
TO: CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 May 25

FROM: GENERAL MANAGER **FILE:** 46000 06
PLANNING AND DEVELOPMENT *Reference:* LLA#22-01

SUBJECT: LIQUOR LICENCE APPLICATION #22-01
EARL'S RESTAURANT BRENTWOOD
1308 – 4525 LOUGHEED HIGHWAY

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

RECOMMENDATIONS:

1. **THAT** Council authorize staff to gather public input regarding a request for a food primary liquor licence for Earl's Restaurant, which involves a proposal to relocate their food primary liquor licence from 3850 Lougheed Highway to the subject site, proposed to be located at 1308–4525 Lougheed Highway, (see Sketches #1 and #2 *attached*), 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 the applicant, Kelly Gannon, Earl's Restaurant, 200 – 425 Carrall Street, Vancouver, BC, V6B 6E3

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), and Brentwood Town Centre Master Plan (2012).

2.0 BACKGROUND INFORMATION

- 2.1 This department has received a liquor licence application (LLA) for a food primary liquor licence for Earl's Restaurant (Brentwood) Ltd. (Earl's) which is proposed to be located at 1308 – 4525 Lougheed Highway, within the Amazing Brentwood Town Centre Development. The Earl's restaurant is currently located nearby at 3850 Lougheed Highway, and will close prior to the opening of the proposed location on the subject site.

To: Chief Administrative Officer
From: General Manager, Planning and Development
Re: Liquor Licence Application #22-01
Earl's Restaurant, Brentwood

2022 May 25.....Page 2

- 2.2 Earl's is requesting that the permitted hours of liquor service at the subject site be from 9:00 a.m. to 1:30 a.m. Monday through Saturday and from 9:00 a.m. to 12:00 a.m. on Sunday. The application notes that their proposed hours for the patio will not exceed 12:00 a.m., seven days a week. It is noted that at their current Lougheed location, Earl's holds a food primary liquor licence which permits the service of liquor from 9:00 a.m. to 12:00 a.m. Monday through Sunday.
- 2.3 The subject restaurant is proposed to have 181 seats for patrons inside the restaurant, and 50 seats on the patio, for a total of 231 seats for patrons. In addition there are 40 staff for a total person capacity of 271. The approved seating capacity for Earl's at their current Lougheed location is 223 seats inside the restaurant and 97 seats on the patio for a total of 320 patron seats, and an additional 26 staff for a total person capacity of 346.
- 2.4 The subject restaurant is proposed to include a patio that fronts onto the internal public Civic Plaza within the Amazing Brentwood development. The exterior of the restaurant will incorporate a folding, clear glass, acoustical, two panel door system, that will enable the restaurant to open to the patio area, depending on the weather. The patio itself will be bordered by a barrier and planters, but otherwise remain open.
- 2.5 The Liquor and Cannabis Regulation Branch (LCRB), as part of their assessment process for food primary liquor licence applications, requests that local government provide comment on applications seeking hours of liquor service past midnight. LCRB regulations also state that if the local government opts to provide comment, they must gather public input for the community in the vicinity of the establishment.
- 2.6 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor license applications, including that Council will continue to receive reports on applications to amend the hours of liquor sales in food primary establishments past 12:00 a.m. if the establishment has, or proposes to have, a patio. The LCRB was advised of these adopted recommendations.

3.0 NEIGHBOURHOOD CONTEXT

On 2013 September 23, Council granted Final Adoption to Rezoning Reference #11-22 for the Master Plan and detailed Phase I development plan for the Brentwood Mall. The Master Plan concept established development guidelines for the redevelopment of Brentwood Mall for a multi-phased, mixed-use, retail, office and multiple family development in line with the adopted Brentwood Town Centre Development Plan. The subject site is located within Phase I of the Brentwood Mall development, approved under Rezoning Reference #12-44 for the multi-level commercial podium. The Brentwood Plaza is composed of a lower transit plaza area to serve street level pedestrians, cyclists, and transit users and an upper level of the podium includes the Civic Plaza, with extensive outdoor seating, landscaping, and a signature fountain.

To: Chief Administrative Officer
From: General Manager, Planning and Development
Re: Liquor Licence Application #22-01
Earl's Restaurant, Brentwood

2022 May 25.....Page 3

The subject restaurant is located on the Civic Plaza facing inwards toward the fountain, the Cineplex Rec Room and various commercial retail units. Brentwood's Residential Tower 2 is located above the subject unit with Residential Tower 3 approximately 95 metres to the east and Residential Tower 1 approximately 95 metres to the northwest. To the south are Lougheed Highway and the Brentwood Skytrain station.

