

ITEM	11
MANAGER'S REPORT NO.	6
COUNCIL MEETING	1978 01 23

Re: LETTER FROM THE UNION OF BRITISH COLUMBIA MUNICIPALITIES  
WHICH APPEARED ON THE AGENDA FOR THE 1978 JANUARY 09  
MEETING OF COUNCIL (Item 4e)  
NEIGHBOURHOOD PUBLIC HOUSES

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Appearing on the agenda for the 1978 January 09 meeting of Council was a request from Alderman Marilyn Baker, Chairman of the U.B.C.M. Pub Committee, for information on neighbourhood pubs. The requested information is contained in the following report from the Director of Planning.

The previous reports that Council has received on this subject are attached the Council's agendas only.

RECOMMENDATION:

1. THAT a copy of this report and all of the attached previous reports that Council has received on neighbourhood pubs be sent to Alderman Marilyn Baker.

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PLANNING DEPARTMENT  
1978 JANUARY 18

TO: MUNICIPAL MANAGER  
FROM: DIRECTOR OF PLANNING  
SUBJECT: NEIGHBOURHOOD PUBLIC HOUSES

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1.0 INTRODUCTION:

Appearing on the 1978 January 09 Council Agenda was a letter from Ms. Marilyn Baker, Chairman of the U.B.C.M. Pub Committee, regarding Burnaby's experience with the licensing of Neighbourhood Pubs (please refer to the attached letter).

2.0 GENERAL COMMENTS:

- 2.1 The contents of Ms. Baker's letter essentially requested that the Municipality provide comments on a number of questions related to the existing Provincial Legislation and Municipal Policy affecting the establishment of neighbourhood pubs. It is intended that this information be compiled and assessed by the U.B.C.M. Pub Committee and forwarded to the Minister of Consumer and Corporate Affairs for consideration.
- 2.2 Pursuant to Ms. Baker's request, the Planning Department has prepared the following discussion relative to those specific enquiries outlined in her letter. In addition, Ms. Baker will be provided with copies of relevant Council reports on this topic.

3.0 GENERAL DISCUSSION:

For the purposes of this report, each question will be discussed in order of appearance in Ms. Baker's letter.

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3.1 Are Neighbourhood Pubs a good idea?

Since the Council has by resolution (as per the Liquor Control and Licensing Act) approved the establishment of neighbourhood pubs in Burnaby, the development of such facilities in the Municipality of Burnaby has been regarded as a good concept and provides for a viable alternative to the types of facilities of this kind that were permitted under the previous legislation.

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3.2 Size, Location and Operating Hours of Neighbourhood Pubs.

The size and location of neighbourhood pubs is governed by the existing Provincially legislated requirements in part (ie. one mile radius requirement, maximum of 100 patrons etc.) and by the Burnaby Zoning By-Law which was amended in 1975 to permit pubs to be located in the C1(Neighbourhood), C2(Community) and C3(General) Commercial Districts (as part of a CD, Comprehensive Development project) subject to compliance with the Government Liquor Act and the regulations of the respective zoning districts. Copies of these zoning district regulations have been attached for reference purposes.

Relative to hours of operation, the Planning Department advises that the existing legislation provided in the Provincial Liquor Control and Licensing Act has been utilized to date in this regard. These regulations have thus far been satisfactory and will be discussed in more detail below.

3.3 Municipal or Provincial Control of Operating Hours.

The following legislation as outlined in the Liquor Control and Licensing Act regulates neighbourhood pub operating hours;

Section 17(4)(b) " Subject to a limitation by the General Manager in the license, hours of sale shall be a maximum of 14 hours between the hours of 9:00 am and 11:00 pm, and shall remain closed between the hour prescribed for closing on Saturday until the hour prescribed for the opening of business on the following Monday except where municipal or regional authorities have extended the hours of sale to comply with those of an "A" licence. "

An "A" licence which includes Hotels, resorts, clubs etc. permits hours of sale in the same fashion as in "D" Neighbourhood Pub licences but allows for the sale of alcohol to extend until 2:00 am.

