

Re: General Licences:
Government Liquor Act and Regulations
(Item 10, Report No. 67, October 15, 1974)
(Item 15, Report No. 23, April 1, 1975)

ITEM 17
MANAGER'S REPORT NO. 33
COUNCIL MEETING May 5/75

On April 1, 1975, Council directed that: a. the proposed text amendments to the Zoning By-Law, as related to neighbourhood public houses, be advanced to a Public Hearing to be held on Tuesday, May 13, 1975, and b. 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.

Following is a further report from the Director of Planning on this matter.

RECOMMENDATIONS:

1. THAT Council approve the issuance of General Licences to recreation centres (private or publicly owned), community centres, municipal or provincially owned cultural centres, hotels, resorts and clubs, subject to:
 - (a) The submission to the municipality of the results of the survey conducted by the applicant of the views of the surrounding residents of the proposed site.
 - (b) The participation of the municipality in the factors to be considered by the General Manager of the Liquor Administration Branch in dealing with an application for a General Licence, including:
 - (i) Opinion of traffic authorities as to site suitability.
 - (ii) Proximity to schools, churches, hospitals and other social service institutions.
 - (iii) Proximity to other public house licenced establishments or neighbourhood public houses.
 - (iv) Opinions of civic bodies, police authorities or other concerned groups; and
2. THAT such approval be extended to neighbourhood public houses, should the necessary amendments for the addition of this use to the Burnaby Zoning By-Law be finally adopted; and
3. THAT a copy of Council's decision on the issuance of General Licences in this municipality be forwarded to the General Manager, Liquor Administration Branch, Box 640, Victoria; and
4. THAT a copy of this report be sent to all persons who have written to Council for approval of a General Licence under the Government Liquor Act and Regulations.

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TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
RE: GENERAL LICENCES: GOVERNMENT LIQUOR ACT AND REGULATIONS.

Planning Department,
May 1, 1975.

A. BACKGROUND

The Army, Navy and Air Force Veterans In Canada, Unit #314, following a recent request to the Provincial Liquor Administration Branch for a General Licence, were advised that Burnaby had not given approval in principle to the issuance of such licences in this municipality.

An interim report on the subject of General Licences was then prepared by the Planning Department and submitted to the Council on April 1, 1975. As a result, this department was authorized to undertake a detailed study of the whole matter of General Licences and to prepare a further report for the consideration of the Council.

B. REVIEW OF GENERAL LICENCE REGULATIONS

Recent amendments to the Provincial Liquor Act make provision for the issuance of a General Licence that would permit the sale of all types of liquor in the following types of establishments:

- (1) Neighbourhood public houses
- (2) Recreation centres - public or private - (i.e. curling rinks, arenas, coliseums, stadiums, etc.).
- (3) Community centres
- (4) Municipal or Provincially owned cultural centres (i.e. art galleries, playhouses, theatres, universities, etc.).
- (5) Hotels, resorts and clubs (clubs would include veterans associations, yacht clubs, social and fraternal organizations, etc.).

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The Liquor Act further provides that before the issuance of a General Licence may be considered by the General Manager of the Liquor Administration Branch, the council of the municipality involved must first indicate its approval. Such approval may apply to all of the above noted establishments or, alternatively, to none or only some of these particular uses.

In a recent directive from the General Manager of the Liquor Administration Branch it was indicated that where a council reaches an affirmative decision then consideration would be given to any application for a General Licence for an establishment of the type approved. On the other hand, no consideration would be given to applications for General Licences from establishments which had not been approved by a council.

It was also emphasized that once a council had decided to permit certain types of uses to receive General Licences, then further municipal involvement would be based solely on the compliance of a particular development with the applicable municipal by-laws and regulations (zoning, building, health, fire etc.).

Insofar as the individual applicant is concerned, the Provincial requirements stipulate that all of the residents within a one-half mile radius of the proposed site must be canvassed as to their approval or disapproval of the development. The results of such a survey must then be forwarded to the General Manager of the Liquor Administration Branch for consideration. Other factors which are taken into account include:

- (a) Opinion of traffic authorities as to site suitability.
- (b) Proximity to schools, churches, hospitals and other social service institutions.
- (c) Proximity to other licenced establishments or neighbourhood public houses.
- (d) Opinions of civic bodies, police authorities and other concerned groups.

C. EXISTING ZONING DESIGNATIONS

It will be recalled that the Council has given approval in principle to the addition of neighbourhood public houses as a permitted use in C1, C2 and C3 Districts. A Public Hearing on the proposed Zoning By-law amendments has been set for May 13, 1975. All of the other types of establishments listed in the preceding section of the report are presently permitted in various zoning district categories.

