

**TO:** CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 November 01

**FROM:** GENERAL MANAGER **FILE:** 46000 06  
PLANNING AND DEVELOPMENT *Reference:* LLA#22-03

**SUBJECT:** LIQUOR LICENCE APPLICATION #22-03  
RESPONSE TO PUBLIC CONSULTATION PROCESS  
LA TAQUERIA PINCHE TACO SHOP  
1210 – 4580 BRENTWOOD BOULEVARD

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

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**RECOMMENDATIONS:**

1. **THAT** Council support the requested amendment to the subject food primary liquor licence, as described in Section 3.0 of this report, subject to the following:
  - liquor service hours from 9:00 a.m. to 2:00 a.m. Monday to Sunday, and 9:00 a.m. to 12:00 a.m. Monday to Sunday for the patio;
  - folding glass door system to be closed at 12:00 midnight on Sunday to Thursday and at 2:00 a.m. on Friday and Saturday;
  - the sound system on the patio and the speakers located in the establishment to be lowered at 10:00 p.m. to the extent necessary to comply with Burnaby Noise or Sound Abatement Bylaw 1979; and,
  - the registration of a Section 219 Covenant, within 45 days of Council approval of this application, to ensure compliance with the above conditions.
2. **THAT** a copy of this report be forwarded to the applicant, Bert Hick, Rising Tide Consultants, 1620-1130 West Pender Street, Vancouver, BC, V6E 4A4; 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 City policies: Regional Context Statement (2013), Official Community Plan (1998), and Economic Development Strategy (2007), Brentwood Town Centre Plan (1996).

### 2.0 BACKGROUND INFORMATION

On 2022 August 29, Council received a report on the subject liquor licence application for La Taqueria Pinche Restaurant at 1210 – 4580 Brentwood Boulevard, within the Amazing Brentwood Development (Sketches #1 and #2 *attached*). The subject establishment is proposed to have 52 seats for patrons inside the restaurant, and 46 seats on the patio. In addition, the subject application proposes to have 8 staff members working at the establishment for a total person capacity of 106. The requested hours of liquor service are from 9:00 a.m. to 2:00 a.m. Monday to Sunday for the interior of the restaurant, and 9:00 a.m. to 12:00 a.m. seven days a week for the patio. The folding glass door system separating the interior of the establishment from the patio is to be closed at 12:00 a.m., Sunday to Thursday nights, and 2:00 a.m., Friday and Saturday nights. The report concluded that the requested liquor licence application was 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 (1,680 notifications); advertisements were placed in two consecutive issues of the Burnaby Now (September 22 and September 29, 2022); and signage was posted on the subject site that invited respondents to submit written comments to the Planning and Development Department.

Eight comments were received from property owners and/or residents in response to the public notification. Six responses were in support of the application with the other two responses raising concerns regarding noise and public safety. These concerns are addressed below:

#### 3.1.1 Noise

Issue: Concerns were raised that the establishment and its patrons could create excessive noise which would disturb nearby residents, particularly at night. A respondent expressed concern that the patio noise may be problematic and therefore the patio should be close by 11:00 p.m. daily.

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Response: The applicant would be required to lower the sound system on the patio and the restaurant speakers near the patio at 10:00 p.m., as needed, to comply with *Burnaby Noise or Sound Abatement Bylaw 1979*, and ensure that the restaurant folding glass door system is closed at midnight, Sunday to Thursday nights, and 2:00 a.m., Friday and Saturday nights. To ensure the above noted conditions are maintained, a Section 219 Covenant must be registered on the property. While it is not anticipated, nearby residents and/or the operator may also contact the Burnaby RCMP to address incidents related to safety concerns or property damage. Further, it is noted that this liquor licence application was referred to the RCMP who had no concerns.

