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**TO:** CITY MANAGER **DATE:** 2020 Sept 09

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06  
*Reference:* LLA#20-02

**SUBJECT:** **LIQUOR LICENCE APPLICATION #20-02**  
**THE STUDY PUBLIC HOUSE PUB**  
**MBC 2250 SIMON FRASER UNIVERSITY (SEE *ATTACHED* SKETCHES)**

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

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**RECOMMENDATIONS:**

1. **THAT** Council authorize staff to gather public input regarding a proposed expansion to the existing licensed patio area of The Study Public House Pub at MBC 2250 Simon Fraser University, (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, Edna Lizotte, 1620-1130 West Pender Street, Vancouver, BC V6E 4A4.

**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.

## **2.0 BACKGROUND INFORMATION**

- 2.1 This Department has received an application requesting the expansion of the existing licensed patio area and increased occupancy at The Study Public House Pub (“the Pub”), a liquor primary establishment located at 2250 Maggie Benston Centre of Simon Fraser University. The Pub has operated at this location since early 2019.
- 2.2 The Liquor and Cannabis Regulation Branch (LCRB), as part of its assessment process for applications to increase the capacity or occupant load 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 licence 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 Pub is located within the University Enclave area of the Simon Fraser University Community Plan. Specifically, the Pub is located within a student services building known as the Maggie Benston Centre (MBC). The larger property on which the MBC and Pub are located is split-zoned P6 Regional Institutional District, P3 Park and Public Use District, P11/P11e SFU Neighbourhood District and C3f General Commercial District. To the west and south of the Pub are educational buildings. To the north, across an open plaza is the Simon Fraser University Library. Directly east of the MBC and the Pub is a 5-storey student union building which is currently under construction. Approved under PPA#14-00312, the new student union building will have a connection to the adjacent MBC building and the outdoor patio area of the Pub.

## **4.0 SUBJECT APPLICATION**

- 4.1 The subject application involves a request to increase the total occupancy load of the Pub (indoors and outdoors) and expand the existing licensed patio area. The existing liquor primary licence for the Pub (Licence No. 034621) permits interior occupancy to be 330 persons and the patio occupancy to be 60 persons (staff and patrons included). The subject application is requesting that interior occupancy be increased from 330 to 356 persons (staff and patrons included) and patio occupancy be increased from 60 to 160 persons (staff and patrons included).

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Under the current license, the occupancy load on the existing patio area has been limited because at the time of application, the patio (359 m<sup>2</sup>) could only accommodate a single exit. As a result, the Pub has been operating with a licensed patio area of 96 m<sup>2</sup>, using only the western portion of the total patio space available. With the construction of the adjacent student union building nearing completion, a second exit can now be added to the patio to facilitate the proposed increase to the licensed patio area by 263 m<sup>2</sup> and accommodate 100 additional occupants. The current hours of liquor service for the Pub, inclusive of the indoor and outdoor patio areas, is 11 am to 1 am Monday to Saturday and 11 am to Midnight on Sunday. The hours of liquor service are not proposed to change.

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

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

- *Existing liquor primary establishments*

The Simon Fraser University campus contains multiple liquor service areas licensed under Liquor Primary Licence No. 035321. Each of the nine licensed areas is located within a separate building. The closest establishments in proximity to the Pub include the West Mall Centre Terrace, the University Theatre and the Halpern Centre Terrace. These three liquor service areas are approximately 260 m, 160 m and 130 m from the Pub respectively. It is important to note that there is a current liquor licence application (LLA#20-03) requesting to add three additional service areas to existing Liquor Primary Licence No. 035321, including a new stadium seating area, plaza and the West Gym. This separate application is proposing to increase the total persons occupancy of the licence from 2041 to 5616 persons across all service areas on campus. The new stadium seating area and plaza is approximately 220 m away from the Pub.

