

**TO:** CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 November 16

**FROM:** GENERAL MANAGER **FILE:** 46000 06  
PLANNING AND DEVELOPMENT *Reference:* LLA #22-02

**SUBJECT: LIQUOR LICENCE APPLICATION #22-02  
DAGERAAD BREWERY LIQUOR LICENCE APPLICATION  
#114 AND #116 – 3191 THUNDERBIRD CRESCENT**

**PURPOSE:** To provide Council with information regarding a liquor licence application at the subject site and to initiate a public consultation process for the application.

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**RECOMMENDATIONS:**

1. **THAT** Council authorize staff to gather public input regarding an increased person capacity, permanent patio, and revised operating hours for Dageraad Brewing at #114 and #116-3191 Thunderbird Crescent (see *attached* Sketches #1 and #2), as described in Section 4.0 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 Ben Coli, Dageraad Brewing, #114 - 3191 Thunderbird Crescent, Burnaby, BC V5A 3G1.

**REPORT****1.0 INTRODUCTION**

This Department has received an application to amend Dageraad Brewing's manufacturer liquor licence located at #114 and #116 - 3191 Thunderbird Crescent. Dageraad Brewing is requesting to permanently expand its liquor service area to allow for the long term use of the outdoor patio, to increase the total person capacity of the brewery lounge and patio from 54 persons to 110 persons, and to extend the daily operating hours on the patio from 12:00pm - 9:00pm to 11:00am - 11:00pm. An interior brewery lounge endorsement was approved for the subject site in 2016, and a temporary outdoor patio was approved in 2020 in response to the COVID-19 pandemic. The applicant is requesting the liquor licence amendments in advance of the patio's temporary authorization expiring on 2023 March 31.

**2.0 POLICY**

The subject application aligns with the Official Community Plan (1998), Economic Development Strategy (2007), and the Lake City Community Plan (2000).

**3.0 BACKGROUND INFORMATION**

- 3.1 The subject site, zoned M3 Heavy Industrial District, is located within the Lake City Community Plan area and is designated for Business Centre use. The site is improved with a two storey multi-tenant industrial building that includes wholesale, warehouse, manufacturing, and contractor businesses. Surrounding properties, also zoned M3 District, are improved with one and two storey industrial buildings to the north, east and south, and petroleum storage tanks and one storey industrial buildings to the west.
- 3.2 Since 2013, the Liquor and Cannabis Regulation Branch (LCRB) has permitted breweries with a manufacturer’s licence to apply for a lounge endorsement, which allows the sale and serving of beer by the glass or bottle within a designated lounge area on the site of the manufacturing use. As per the *Burnaby Zoning Bylaw*, an accessory lounge use is distinct from a liquor licence establishment, which is defined as "*an establishment selling or dispensing liquor for which a liquor primary licence or a liquor primary club licence is required under the Liquor Control and Licensing Act.*" New liquor primary establishments are only permitted in select commercial and institutional zones under rezoning to the applicable "a" or "f" sub-districts. A brewery lounge, like a tasting room or on-site retail store, is permitted as an accessory use to a principal alcohol manufacturing use in the M2 and M3 Districts. The LCRB's licensing process requirements are similar to those required for liquor primary applications, and local governments are requested to provide comment on lounge endorsement applications.
- 3.3 On 2016 July 20, Council supported a brewery lounge endorsement for Dageraad Brewing on the subject site. The current liquor licence approved for the establishment permits the daily inside hours of 11:00am to 11:00pm. The lounge, which includes a main floor and mezzanine, is approximately 106.3 m<sup>2</sup> (1,144 sq. ft.), with capacity for 54 persons (patrons and staff). The City did not undertake a public consultation process as part of Dageraad Brewing’s 2016 brewery lounge endorsement based on the establishment being located within an industrial area that is well distanced from residential uses. However, based on the extent of amendments requested as part of the subject application, a City-led public consultation process is recommended to garner input from surrounding businesses and properties.
- 3.4 In May 2020, in response to the COVID-19 pandemic and to support the Provincial Health Officer’s orders, the LCRB introduced Temporary Expanded Service Areas (TESA) to permit food primary, liquor primary, and manufacturer licensees to temporarily expand liquor service areas, without increasing the existing approved person capacity. In support of this LCRB initiative, Council adopted amendments to the *Zoning Bylaw* to permit the temporary expansion of outdoor seating areas for food and beverage establishments into on-site parking spaces and yards, together with other relaxations.
- 3.5 In June 2020, Dageraad Brewing received authorization from the LCRB and the City to open a temporary outdoor patio for up to 24 persons of the existing person capacity between the hours of 12:00pm to 9:00pm. The LCRB has since established that all TESA

authorizations will expire on 2023 March 31. Therefore, by that date, all temporary expanded service areas must either cease to operate or obtain LCRB authorization to operate permanently as part of the manufacturer's liquor licence.

