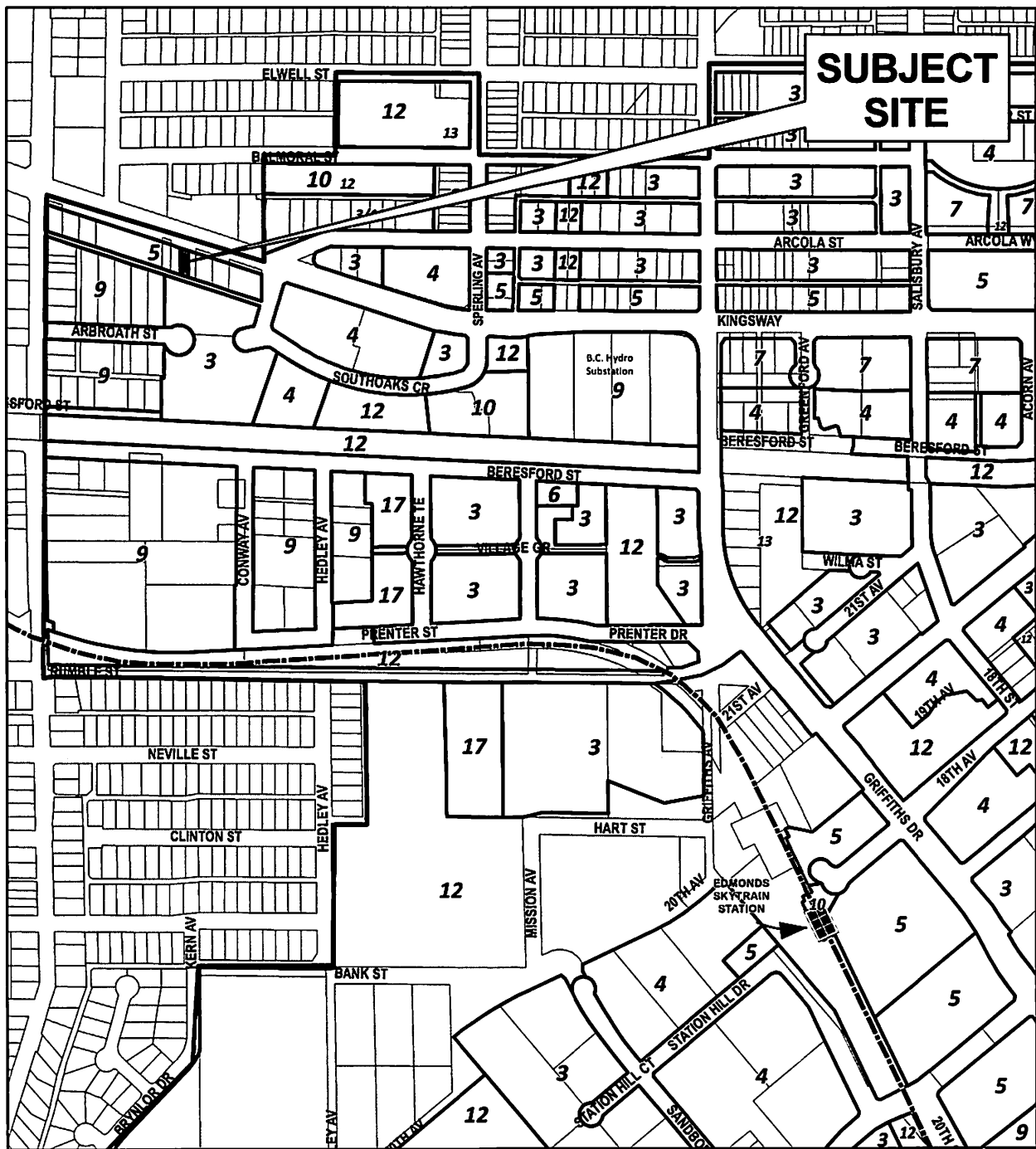
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REZONING REFERENCE #20-24
6462 KINGSWAY

 Subject Site

Sketch #1



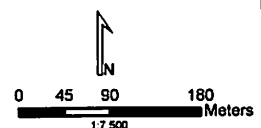
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|---|---|
| 1 Single and Two Family Residential | 9 Industrial |
| 3 Medium Density Multiple Family Residential | 10 Institutional |
| 4 High Density Multiple Family Residential | 12 Park and Public Use/Public School |
| 5 Commercial | 17 Low or Medium 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