4.0 SUBJECT APPLICATION

4.1 The subject application involves a request to transfer Earl's existing food primary liquor licence from their current Lougheed location to the proposed relocated Earl's location on the subject site within the Amazing Brentwood development, with requested hours of liquor service from 9:00 a.m. to 1:30 a.m. Monday through Saturday and from 9:00 a.m. to 12:00 a.m. on Sunday. It is noted that, with the exception of Sunday, these hours are an extension of the hours at the current location on Lougheed Highway. Specifically, the subject application would be subject to the registration of a Section 219 Covenant permitting liquor service hours of the establishment from 9:00 a.m. to 1:30 a.m. Monday to Saturday, with Sunday hours from 9:00 a.m. to 12:00 a.m., but requiring the folding glass door system for the restaurant be closed at 12:00 midnight on Sunday through Thursday and 1:30 a.m. on Friday and Saturday. In addition, it is to be noted that when the glass door system for the restaurant is open past 10:00 p.m., the sound system on the patio and the speakers located near the patio must be lowered at 10:00 p.m. to comply with Burnaby Noise or Sound Abatement Bylaw 1979, Amendment Bylaw No. 1, 1995. It should also be noted that the entire proposed subject restaurant would be subject to the requirements of the Noise or Sound Abatement Bylaw.

4.2 The LCRB, as part of their assessment process of applications for new food primary liquor licences, requests that local government provide comments on the following criteria:

(a) The impact of noise on nearby residents

The subject restaurant fronts the Civic Plaza within the Amazing Brentwood development. The Brentwood Mall Master Plan proposed a multi-phased, mixed-use, retail, office and multiple family development in line with the adopted Brentwood Town Centre Development Plan. The Civic Plaza is the heart of the entertainment district for the site, to accommodate special events, art exhibitions and live entertainment, framed by interesting and unique storefronts, restaurants and cafés to provide activity and vitality for the public space. Therefore, while the subject establishment is located near residential uses, the urban design is intended to create a more animated and vibrant mixed-use area, and the central location of the proposed subject restaurant is expected to be lively. It is also noted that the restaurant's proximity to Lougheed Highway and the Millenium Skytrain line would provide ambient traffic noise to the south.

To: Chief Administrative Officer
From: General Manager, Planning and Development
Re: Liquor Licence Application #22-01
Earl's Restaurant, Brentwood

2022 May 25.....Page 4

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

It is not anticipated that approving the application would result in negative impacts to the community as the proposed restaurant would be located on the Civic Plaza where restaurants are envisioned as an integral part of the vibrancy of the area. The subject site is also accessible by all forms of transportation. Bus service is readily available along Willingdon Avenue and Lougheed Highway and the Brentwood SkyTrain station is directly connected to the Civic Plaza. As such, the proposed subject establishment is generally well suited to the surrounding context.

It is not anticipated that the proposed liquor service hours would result in the subject restaurant being operated in a manner that is contrary to its primary purpose, particularly given that the proposed liquor service hours are only slightly longer than the existing liquor service hours permitted for the Earl's at 3850 Lougheed Highway.

(c) Whether the amendment will result in the service area being operated in a manner that is contrary to primary purpose

It is not anticipated that the proposed liquor service hours would result in the subject restaurant being operated in a manner that is contrary to its primary purpose, particularly given that the proposed liquor service hours do not extend beyond 1:30 am indoors, or midnight on the patio.

The Planning and Building Department has solicited comments on this application from relevant City Departments, including the RCMP Burnaby Detachment. No City Departments have expressed any objections to the proposed liquor service hours for the subject proposed restaurant.

LCRB regulations state that if local government provides comment, they must gather public input from the community in the vicinity of the proposed 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 subject 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.

5.0 CONCLUSION

Based on the information presented above, staff recommend that Council support the requested relocation of Earl's food primary liquor licence from 3850 Lougheed Highway to the subject site at 1308–4525 Lougheed Highway, as discussed in Section 4.0 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 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

To: Chief Administrative Officer
From: General Manager, Planning and Development
Re: Liquor Licence Application #22-01
Earl's Restaurant, Brentwood

2022 May 25.....Page 5

the applicant, Ms. Kelly Gannon, Earl's Restaurant (Brentwood) Ltd., 200 – 425 Carrall St., Vancouver, BC, V6B 6E3.