3.6 The LCRB, as part of its assessment process for manufacturer's liquor licence amendment applications, requests that local government provide comment. If a local government opts to provide comment, the LCRB requests that local government gather public input from the community near the proposed establishment.

3.7 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor license 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. Lounge endorsements, which have only been permitted by the LCRB since 2013 and are considered accessory to a manufacturing use, are not specifically referenced in the 2003 Council adopted procedures and guidelines. Nevertheless, it is considered appropriate that staff evaluate this lounge endorsement application against pertinent Council adopted guidelines for evaluating liquor primary applications. Further, additional guidance is outlined in this report to ensure that the proposed lounge endorsement remains as an accessory use to the liquor manufacturer facility.

#### **4.0 DISCUSSION**

4.1 Dageraad Brewing has applied to the LCRB for an amendment to its manufacturer licence to increase the total person capacity of the establishment from 54 persons (4 staff and 50 patrons) to 110 persons (10 staff and 100 patrons), to expand the service area for the long term use of an outdoor patio, and to extend the patio operating hours from 12:00pm - 9:00pm to 11:00am – 11:00pm.

4.2 Dageraad Brewing currently has an accessory brewery lounge of approximately 106.3 m<sup>2</sup> (1,144 sq. ft.) with seats for 50 patrons. The proposed permanent patio would have an approximate area of 57.5 m<sup>2</sup> (619 sq. ft.), with seats for an additional 50 patrons. The proposed permanent outdoor patio would include a roof, but would remain unenclosed along the side walls. Including staff, the total proposed person capacity for the establishment would be 110 persons. The interior lounge currently holds a licence to serve liquor between the hours of 11:00am and 11:00pm, daily, and the patio is proposed to be licenced during the same hours.

4.3 The application was first assessed to determine if the lounge and patio would function as an accessory use to the principal industrial uses on-site. In the absence of existing guidelines or regulations, the accessory nature of a brewery manufacturer lounge use was considered within industrial or business park areas. As part of this assessment of accessory use, staff recommend that the following criteria be met:

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- the interior floor area assigned to accessory brewery lounge uses not exceed 35% of the business's total floor area;
- the combined area of the brewery lounge area and any outdoor lounge patio area not exceed the total floor area of the business's principal industrial uses;
- the floor area and capacity of the interior lounge be equal to or greater than the outdoor permanent patio; and,
- the patron capacity for lounge endorsements in industrial and business park areas be limited to 50 patrons inside the lounge, with up to an additional 50 patrons within an outdoor patio area.

With respect to the subject site, the interior brewery lounge is approximately 24% of Dageraad Brewery's floor area, and the total lounge and patio areas would be less than the floor area assigned to primary M3 District manufacturing and storage uses. Further, the permanent patio would have a total area of 57.5 m<sup>2</sup> (619 sq. ft.), which is less than the 106.3 m<sup>2</sup> (1,144 sq. ft.) assigned to the interior brewery lounge. The larger inside lounge would function as the primary service area for the business, and an important space to provide for staff service areas and bathrooms.

The proposed patron capacity does not exceed a total of 50 patrons inside and 50 patrons on the outdoor patio. Limiting the capacity to 100 patrons maintains a smaller brewery lounge establishment that is consistent with the maximum capacity for liquor primary establishments in smaller-scale commercial zoning districts (e.g. C1 and C2 Districts) commonly located in neighbourhoods outside of the City's Town Centres.

In summary, the subject lounge and permanent patio would meet the listed criteria above to ensure that the lounge and patio function as an accessory use. The applicant is requesting a relatively modest permanent patio size in the general location of the existing temporary patio already on-site, to allow for a patron capacity that is consistent with smaller-scale commercial liquor establishments, while maintaining the same principal uses on site that make up the majority of the business's floor area.

4.4 The following is an assessment of the proposal's consistency with Council adopted guidelines for liquor primary licences:

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

- *Existing liquor primary establishments*

The Lougheed Village Bar and Grill is the closest liquor primary establishment, which is approximately 1.5 km (0.93 miles) away.

