

**TO:** MAYOR & COUNCIL  
**FROM:** GENERAL MANAGER PLANNING AND DEVELOPMENT  
**SUBJECT:** **LLA 23-02**  
**3850 LOUGHEED HIGHWAY**  
**RESPONSE TO PUBLIC CONSULTATION PROCESS**  
**BIRDIES RESTAURANT LIQUOR LICENCE**

**PURPOSE:** To summarize the public consultation process, and to provide Council with recommendations regarding the subject food primary liquor licence.

## REFERENCES

Address: 3850 Lougheed Highway  
Legal: Lot 1 District Lot 118 Plan LMP25555  
Applicant: Kelly Gannon; Earls Restaurant Ltd.  
Current: CD Comprehensive Development District (C2 Community Commercial District as a guideline)  
Proposed: No change

## RECOMMENDATION

**THAT** Council support the subject food primary liquor licence application, subject to the following conditions:

- the establishment will not sell or serve liquor, except between the hours of 9:00 a.m. to 1:30 a.m. Monday to Saturday and between 9:00 a.m. to midnight on Sunday, and on the patio from 9:00 a.m. to midnight, daily;
- the person capacity (staff and patrons) of the establishment will not exceed 303 persons;
- the retractable door connecting the indoor restaurant area to the outdoor patio be closed at midnight on Sunday through Thursday, and 1:30 a.m. on Friday and Saturday; and
- the registration of a Section 219 Covenant, within 45 days of Council approval of this application, to ensure compliance with the above conditions;

**THAT** a copy of this report be forwarded to the applicant, Kelly Gannon, Earls Restaurant Ltd., 200-425 Carrall Street, Vancouver, BC V6B 6E3; and

**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.

## **CHIEF ADMINISTRATIVE OFFICER'S COMMENTS**

I concur with the recommendation of the General Manager Planning and Development

### **1.0 POLICY SECTION**

The subject application aligns with the following City policies:

- Regional Context Statement (2013)
- Official Community Plan (1998)
- Corporate Strategic Plan (2022)
- Economic Development Strategy (2007)
- May 05, 2003 Report to Council, *Processing Procedure and Criteria for Liquor Licence Applications*.

### **2.0 BACKGROUND**

On March 27, 2023, Council received a report on the subject liquor licence application for Birdies Restaurant at 3850 Loughheed Highway (Sketch #1). Birdies Restaurant has applied to the LCRB for extended hours of liquor service are from 9:00 a.m. – 1:30 a.m., Monday to Saturday at their proposed establishment. The proposed hours of liquor service on Sundays, from 9:00 a.m. – midnight, are not considered extended hours. The proposed outdoor patio would close by midnight, daily. 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 GENERAL INFORMATION**

The subject application was evaluated with respect to Council-adopted guidelines for Food Primary applications, and generally met those guidelines.

The LCRB also requires that local government provide commentary on the following criteria:

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

Given the location of the proposed food primary establishment within the Bridge Business Park area, staff do not anticipate any noise impacts on nearby residents. As the area accommodates primarily business and light industrial uses, the proposed establishment is not proximate to any residential uses. The proposed restaurant's proximity to Loughheed Highway also provides ambient traffic noise, further dampening any noise originating from the restaurant. The patio will be required to close by midnight, daily.

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

In addition to the reasons stated above in 3.0(a), it is not anticipated that the subject application would have a negative impact on the community given that the majority of buildings in the immediate area are for business and office uses, which would typically occur between the hours of 9:00 a.m. and 6:00 p.m. Further, the presence of people in the vicinity after regular business hours would help to activate the area, providing passive surveillance which may reduce certain types of crime.

The subject site is also accessible by public transit. Bus service is available along Henning Drive and Lougheed Highway and the Gilmore SkyTrain Station is approximately 600 metres away from the subject proposed establishment. As such, the proposed restaurant is generally well suited to the surrounding context.

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

It is not anticipated that the proposed late night liquor service hours beyond midnight 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. These liquor service hours are typical of similar food primary establishments, which operate successfully in Burnaby. For these reasons, staff are supportive of the proposed extension of liquor hours.

#### **4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

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 property; advertisements were placed in two consecutive issues of the Burnaby Now (April 20 and April 27, 2023); and signage was posted at the subject site that invited respondents to submit written comments to the Planning and Development Department.

The Planning and Development Department did not receive any comments from property owners and/or residents in response to the public notification.

There have been no objections from City departments or Burnaby RCMP to the liquor licence application.

#### **5.0 FINANCIAL CONSIDERATIONS**

There are no financial considerations related to this proposal.