Assembly, cultural and recreational facilities, which would include recreation centres, community centres and municipal or Provincially owned cultural centres, are among the uses permitted in the P2(Administration and Assembly) and P3 (Park and Public Use) Districts. Hotels are permitted in C3 (General Commercial) Zones, while provision is made for motor hotels in C4 (Service Commercial), C5(Tourist Commercial) and P2(Administration and Assembly) Districts. Four zoning districts allow for the development of clubs or lodges, including the C2 (Community Commercial), C3 (General Commercial), C4 (Service Commercial) and P2 (Administration and Assembly) classifications.

In all of the above cases, the various types of establishments mentioned are principal uses and the addition of a General Licence that would allow for the serving of alcoholic beverages would be regarded as accessory to their primary functions (recreational, cultural, fraternal, social, etc., or the operation of a hotel or motor hotel). As noted in our earlier Interim report on this subject, it is apparent that the principle land use will be governed by the appropriate sections of the Zoning By-law and that no new categories will need to be added to the existing regulations.

D. PLANNING CONSIDERATIONS AND IMPLICATIONS

There are a number of factors which should be taken into account in the formulation of a municipal policy that would govern the issuance of General Licences to the range of uses covered by the Provincial Government Liquor Act.

One primary consideration is that once the Council has given its approval to the granting of General Licences to a particular type of use, then the control over each individual application will come under the authority of the General Manager of the Liquor Administration Branch, rather than the Municipality. This would mean, in effect, that any such approved use could be granted a General Licence subject to meeting the requirements of the Zoning By-law and other applicable municipal regulations. Because of this, the zoning districts in which the various types of establishments listed in the Liquor Act are permitted and the locations of these zones in the municipality merit careful consideration. It should be noted in this regard that all of these uses are included in either institutional or commercial zoning categories, with the majority having a commercial district designation.

There are felt to be two main problems that could be associated with establishments which have been granted General Licences, and that these would apply almost exclusively to neighbourhood public houses or hotel beer parlours, where the main activity is associated with the consumption of alcoholic beverages. Firstly, is the noise which normally results from this activity, as well as the usual disturbances following the closing hour. Secondly, such establishments are expected to generate considerable volumes of traffic. Because of these concerns, the existing Zoning By-law regulations for hotels and those proposed for neighbourhood public houses confine such enterprises to commercially zones areas which have, due to the types of uses located within them, a greater tolerance for noise and traffic.

However, these nuisances and the impact which they would have on surrounding development are likely to be considerably less, or even non-existent, in the case of the other types of establishments which are listed in the Liquor Act. It is considered very unlikely, for example, that the addition of a liquor outlet to a privately operated golf and country club, a yacht club or a curling club, would create any particular problems. This would also apply, in our opinion, to clubs and lodges, as well as to other types of uses where the principal function involves a specific recreational, cultural or social activity. This is felt to be especially true of those establishments which cater primarily to the members of a particular association or organization. Nor are any problems foreseen in the case of public recreation centres, community centres or cultural centres where the municipality has direct control over their activities.

E. ACTIONS TAKEN BY NEIGHBOURING MUNICIPALITIES

A recent survey of ten other municipalities in the Lower Mainland Area revealed that the councils of three of these communities have given approval to the issuance of General Licences to all of the uses listed in the Government Liquor Act and Regulations. This action has been recently taken by Vancouver, Port Moody and Delta.

New Westminster did not accept the introduction of neighbourhood public houses into the city. This was primarily due to the limited amount of interest shown and to the one mile radius distance requirement which left very little area available for development. On the other hand, this regulation does not apply to recreation, community and cultural centres nor to hotels or clubs, and the Council has

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recently given approval to the granting of General Licences to these particular uses.

In none of the other Lower Mainland municipalities surveyed has a final policy decision been made, although the subject is, in most cases, currently under study. Neighbourhood public houses were previously accepted as permitted uses in both Coquitlam and Richmond.

F. OPINIONS OF OTHER MUNICIPAL DEPARTMENTS

It is apparent from discussions with other municipal departments who are likely to be concerned with the subject that there would be no objection to the broadening of the types of uses which could be considered for General Licences.

The Licence Department does not foresee any problems associated with the granting of General Licences for the various establishments covered by the Government Liquor Act.