- *Residential uses*

The subject establishment is located on the north side of a multi-tenant industrial building in an industrial area. The nearest residential area is located approximately 280 m (918.64 ft.) to the south and is separated from the

subject site by a large parking lot, an industrial building, Lougheed Highway, the SkyTrain guideway, and a landscape buffer.

- *Schools*

The subject site is not proximate to any schools. Burnaby Mountain Secondary School is more than a 1.0 km (0.62 mile) walk to the east, across Gaglardi Way.

- *Care facilities*

There are no care facilities in proximity to the subject site.

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

There are no gaming facilities, cyber centres, amusement arcades, or billiard halls in proximity to the subject site.

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

The nature of the proposed establishment remains consistent with its intent as an accessory lounge and patio to the primary industrial manufacturer use on-site. With respect to operating hours, the interior lounge is currently licenced to operate from 11:00am and 11:00pm, daily, and the temporary patio is permitted to operate from from 12:00pm - 9:00pm, daily. The applicant is requesting that the same hours as currently licenced for the interior lounge, from 11:00am and 11:00pm, be permitted on the permanent patio. These hours would help limit neighbourhood impact by restricting late night liquor service. Also requested is an increase to the maximum person capacity of the licensed establishment to allow for additional staff and 50 patrons on the patio. The total person capacity would be 110 persons (10 staff, 50 patrons inside, 50 patrons on the patio).

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

The proposed patio eliminates two parking stalls and one loading stall from the subject property; however, there is still sufficient off-street parking and loading provided to meet *Zoning Bylaw* requirements. As per *Burnaby Zoning Bylaw* regulations, there are no additional parking requirements for the proposed outdoor patio.

(d) *Safe and convenient access for vehicular traffic to the site, as well as safe access for pedestrians to the liquor licence establishment*

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Vehicle access to the brewery is provided from Thunderbird Crescent via Production Way. A sidewalk along both roads provides safe pedestrian access to and from nearby bus stops and the SkyTrain station.

(e) *Good proximity of public transit*

The brewery is located within 350 m (1,148 ft.) of a bus stop on Production Way, 500 m (1,640 ft.) from a bus stop on Lougheed Highway, and within 350 metres (1,148 ft.) of the Production Way-University Skytrain Station. These are within a reasonable walking distance where transit remains a good option for patrons.

In general, the proposed liquor licence amendments are consistent with the pertinent Council-adopted guidelines.

4.5 The LCRB, as part of its assessment process for lounge endorsement applications, requests that local government provide comments on the following:

(a) *The impact of noise on nearby residents*

Given the brewery's location within an industrial area, and its long distance from the nearest residential neighborhood to the south, staff do not anticipate the brewery lounge and patio to have adverse noise impacts during the licenced hours. It should also be noted that the entire serviced area would be subject to the requirements of the *Noise or Sound Abatement Bylaw*, and any sound system on the patio would have to be lowered at 10:00pm to comply with this Bylaw.

(b) *The impact on the community if the application is approved*

The proposed lounge is expected to result in minimal community impacts, given the lounge and patio's accessory nature and location on the business industrial property, well distanced from residential neighbourhoods. The brewery lounge has been operating successfully in the neighbourhood since 2017, and its temporary patio opened in 2020. It is also noted that sufficient parking is provided on-site, and that the subject site is located within 350 m of the Production Way-University SkyTrain station. For these reasons, the proposed liquor licence amendments are not expected to have a significant impact on the community.

The Planning and Development Department has solicited comments from the RCMP Burnaby Detachment, and they have not expressed any public safety concerns with the subject application. Any additional comments from City Departments will be summarized in a second report to Council following the public input period.

The LCRB also requests that local government gather public input from the community and provide a description of the method used to gather input. It is therefore recommended

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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 m of the subject property inviting written comments to be sent to the Planning Department, notification in two consecutive issues of the local newspaper, and the placement of a sign at the site.

- 4.6 In summary, the subject application generally meets the Council-adopted guidelines for assessing liquor licence establishments. In addition, given the industrial location, orientation away from residential uses, proximity to the Production Way-University Skytrain Station, and the expected minimal noise impact and impact on the community, the proposed patio and increased person capacity is considered supportable.
- 4.7 Should the proposed patio, person capacity and operating hours be supported by Council following public consultation, a Section 219 Covenant would be registered in the Land Title Office to ensure that person capacity, operating hours, and other relevant considerations are applied.

## 5.0 CONCLUSION

Based on the information presented above, staff recommend that Council authorize staff to gather public input on Dageraad's proposed liquor licence amendments to increase the person capacity and to permit a permanent patio with revised operating hours. Once this input has been gathered from the public, staff will submit a subsequent report to Council responding to the 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 Ben Coli, Dageraad Brewing, #114 and #116 – 3191 Thunderbird Crescent, Burnaby, BC V5A 3G1.