- *Residential uses*

Student residences on the west side of the Simon Fraser University campus are the nearest residential uses from the Pub. The student residences are located approximately 400 m (0.4 km) to the west, and are separated from the pub by educational buildings, Gaglardi Way and Terry Fox sports field. The next closest residential uses are located at 8900 University High Street, within UniverCity, approximately 480 m (0.48 km) to the east.

- *Schools*

The nearest elementary school (University Highlands Elementary) is located approximately 0.76 km (0.47 miles) to the east.

- *Care facilities*

The nearest child care facility is located approximately 0.72 km (0.45 miles) to the east.

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

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The student union building directly adjacent to the MBC and the Pub will contain spaces for student clubs, a computer games room and pool tables. The Grand Villa Casino is located more than 10 km (2.49 miles) to the southwest. A hookah lounge is located approximately 4.5 km (2.8 miles) to the west along Hastings Street.

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

The existing establishment and outdoor patio is an acceptable use for this location in the center of Simon Fraser University campus. The applicant would like to increase the occupancy of the indoor space from 330 to 356 (including both staff and patrons) to match the maximum seating capacity inside the Pub. In addition, with the introduction of a second exit on the outdoor patio, the applicant proposes to expand the licensed patio area and increase the person capacity of the outdoor patio space from 60 to 160 (including both staff and patrons). As a result, the total capacity of the establishment is proposed to grow from 390 to 516 total occupants (including both staff and patrons).

The hours of liquor service, which are not proposed to change, are currently 11 am to 1 am Monday to Saturday and 11 am to Midnight on Sunday. The outdoor patio operating hours are the same. While the increased capacity and hours of liquor service are considered by this Department to be generally supportable, it is important to note that the Burnaby Noise and Sound Abatement Bylaw identifies the required reduction in noise at 10 p.m. With consideration for the Pub's rather isolated location and the large distance between the Pub and nearby uses (particularly residences), the request to maintain the existing hours of liquor service is supportable. The Pub has a healthy track record of operating without noise complaints and the evening hours do not coincide with adjacent business or educational hours. The likelihood of the Pub causing disruption to neighboring uses is considered minimal.

Should the recommended patio 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 are applied.

*(c) Satisfaction of all parking requirements on site*

Sufficient off-street parking is provided on-site in a nearby parkade.

*(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 Gaglardi Way. A short walk from the Central Parkade will bring patrons to an open plaza that provides access to the entry level of the MBC and the Pub.

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

The pub is located within 120 meters of a bus exchange on Gaglardi Way.

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 unique location at the center of a university campus and distance from the student residences to the west and UniverCity to the east, staff do not anticipate the proposed capacity increase to have adverse noise impacts on residents. 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 increases to occupancy load and the licensed patio area are recognized by this Department as a suitable adjustment. Given the location of the Pub and the proximity to public transit, it is not expected that the proposal would have a significant impact on the community, if approved.

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 proposed increase in capacity, and the concerns of Environmental Services with respect to patio hours of operation were considered in Section 4.1(b).

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.

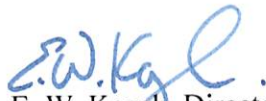
- 4.3 In summary, given The Study Public House Pub's distance from nearby residences and its proximity to public transit, the recommended licence capacity increase generally meets the Council-adopted guidelines for assessing liquor licence establishments. Based on the minimal anticipated impact to the community, the recommended increases to the indoor and outdoor patio capacity are considered supportable, subject to staff gathering public input.

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## 5.0 CONCLUSION

Based on the information presented above, staff recommend that Council support the recommended occupancy load and licensed area increases for The Study Public House 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, Edna Lizotte, 1620-1130 West Pender Street, Vancouver, BC V6E 4A4.