The Planning Department advises that the existing legislation in this regard is satisfactory and does provide for the appropriate Municipal discretion relative to extending hours of sale where it may be suitable. Further, Council is advised that the Municipality does not regulate the operating hours of Neighbourhood Pubs through the issuance of a Municipal Business Licence but rather relies on the regulations contained in the Liquor Act. As such, there does not appear to be a need to alter the manner in which these regulations are authorized.

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### 3.4 Control of Entertainment Quality

Pursuant to the recent amendments made to the Liquor Control and Licensing Act which were proclaimed in 1977 October, the following Section 54A has been inserted after Section 54:

"54A. Where, under the regulations or the terms and conditions of a licence, entertainment is permitted, a municipality or regional district may restrict or prohibit any or all of the types of entertainment so permitted."

As such, the Municipality may now regulate the type of entertainment permitted in a licensed establishment (including neighbourhood pubs) and may do so by introduction of an appropriate by-law as outlined in Section 14(4) of the Liquor Control and Licensing Act Regulations.

The Planning Department advises that the initiation of a by-law to restrict or prohibit entertainment in this manner would require a specific Council directive in which considerable Council deliberation, staff assessment and study would be necessary. As such action has not been initiated to date, this Department is not able to comment any further on this question.

### 3.5 Number of Neighbourhood Pub licences Issued in Burnaby

At the present time, only one Neighbourhood Pub has been established in Burnaby. Delaney's Place located at Unit #170-5665 Kingsway within the Imperial Place commercial complex was opened in 1976 August.

### 3.6 Number of Current Applications

The Municipality of Burnaby is not in receipt of any current applications for the establishment of neighbourhood pubs at this time. Pursuant to the recently amended Liquor Control and Licensing Act, the Municipality is not authorized to deal with respective licence applications until such applications have been issued preclearance by the Liquor Control and Licensing Branch.

### 3.7 General Location(s) within the Municipality

Assuming that Ms. Baker is enquiring about the potential locations for the establishment of additional neighbourhood pubs in Burnaby, the Planning Department advises that the Manager's Report #77, Item #2, 1977 November 07 addresses this topic in Section 5.2. A copy of this report will be made available to Ms. Baker. Essentially this report concluded that the existing locational criteria as per the Provincial legislation in combination with the Municipal Zoning regulations placed a relatively severe limitation on future pub locations within the Municipality. The sketch attached to that report identified those areas of the Municipality that are available relative to the governing locational criteria outlined in the Liquor Act without taking into consideration existing zoning designations or existing location of schools, churches or other relevant institutional facilities.

3.8 Municipal Control over the Issuance of Licenses

Essentially the control of the issuance of neighbourhood pub licenses is administered by the regulations contained in the Liquor Act, the Municipal Zoning By-Law and the adopted Municipal Administrative procedure for pub applications. A detailed account of these procedures would entail an extremely lengthy discussion which does not seem warranted at this time. However, other sections of this report deal with this topic and should be referred to in this regard. In addition, a more detailed discussion of this topic is found within the Manager's Report No. 49 1975 July 21 which will be made available to Ms. Baker. 128

3.9 Success of Neighbourhood Pubs in Meeting Original Aims and Objectives

The Planning Department advises that the existing Delaney's Place neighbourhood pub has in our opinion proven to be successful in this regard as it appears to be very popular with the Burnaby residents. The Municipality has received no complaints regarding its operation.

3.10 Citizen Response

Assuming that Ms. Baker is enquiring about the manner in which citizens have responded to respective neighbourhood pub applications, the Planning Department advises that Sections C & D of Manager's Report #49, 1975 July 21 outlines the manner in which citizen response is solicited and evaluated in terms of Municipal consideration and processing of respective applications. A copy of this report will be made available to Ms. Baker. Relative to citizen response to the three neighbourhood pub applications considered by the Municipality to date, two of the applications were given favourable responses (over 50% of the response was favourable). Should Ms. Baker wish to gain additional and more detailed information in this regard, the Planning Department will be available for assistance.

