

ITEM 15

MANAGER'S REPORT NO. 23

COUNCIL MEETING April 1/75

Re: Government Liquor Act and Regulations - General Licenced Premises
(Reference - Army, Navy and Air Force Veterans in Canada Letter -
Correspondence, March 24, 1975 Council Meeting)

Following is a report of the Director of Planning, dated March 27, 1975, regarding the above.

RECOMMENDATIONS:

1. THAT the proposed text amendments to the Zoning Bylaw, proposed in connection with Neighbourhood Public Houses, be advanced to a Public Hearing on Tuesday, May 13, 1975, at 7:30 p.m., to be held in the Council Chamber; and
2. THAT the Planning Department be authorized to prepare a report for Council on the whole topic of General Licences for its consideration in approximately four weeks; and
3. THAT a copy of this interim report be sent to the Secretary-Manager of the Army, Navy, and Air Force Veterans in Canada, Unit #314.

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PLANNING DEPARTMENT
MARCH 27, 1975

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: GOVERNMENT LIQUOR ACT AND REGULATIONS
- GENERAL LICENCED PREMISES
(REFERENCE - ARMY, NAVY AND AIR FORCE VETERANS IN
CANADA LETTER - CORRESPONDENCE, MARCH 24, 1975
COUNCIL MEETING)

Background:

Appearing on the Council agenda at the March 24 meeting was a letter from Mr. R. W. Ross, Secretary-Manager of the Army, Navy, and Air Force Veterans in Canada, Pompier Unit #314, concerning its current request to the Liquor Administration Branch for a General Licence. The Club has been advised by the Branch's Director of Licencing that Burnaby has not approved in principle the issuance of General Licences in this Municipality.

Neighbourhood Public Houses:

Council will recall that it has dealt with the topic of neighbourhood pubs in conjunction with inquiries about such establishments being created in Burnaby, and following a report on September 9, 1974, gave its approval-in-principle. Subsequently, after receiving a report proposing zoning bylaw amendments to make provision for neighbourhood pubs, Council directed that the necessary Bylaw be prepared and that the matter be advanced to a Public Hearing.

The said amending Bylaw has been prepared, and preparations are being made to submit the matter to a Public Hearing. However, in light of a recent decision in the Supreme Court of B.C., the Municipal Solicitor has advised that the occupiers of all real property within the C1, C2, and C3 Districts, and within 100 feet therefrom, will be required to be given notice, as the bylaw text affecting these Districts is proposed to be amended. This of course represents a very substantial number of occupiers throughout the Municipality; the areas involved have been identified, the occupiers tabulated, and the 4667 mailing labels have been prepared by the Clerk's office for the properties involved.

It is now therefore possible to set a date for the Public Hearing and for the notices to be mailed; it is recommended that the Hearing be scheduled for Tuesday, May 13, 1975 at 7:30 p.m. in the Council Chambers.

General Licences:

The amendments to the Government Liquor Act and Regulations passed in 1974 make provision for the issuance of what is known as a General Licence to the following types of establishments in addition to neighbourhood public houses:

- (1) Recreation Centres (private or publicly-owned)
- (2) Community Centres
- (3) Municipal or Provincially-owned Cultural Centres.
- (4) Hotels, Resorts, and Clubs.

A General Licence provides for the sale of all types of liquor in such establishments, and in effect combines the features of a lounge licence (permitting the sale of hard liquor) with those of the public house licence (permitting the sale and consumption of beer, both on and off the premises).

A significant stipulation in the regulations states that issuance of a General Licence by the General Manager of the Liquor Administration Branch may be considered only where the relevant elected governing body first indicates its approval of General Licences within its area of jurisdiction for the respective types of establishment. In other words, in a municipality, the Council may approve of the issuance of General Licences for any or all of the listed categories, or may elect to not approve for any category.

In Burnaby's case, the Council has approved in principle the issuance for Neighbourhood Public Houses, subject to the necessary zoning amendments being passed to accommodate such uses, but the other types of establishment which might qualify for General Licences have not been dealt with to date. In these latter instances, it appears that the licenced liquor facilities would be considered as accessory to the principal use of the premises. That is to say that, while the serving of beverages might be an important and intrinsic part of the operation of such establishments, it is implied that the principle function of the establishment would be related to other activities (recreational, cultural, social, or affinity groups, or the operation of a hotel or resort). As a consequence, it is apparent that the principal land use will be governed by the appropriate section of the Zoning Bylaw and that no new land use category will need to be introduced to the regulations.

There are several areas of possible ramifications however, in a decision to approve or disapprove of the issuance of General Licences to the various categories of user, that Council will want to be well aware of before making a decision on the matter. Both public and private facilities as well as commercially-oriented establishments are involved, and it is felt that some additional research and consultation with other Departments will be necessary before it is possible to make complete and clear-cut recommendations to Council. Further, we would propose to report on the position that other Municipalities in this area have taken on this topic. Preparation of this study can be completed in approximately four weeks, and a full report presented at that time for Council's consideration leading to a decision on General Licences.

For information, Mr. Ross advises that the Army, Navy and Air Force Veterans Club, Unit 314, is presently operating under a lounge licence, and the only change that would be brought about if the General Licence were to be issued is that the sale of beer for off-premises consumption would also be permitted. He recognizes that his request raises the larger question of Council's approval in general, and has no objection to the time involved in completing the study.

Recommendations:

It is recommended that:

1. the proposed text amendments to the Zoning Bylaw, proposed in connection with Neighbourhood Public Houses, be advanced to a Public Hearing on Tuesday, May 13, 1975, at 7:30 p.m., to be held in the Council Chamber,
2. the Planning Department be authorized to prepare a report for Council on the whole topic of General Licences for its consideration in approximately four weeks, and,
3. that a copy of this interim report be sent to the Secretary-Manager of the Army, Navy, and Air Force Veterans in Canada, Unit #314.


A. L. Parr,
DIRECTOR OF PLANNING.

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