Staff advise that the proposed food primary liquor licence is intended for dining and is related to the service of food. The operator has confirmed that the patio will be completely closed by 12:00 a.m. daily when patio liquor service ends. As noted in the 2022 August 29 Council report, the subject establishment fronts the Civic Plaza of the Amazing Brentwood development. The Brentwood Mall Master Plan envisions the Civic Plaza as the heart of the entertainment district for the site and includes retail stores, restaurants, cafes, movie theatre, and the Rec Room entertainment complex.

3.1.2 **Public Safety**

Issue: One respondent expressed concern that there may be a public safety risk associated with the business, and that additional security guards should be present at the Amazing Brentwood development.

Response: The application was referred to Burnaby RCMP, who did not have any public safety concerns with the liquor licence application. As noted, nearby residents and/or the operator may contact the RCMP to address incidents related to crime or safety concerns.

3.2 In the 2022 August 29 Council report, comments were provided as per the LCRB requirements on the impact of noise on nearby residents, the impact on the community if the application were to be approved, and whether the amendment would result in the service area being operated in a manner that is contrary to its primary purpose. It was noted that the subject establishment is located in an entertainment district and near the SkyTrain and major roads, which provide ambient traffic noise. It is not anticipated that approving the application would have a negative impact on the community, and it would not result in the service area being operated in a manner that is contrary to its primary purpose. Further, there have been no objections from City departments regarding the proposed liquor licence application.

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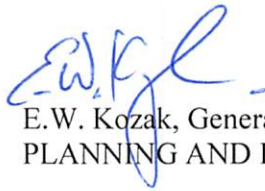
3.3 In summary, the response rate to the public consultation process was low and as such staff recommend supporting the application with the proposed limitation on liquor service hours to 2:00 a.m. daily within the interior of the establishment and 12:00 a.m. daily on the patio. Staff also recommend that the applicant be required to lower the sound system on the patio and the speakers near the patio at 10:00 p.m. 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.

#### 4.0 CONCLUSION

Based on the information presented above, and as outlined in the 2022 August 29 report to Council which assessed the application with respect to LCRB criteria, staff recommend that Council support the food primary liquor licence application at the proposed subject establishment, as discussed in Section 3.0 of this report.

Staff recommend that a copy of this report be forwarded to the applicant, Bert Hick, Rising Tide Consultants, 1620-1130 West Pender Street, Vancouver, BC, V6E 4A4; and to the respondents of the public input process, as described in Section 3.0 of this report.