3.11 Problems Encountered with Neighbourhood Pubs and/or Provincial regulations

As outlined in Section 3.8 above, the Municipality has not encountered any problems with the one neighbourhood pub operating in this Municipality. Relative to problems encountered with the Provincial regulations, Section 3.7 above outlines the manner in which these regulations make it difficult to locate additional sites within the Municipality that satisfy both the Provincial and Municipal locational criteria.

4.0 CONCLUSION:

The Planning Department trusts the foregoing information provides suitable answers and comments relative to those questions asked by Ms. Baker. Should there be any further questions or comments required, this Department will be available for further assistance.

5.0 RECOMMENDATION:

It is recommended THAT Council receive the report of the Planning Department for information purposes, and that Ms. Baker be forwarded a copy of this report and additional relevant Council reports on this topic.

  
A. L. Parr  
DIRECTOR OF PLANNING

PDS/sam  
Attachments  
cc: Chief Licenses Inspector  
Municipal Solicitor

(b) a by-law of a municipality or regional district having jurisdiction over it as a place where liquor may be consumed.  
 (3) Where a place is designated under subsection (2), subsection (1) does not apply to it or the persons in it.

- s. 50. 18. Section 50 is amended by renumbering it as subsection (1) and adding the following:  
 (2) No licensee or his employee shall permit an intoxicated person to remain in his licensed establishment.
- s. 52. 19. Section 52 is amended  
 (a) in subsection (1), by inserting "or that the person is intoxicated" after "undesirable", and  
 (b) by adding the following after subsection (3):  
 (4) A peace officer may arrest, without warrant, a person contravening or suspected of contravening subsection (2).
- s. 54A. Entertainment. 20. The Act is further amended by inserting the following after section 54:  
 \* 54A. Where, under the regulations or the terms and conditions of a licence, entertainment is permitted, a municipality or regional district may restrict or prohibit any or all of the types of entertainment so permitted.
- s. 56 (5). 21. Section 56 (5) is amended  
 (a) by striking out "wine or", and  
 (b) by inserting "a one litre bottle in the case of wine." after "liquor,".
- s. 56 (6). 22. Section 56 (6) is amended by striking out "of one year." and substituting "not exceeding one year."
- s. 61 (1) to (3). 23. Section 61 (1) to (3) are repealed and the following substituted:  
 (1) Every distiller in the Province licensed by the Government of Canada to manufacture or keep liquor in a place and manner authorized by or under an Act of Canada shall in each year apply to the general manager for a separate licence authorizing the applicant to sell liquor to the Liquor Distribution Branch, for which licence he shall pay to the general manager a prescribed annual licence fee.  
 (2) Every brewer in the Province licensed by the Government of Canada to manufacture or keep malt liquor in a place and manner authorized by or under an Act of Canada shall in each year apply to the general manager for a separate licence authorizing the applicant to sell malt liquor to the Liquor Distribution Branch, for which licence he shall pay to the general manager a prescribed annual licence fee.

**301. NEIGHBOURHOOD COMMERCIAL DISTRICT (C1)**

This District provides for the convenience shopping of persons residing in the adjacent residential areas and permits only such uses as are necessary to satisfy those limited basic shopping needs which occur daily or frequently and therefore require shopping facilities in close proximity to places of residence.