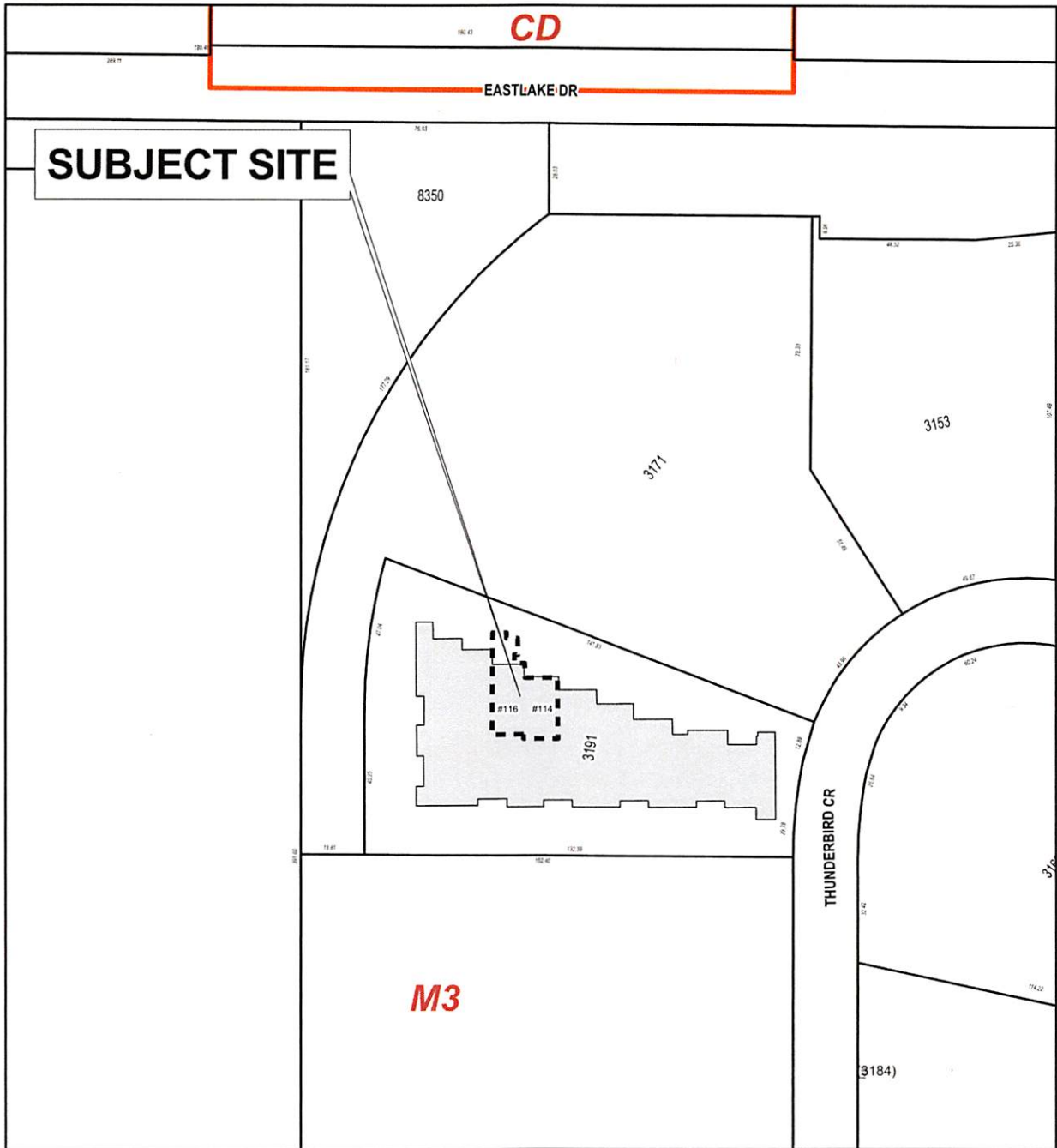


E.W. Kozak, General Manager  
PLANNING AND DEVELOPMENT

CB:spf

### Attachments

cc:	Deputy CAO and Chief Financial Officer	General Manager Corporate Services
	General Manager Community Safety	Acting General Manager Engineering
	General Manager Parks, Recreation and Cultural Services	O.I.C. RCMP
	Chief Licence Inspector	City Solicitor
	Director Legislative Services	