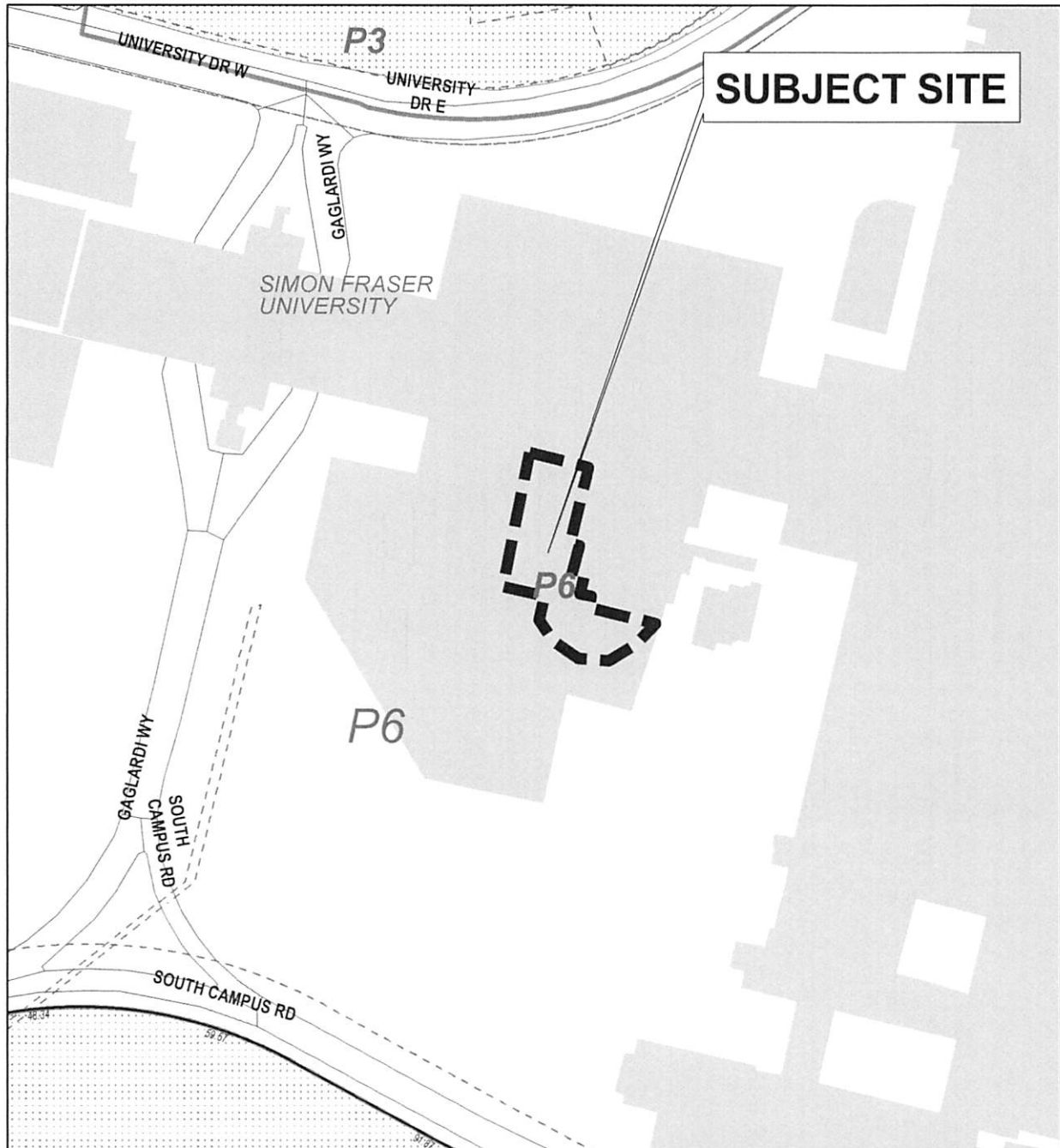
E. W. Kozak, Director  
PLANNING AND BUILDING

MP:tn

### *Attachments*

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

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PLANNING & BUILDING DEPARTMENT