**301.1 Uses Permitted:**

- (1) Banks.
- (2) Business and professional offices.
- (3) Cafes or restaurants (excluding drive-in restaurants).
- (4) Self-serve gasoline service stations, which were constructed or converted to this use on or before January 1, 1977, and conventional gasoline service stations, when included as part of a shopping centre and subject to the regulations of the C6 District. (B/L #6906-31/1/77)
- (5) Personal service establishments including:  
barbershops, beauty parlours, dry cleaning establishments (for the collection and delivery of articles but not for the treatment, cleaning or processing of such articles), dry cleaning shops (automatic self-service only), electrical appliance repair shops, florist shops, laundrettes (automatic self-service only), optical or watch repair shops, outdoor garden shops (for not more than six months in any year), photographic studios, shoe repair shops, tailor shops, dressmaking shops and similar establishments. (B/L # 4946-24/5/66)
- (6) Retail stores catering to the day-to-day shopping needs of the residents of the local neighbourhood.
- (7) Shopping Centres.
- (8) One dwelling unit, limited to the proprietor of the premises and his immediate family, within a commercial building, provided that:
  - (a) If located on the same level as the commercial use it shall be located behind the commercial use and not closer than 20 feet to the front of the building.
  - (b) It is fully separated from the commercial use with the main street access to the dwelling unit being entirely separate from the related commercial use.
- (9) Accessory buildings and uses.
- (10) Neighbourhood public houses, subject to the following conditions:
  - (a) Compliance with the Government Liquor Act and regulations passed pursuant thereto governing the issuing of general licences (neighbourhood public houses)
  - (b) No side yard shall be required, except that:
    - (i) in the case of a corner lot, the side yard adjoining the flanking street shall be not less than 10 feet in width,
    - (ii) where a lot abuts a lot in an A, R, RM or P5 District, or is separated by a street or lane therefrom, a side yard shall be provided of not less than 20 feet in width.

(c) Screening of not less than 6 feet in height shall be provided and properly maintained along any boundary of the lot which abuts a lot in an A, R, RM or P5 District, or is separated therefrom by a lane.

(d) Any part of a lot used for building, parking or loading facilities shall be fully and suitably landscaped and properly maintained.

(e) Compliance with all of the other regulations, unless expressly modified herein, governing development in a Neighbourhood Commercial District. (B/L #6564-26/5/75)

**301.2 Conditions of Use:**

- (1) Every business or undertaking shall be conducted within a completely enclosed building except for parking and loading facilities, gasoline service stations and outdoor garden shops. (B/L # 4946-24/5/66)
- (2) Goods shall consist primarily of new merchandise and all goods produced on the premises shall be sold at retail on the same premises.
- (3) All principal uses shall be oriented to pedestrian needs and be so located and designed as to avoid vehicular interference with pedestrian movement.

**301.3 Height of Buildings:**

The height of a building shall not exceed 30 feet nor 2 storeys.

**301.4 Lot Area and Width:**

Each lot shall have an area of not less than 6,000 square feet and a width of not less than 50 feet.

**301.5 Lot Coverage:**

The maximum coverage shall be 50 percent of the lot area.

**301.6 Front Yard:**

A front yard shall be provided of not less than 20 feet in depth.

**301.7 Side Yards:**

(1) No side yards shall be required, except that:

- (a) In the case of a corner lot, the side yard adjoining the flanking street shall be not less than 10 feet in width.
- (b) Where a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, a side yard shall be provided of a width not less than the required side yard of the abutting lot on the same side, but need not exceed 10 feet in width.

(2) Where a side yard is provided when not required by the provisions of this Bylaw, such side yard shall be not less than 12 feet in width.

**301.8 Rear Yard:**

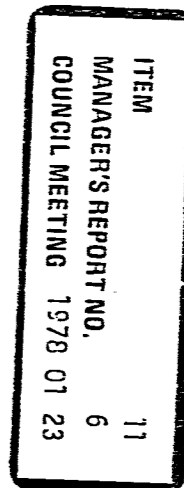
A rear yard shall be provided of not less than 20 feet in depth.

**301.9 Off-Street Parking:**

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.

**301.10 Off-Street Loading:**

Off-street loading shall be provided and maintained in accordance with Schedule IX of this Bylaw.



**302. COMMUNITY COMMERCIAL DISTRICT (C2)**

This District provides for the daily and occasional shopping needs of residents of several neighbourhoods.