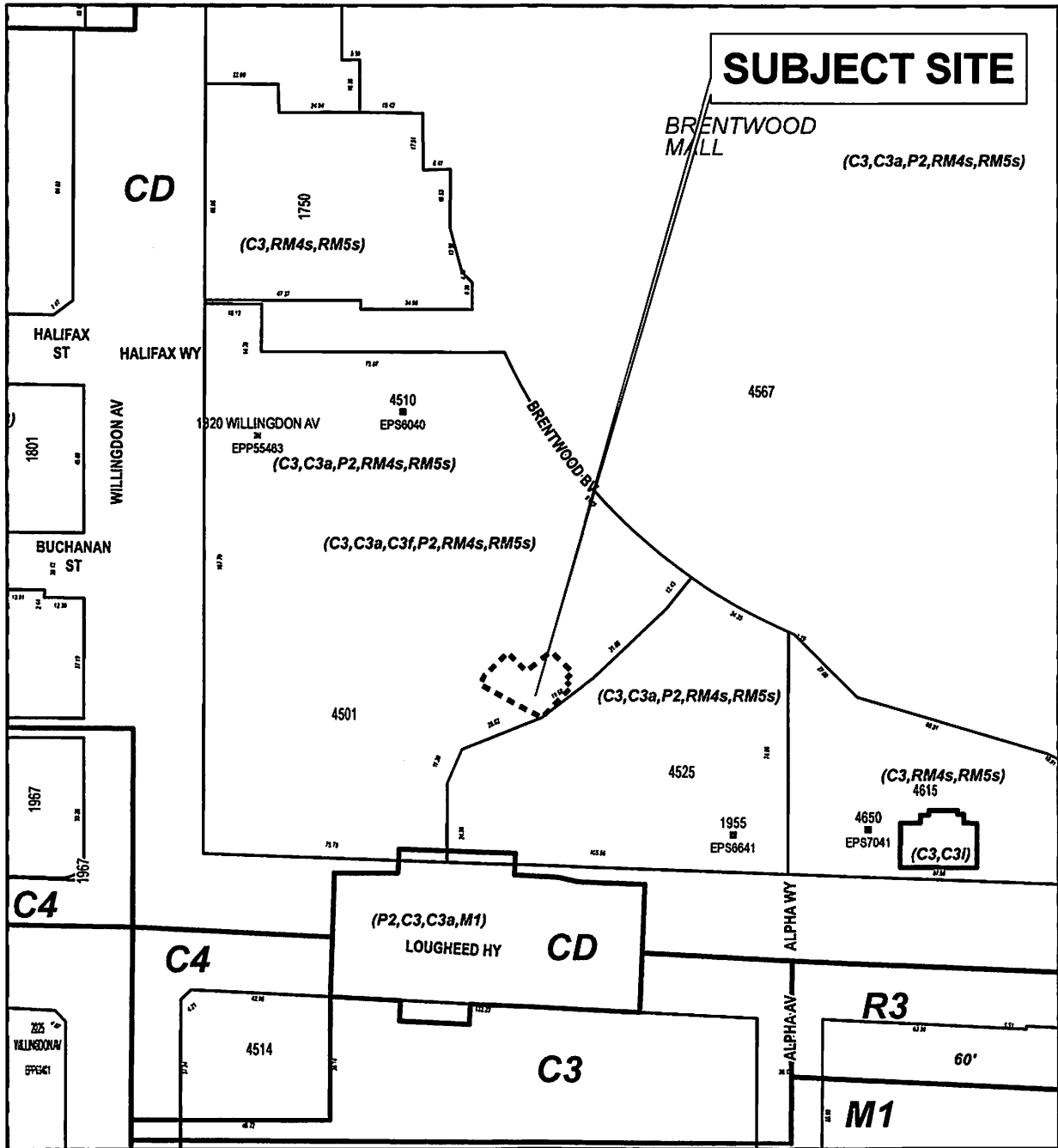
Staff also recommend that, following registration of the above noted Section 219 Covenant, a copy of this report be forwarded to the General Manager, Liquor and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8.




E.W. Kozak, General Manager  
PLANNING AND DEVELOPMENT

CB:spf  
*Attachments*

cc: Deputy Chief Administrative Officer and CFO  
General Manager Parks, Recreation and Cultural Services  
Acting General Manager Engineering  
Chief Licence Inspector  
OIC RCMP  
City Solicitor  
Director Legislative Services