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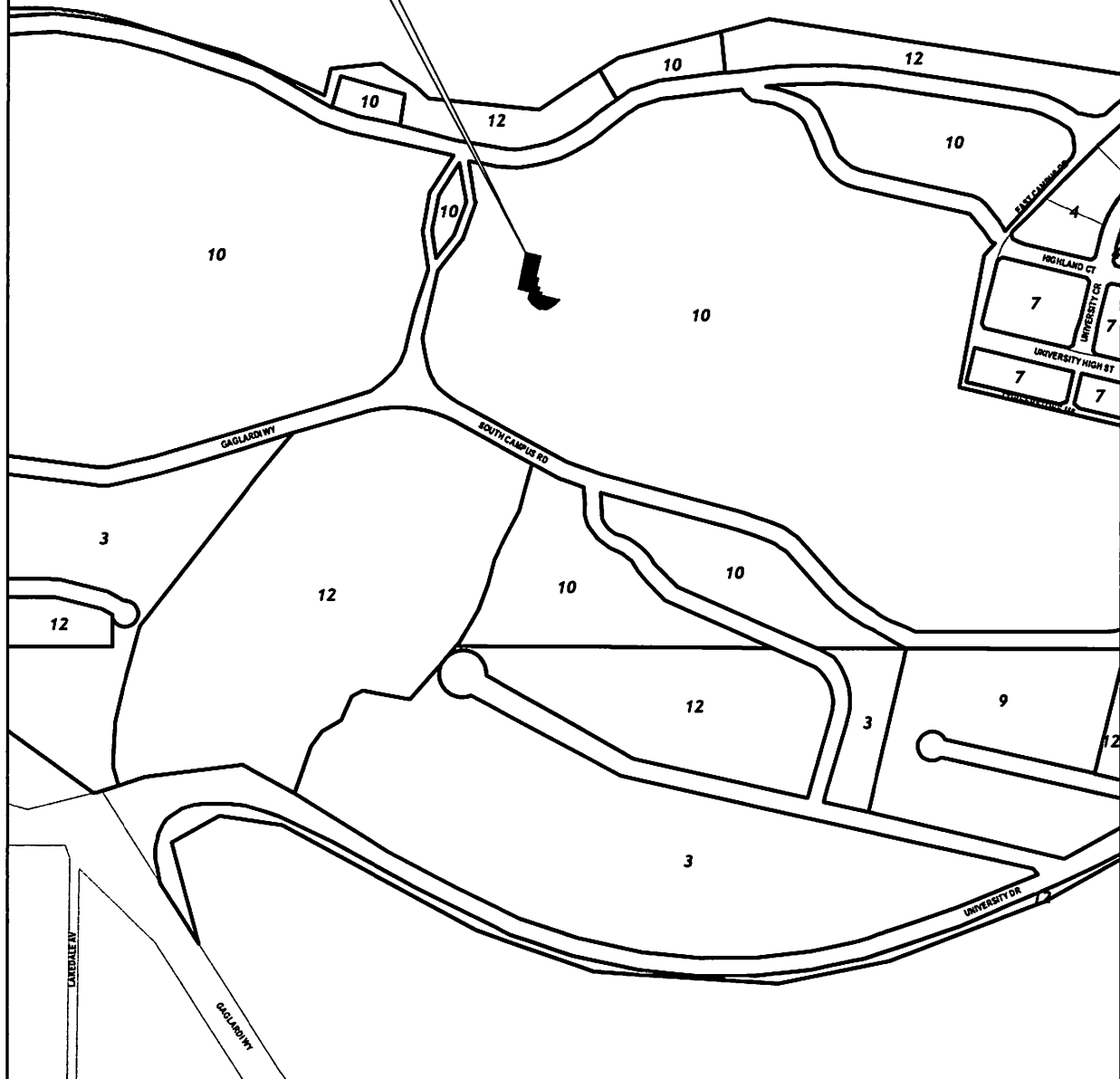
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Subject Site

Sketch #1

# SUBJECT SITE



## Simon Fraser University Community Plan



PLANNING & BUILDING DEPARTMENT

- 3** Medium Density Multiple Family Residential
- 4** High Density Multiple Family Residential
- 7** High Density Mixed Use
- 9** Industrial
- 10** Institutional
- 12** Park and Public Use