**302.1 Uses Permitted:**

- (1) Banks.
- (2) Business and professional offices.
- (3) Cafes or restaurants (excluding drive-in restaurants).
- (4) Clubs or lodges.
- (5) (a) Conventional gasoline service stations, subject to the regulations of the C6 (Gasoline Service Station) District.  
(b) Self-serve gasoline service stations, which were constructed or converted for this use on or before January 1, 1977, subject to the regulations of the C6 (Gasoline Service Station) District. (B/L #6906-31/1/77)
- (6) Personal service establishments including: barbershops, beauty parlours, dry cleaning establishments (for the collection and delivery of articles, but not for the treatment, cleaning or processing of such articles), dry cleaning shops (automatic self-service only), electrical appliance repair shops, florist shops, laundrettes (automatic self-service only), optical or watch repair shops, outdoor garden shops (for not more than six months in any year), photographic studios, shoe repair shops, tailor shops, dressmaking shops and similar establishments. (B/L # 4946-24/5/66)
- (7) Public assembly and entertainment uses, including: billiard and pool halls, bowling alleys, catering establishments, meeting halls and theatres, (excluding drive-in theatres).
- (8) Retail stores catering to the daily and occasional shopping needs of the residents of several neighbourhoods.
- (9) Shopping centres.
- (10) Accessory buildings and uses.
- (11) Taxi Dispatch Offices. (B/L # 5752-24/8/70)
- (12) Neighbourhood public houses, subject to the provisions of section 301.1 (10) and compliance with all of the other regulations, unless expressly modified therein, governing development in a Community Commercial District (C2)" (B/L #6564-26/5/75)

**302.2 Conditions of Use:**

- (1) Every business or undertaking shall be conducted within a completely enclosed building except for parking and loading facilities, gasoline service stations and outdoor garden shops. (B/L # 4946-24/5/66)
- (2) All goods produced on the premises shall be sold at retail on the same premises.
- (3) No residential uses shall be permitted.

- (4) All principal uses shall be oriented to pedestrian needs and be so located and designed as to avoid vehicular interference with pedestrian movement.

**302.3 Height of Buildings:**

The height of a building shall not exceed 40 feet nor 3 storeys.

**302.4 Lot Area and Width:**

Each lot shall have an area of not less than 6,000 square feet and a width of not less than 50 feet.

**302.5 Floor Area Ratio:**

The floor area ratio shall in no case exceed 2.50.

**302.6 Front Yard:**

No front yard shall be required.

**302.7 Side Yards:**

- (1) No side yards shall be required, except that where a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, a side yard shall be provided of a width not less than the required side yard of the abutting lot on the same side, but need not exceed 10 feet in width.
- (2) Where a side yard is provided when not required by the provisions of this Bylaw, the side yard adjoining an abutting lot shall be not less than 12 feet in width. (B/L # 5042-28/11/66)

**302.8 Rear Yard:**

A rear yard shall be provided of not less than 10 feet in depth, except where a lot abuts a lot in an A, R or RM District, such rear yard shall be not less than 20 feet in depth.

**302.9 Off-Street Parking:**

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.

**302.10 Off-Street Loading:**

Off-street loading shall be provided and maintained in accordance with Schedule IX of this Bylaw.



### 303. GENERAL COMMERCIAL DISTRICT (C3)

This District is designed to serve the needs of a large consumer population, both on a local and a municipal level.