It was the opinion of the Parks and Recreation Department that municipal control over publicly owned recreational, community or cultural centres would provide sufficient safeguards to prevent abuses from occurring in the operating of any of those facilities for which a General Licence has been issued. It was pointed out that the sale of alcoholic beverages had been conducted at the Centennial Pavilion for sometime and that the Burnaby Art Gallery has expressed an interest in obtaining a General Licence that would allow for the serving of refreshments in conjunction with its operations (i. e. slide shows, films, talks, the display, loan or sale of art works etc.).

The view was expressed that consideration should be given to making provision for the sale of alcoholic beverages in the case of sports complexes where a variety of activities would be located within an area of integrated recreational development (i. e. within a building similar to the North Vancouver Recreation Centre, an eating establishment or a club house facility associated with gymnasiums, arenas, golf courses, tennis courts, soccer pitches, etc.). It was further suggested that the serving of refreshments, under controlled conditions, would reduce the present problems arising from drinking in park areas, on the municipal golf course, within team dressing rooms, etc..

The Health Department indicated that it would not be opposed to approval being given for the issuance of General Licences to the various types of establishments included in the Government Liquor Act. Emphasis was placed on the need for compliance with Provincial regulations governing sanitation in the operation of food and beverage outlets under the Health Act and with the provisions of the Burnaby Noise and Sound Abatement By-law. This would, of course, involve the strict enforcement of these particular requirements, as well as municipal building and fire regulations.

G. CONCLUSIONS

A review of the Government Liquor Act and Regulations would suggest that a considerable amount of power over the issuance of General Licences is vested in the General Manager of the Liquor Administration Branch. On the other hand, the requirements which an applicant must meet appear to be quite stringent. It should also be reiterated that every General Licence applicant must comply with all of the applicable municipal by-laws.

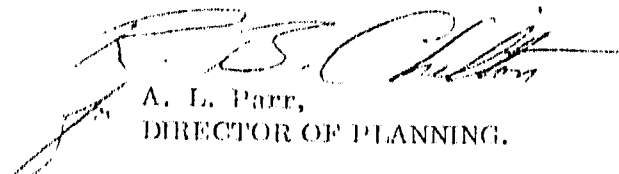
As mentioned earlier in this report, it is considered that the problems of noise and increased traffic generation that could be associated with the issuance of General Licences will very likely be confined to hotel beer parlours and neighbourhood public houses where the main activity is the consumption of alcoholic beverages. Because of these concerns, the existing Zoning By-law regulations for hotels and those proposed for neighbourhood public houses make provision for such enterprises to be situated in commercially zoned areas which have, due to the types of uses located within them, a greater tolerance for noise and traffic.

With regard to such establishments as recreation, community or cultural centres, and clubs, where the principal function involves a specific recreational, cultural, fraternal or social activity, it is considered unlikely that any problems would be created from the issuance of a General Licence and the resulting addition of the accessory sale of refreshments. Examples of developments of this type can be found in this municipality, as well as in other areas of the Lower Mainland (i. e. curling clubs, yacht clubs, golf and country clubs, winter clubs, veteran's organizations and associations, etc.) and also in the case of restaurants which provide alcoholic beverages in conjunction with the serving of meals.

H. RECOMMENDATIONS

It is recommended:

- (1) THAT the Council approve the issuance of General Licences to recreation centres (private or publicly owned), community centres, municipal or provincially owned cultural centres, hotels, resorts and clubs, subject to:
 - (a) The submission to the municipality of the results of the survey conducted by the applicant of the views of the surrounding residents of the proposed site.
 - (b) The participation of the municipality in the factors to be considered by the General Manager of the Liquor Administration Branch in dealing with an application for a General Licence, including:
 - (i) Opinion of traffic authorities as to site suitability.
 - (ii) Proximity to schools, churches, hospitals and other social service institutions.
 - (iii) Proximity to other public house licenced establishments or neighbourhood public houses.
 - (iv) Opinions of civic bodies, police authorities or other concerned groups.
- (2) THAT such approval be extended to neighbourhood public houses, should the necessary amendments for the addition of this use to the Burnaby Zoning By-law be finally adopted.
- (3) THAT a copy of Council's decision on the issuance of General Licences in this municipality be forwarded to the General Manager, Liquor Administration Branch, Box 640, Victoria.


A. L. Parr,
DIRECTOR OF PLANNING.

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c. c. Chief Licence Inspector, Chief Public Health Inspector, Municipal Clerk,
Municipal Solicitor, Parks and Recreation Administrator, Assistant Director
Long Range Planning and Research.