PLANNING AND DEVELOPMENT DEPARTMENT




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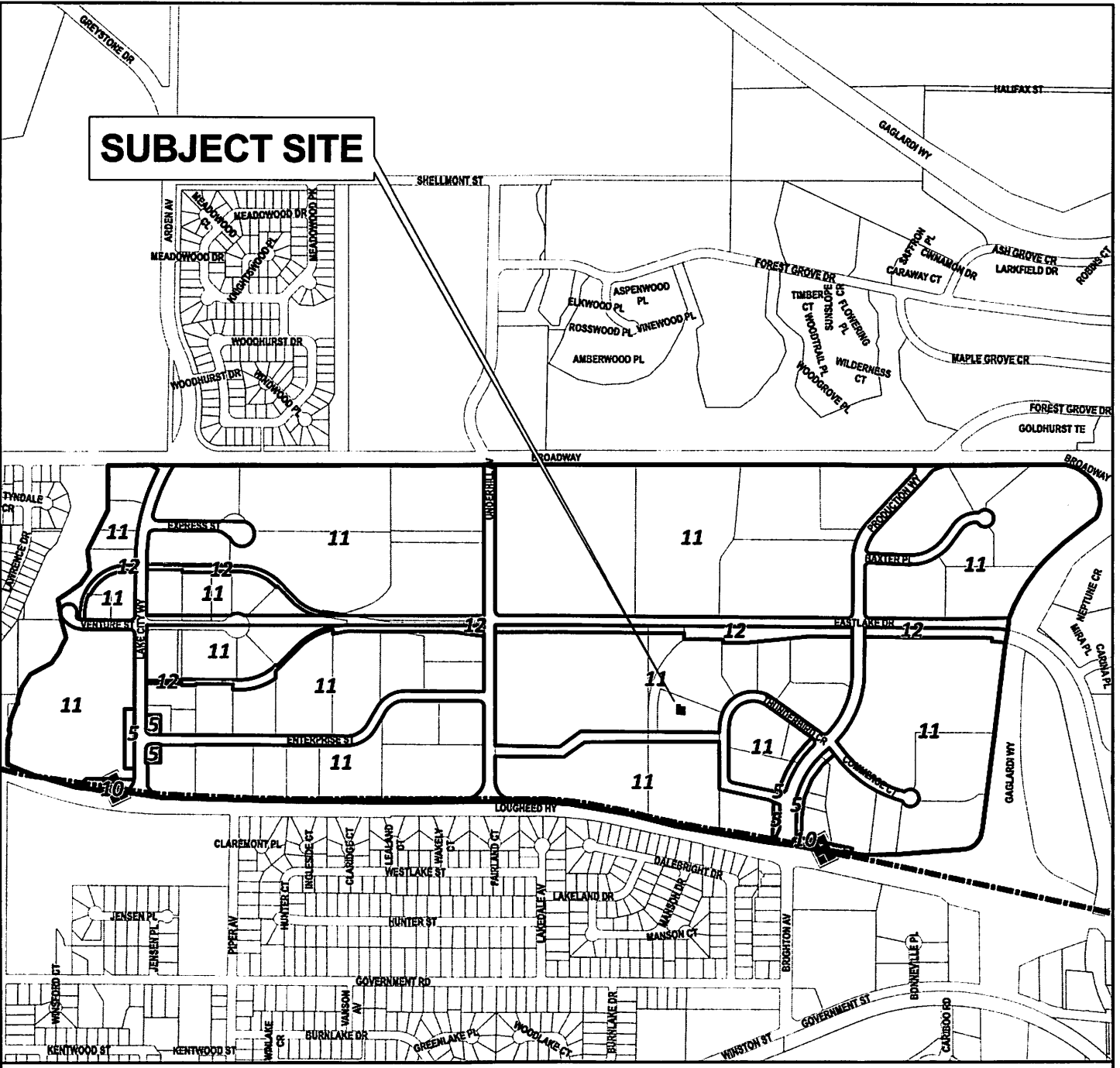
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**LIQUOR LICENSE APPLICATION #22-02  
#114 AND #116-3191 THUNDERBIRD CRESCENT (ALIAS)**

 Subject Site

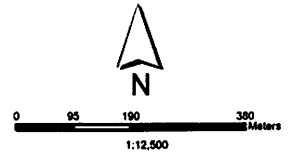


**SUBJECT SITE**



**5** Commercial  
**10** Institutional

**11** Business Centre District  
**12** Park and Public Use



## Lake City Business Centre

PLANNING AND DEVELOPMENT DEPARTMENT