 City of Burnaby


Date: AUG 11 2022


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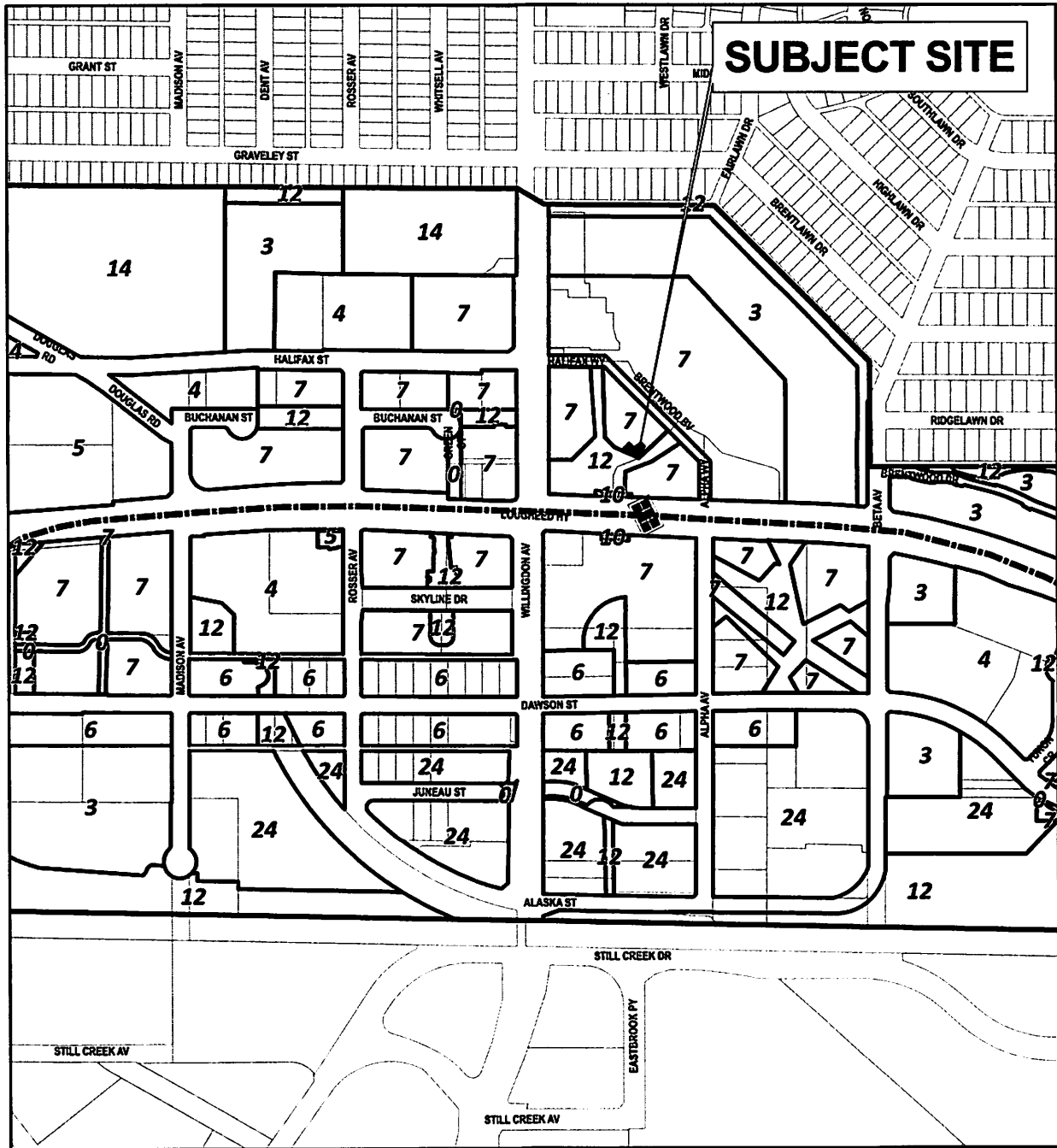
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PLANNING AND DEVELOPMENT DEPARTMENT

**LIQUOR LICENCE APPLICATION #22-03  
#1210-4580 BRENTWOOD BLVD (ALIAS)**

 Subject Site





- |   |   |
|---|---|
| <b>3</b> Medium Density Multiple Family Residential | <b>8</b> Medium or High Density Multi Family Residential                            |
| <b>4</b> High Density Multiple Family Residential   | <b>10</b> Institutional   |
| <b>5</b> Commercial                                 | <b>11</b> Business Centre   |
| <b>6</b> Medium Density Mixed Use                   | <b>12</b> Park and Public Use/Public School   |
| <b>7</b> High Density Mixed Use                     | <b>14</b> Cemetery  |
|   | <b>24</b> High Density Multiple Family Residential -<br>Brentwood Succession (RM4s) |



PLANNING AND DEVELOPMENT DEPARTMENT  
Printed August 11, 2022

### Brentwood Town Centre Plan