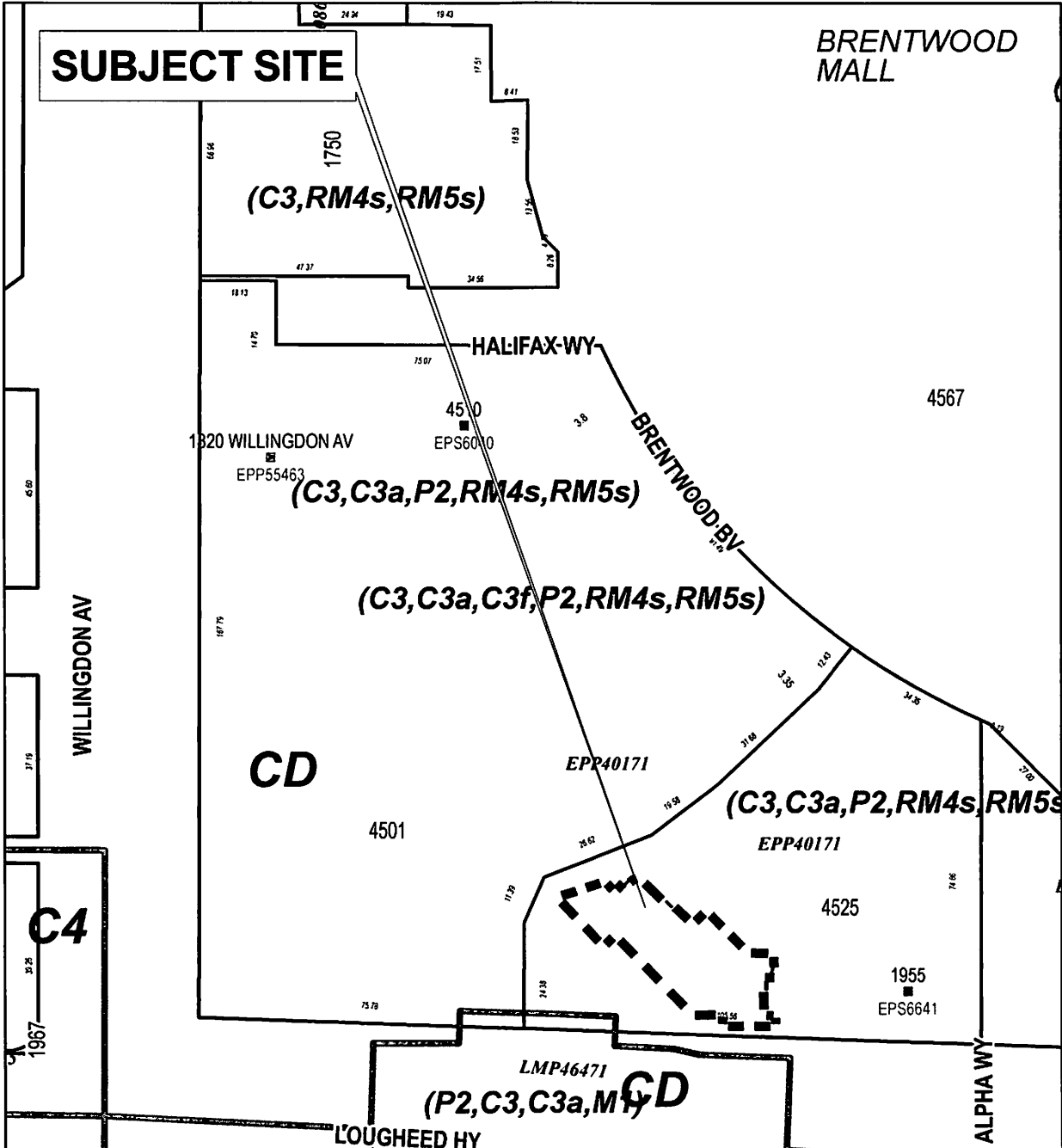



E.W. Kozak, General Manager
PLANNING AND DEVELOPMENT

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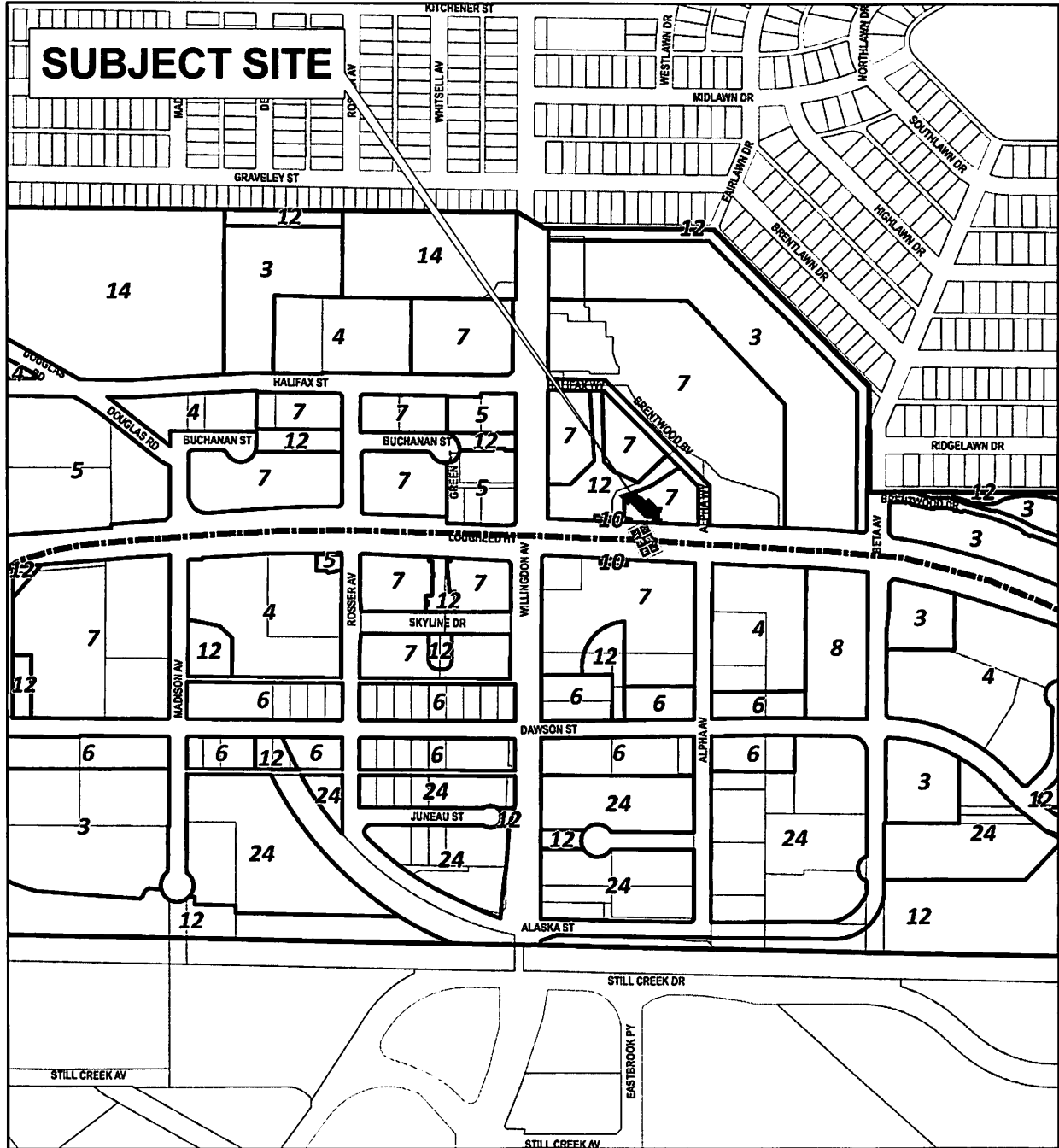
Attachments

cc: Acting Chief Financial Officer
General Manager Parks, Recreation and Cultural Services
General Manager Engineering
Officer-in-Charge, RCMP, Burnaby Detachment
Chief Licence Inspector
City Solicitor
City Clerk



	<p>PLANNING AND DEVELOPMENT DEPARTMENT</p>
<p>Date: APR 20 2022</p>	<p>LIQUOR LICENSE APPLICATION #22-01 01308-4525 LOUGHEED HIGHWAY</p>
<p>scale: 1:1,500</p>	
<p>Drawn By: JS</p>	

 Subject Site



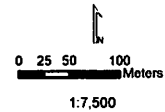
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| 3 Medium Density Multiple Family Residential | 8 Medium or High Density Multi Family Residential |
| 4 High Density Multiple Family Residential | 10 Institutional |
| 5 Commercial | 11 Business Centre |
| 6 Medium Density Mixed Use | 12 Park and Public Use/Public School |
| 7 High Density Mixed Use | 14 Cemetery |
| | 24 High Density Multiple Family Residential - |

Brentwood Succession (RM4s)



PLANNING AND DEVELOPMENT DEPARTMENT

Brentwood Town Centre Plan



Printed April 20, 2022

Sketch #2