Respectfully submitted,

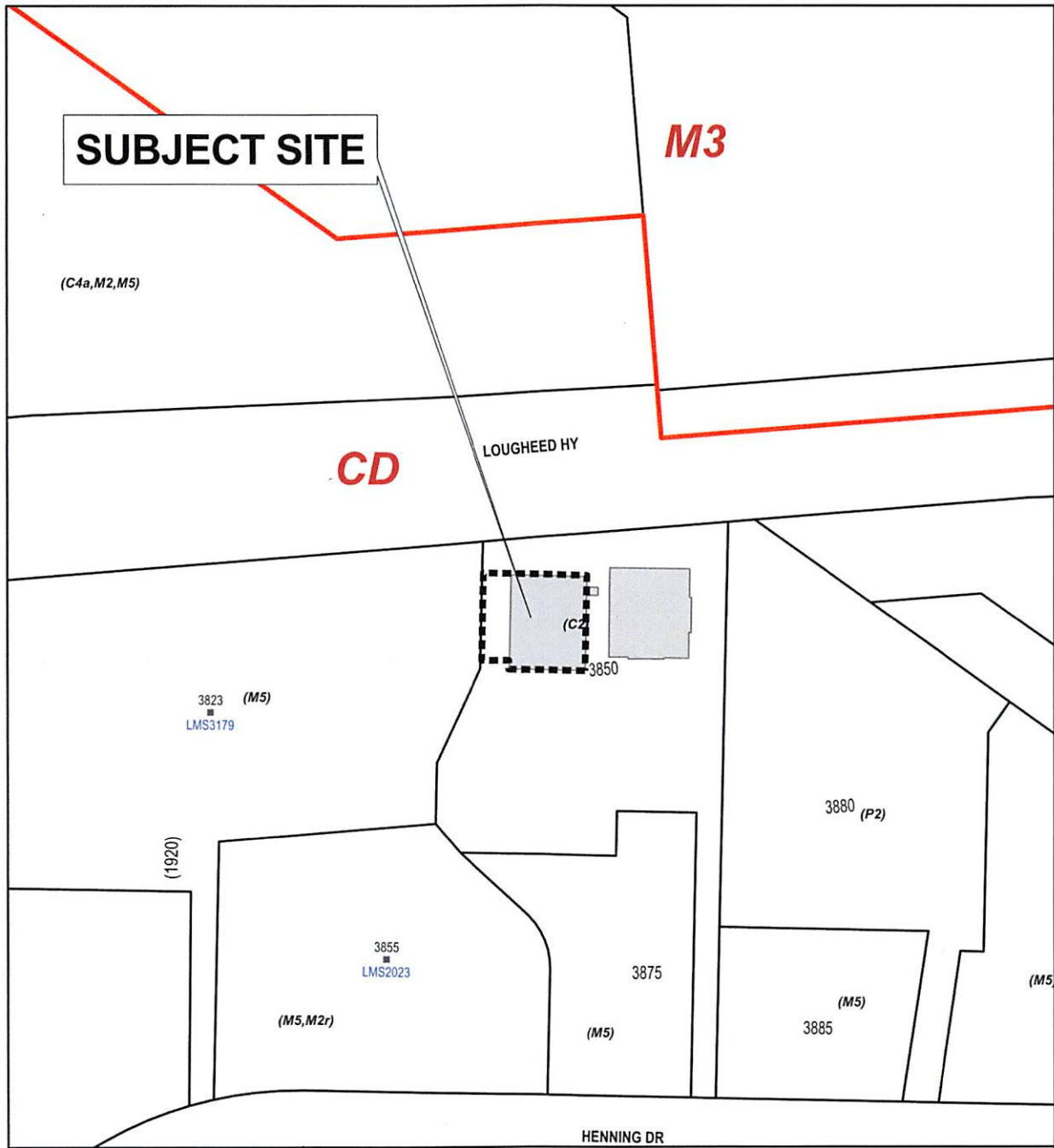
Lee-Ann Garnett, for E. W. Kozak, General Manager Planning and Development

#### **ATTACHMENTS**

Attachment 1 – Map 1

#### **REPORT CONTRIBUTORS**

This report was prepared by Cody Bator, Planner, and reviewed by Mark Norton, Senior Planner, Johannes Schumann, Director Development and Urban Design and Lee-Ann Garnett, Deputy General Manager Planning and Development.



**SUBJECT SITE**

**M3**

(C4a, M2, M5)

**CD**

LOUGHEED HY

(C2)

3850

3823 (M5)  
LMS3179

(1920)

3855  
LMS2023

(M5, M2r)

3875

(M5)

3880 (P2)

(M5)  
3885

(M5)

HENNING DR



PLANNING AND DEVELOPMENT DEPARTMENT



Date: March 02 2023

scale: 1:2,000

Drawn By: RW

**LIQUOR LICENSE APPLICATION #23-02  
3850 LOUGHEED HIGHWAY**

 Subject Site