#### 303.1 Uses Permitted:

- (1) Automobile or boat showrooms, including related minor repair shops.
- (2) Banks.
- (3) Business and professional offices.
- (4) Cafes and restaurants (excluding drive-in restaurants).
- (5) Self-serve gasoline service stations, which were constructed or converted to this use on or before January 1, 1977, and conventional gasoline service stations, subject to the regulations of the C6 District, and car washing establishments only where such uses are included:
  - (a) as part of a shopping centre, or
  - (b) in combination with, and on the same lot as an automobile showroom and/or establishment for the retail sale of new automobile parts and accessories. (B/L #6906-31/1/77)
- (6) Clubs or lodges.
- (7) Commercial schools.
- (8) Deleted. (B/L # 5072-7/10/68).
- (9) Health service centres, reducing salons, steam baths.
- (10) Hotels.
- (11) Parking garages, provided that where a lot abuts a lot in an A, R or RM District a side yard shall be provided of not less than 20 feet in width.
- (12) Personal service establishments, including: barbershops, beauty parlours, dry cleaning establishments (for the collection and delivery of articles but not for the treatment, cleaning or processing of such articles), dry cleaning shops (automatic self-service only), electrical appliance repair shops, florist shops, laundrettes (automatic self-service only), optical or watch repair shops, outdoor garden shops (for not more than six months in any year), photographic studios, shoe repair shops, tailor shops, dressmaking shops and similar establishments. (B/L #4946-24/5/66)
- (13) Public assembly and entertainment uses, including: auditoriums, amusement arcades, billiard and pool halls, bowling alleys, catering establishments, dance halls, gymnasiums, meeting halls, night clubs, swimming pools and theatres (excluding drive-in theatres).
- (14) Public transportation depots.
- (15) Retail sale of new automobile parts and accessories.
- (16) Retail stores.
- (17) Shopping centres.

- (18) Studios (artist, display, radio, recording, television).
- (19) Taxi Dispatch Offices. (B/L # 5752-24/8/70)
- (20) Dwelling units located above the first storey of a building, subject to the following conditions:
  - (a) That the height of the building shall not exceed 30 feet nor 2 storeys.
  - (b) That the ground floor of the building shall be used only for commercial purposes.
  - (c) That the maximum density of units shall be not greater than one suite for each 3,000 square feet of site area.
  - (d) That no suite shall contain more than one bedroom.
  - (e) That for each suite, one on-site parking space shall be provided, located in such a way that utilization of secondary access to the commercial premises is not impaired.
  - (f) That a completely separate public entrance to the apartment accommodation shall be provided from the ground floor front elevation, except that on a corner lot access may be from the ground floor side street elevation.
- (21) Accessory buildings and uses.
- (22) Neighbourhood public houses, subject to the following conditions:
  - (a) Compliance with the Government Liquor Act and regulations passed pursuant thereto governing the issuance of general licences (neighbourhood public houses), and
  - (b) Provided that such use is included as part of a comprehensive development project subject to the provisions of the CD (Comprehensive Development) District." (B/L #6564-26/5/75)

#### 303.2 Conditions of Use:

- (1) Every business or undertaking shall be conducted within a completely enclosed building except for parking and loading facilities, gasoline service stations and outdoor garden shops. (B/L # 4946-24/5/66).
- (2) All goods produced on the premises shall be sold at retail on the same premises.
- (3) All principal uses shall be oriented to pedestrian needs and be so located and designed as to avoid vehicular interference with pedestrian movement.

#### 303.3 Height of Buildings:

The height of a building shall not exceed 120 feet nor 10 storeys.

#### 303.4 Lot Area and Width:

Each lot shall have an area of not less than 6,000 square feet and a width of not less than 50 feet.

#### 303.5 Floor Area Ratio:

The maximum floor area ratio shall be 5.00, except that where parking spaces are provided in, beneath or on the roof of the prin-

cipal building (excluding the ground floor of an accessory building which has become a part of the principal building by reason of its attachment to the principal buildings) or underground (where the roof of the underground parking area is not more than 2½ feet above the adjacent finished grade), an amount may be added to the floor area ratio equal to 1.00 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 1.00. (B/L # 5526-16/6/69).

#### 303.6 Front Yard:

No front yard shall be required.

#### 303.7 Side Yards:

- (1) No side yards shall be required, except that where a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom; a side yard shall be provided of a width not less than the required side yard of the abutting lot on the same side, but need not exceed 10 feet in width.
- (2) Where a side yard is provided when not required by the provisions of this Bylaw, the side yard adjoining an abutting lot shall be not less than 12 feet in width. (B/L # 5042-28/11/66)

#### 303.8 Rear Yard:

A rear yard shall be provided of not less than 10 feet in depth, except where a lot abuts a lot in an A, R or RM District, such rear yard shall be not less than 20 feet in depth.

#### 303.9 Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with Schedule VIII of this Bylaw.

#### 303.10 Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule IX of this Bylaw.