

ITEM	10
MANAGER'S REPORT NO.	16
COUNCIL MEETING	1978 02 27

Re: DELANEY'S PLACE NEIGHBOURHOOD PUB
UNIT #170 - 5665 KINGSWAY, BURNABY
HOURS OF OPERATION
(Item 2, Report No. 6, 1978 January 23)

Following is a report from the Director of Planning on a request from the owners and operators of a pub for an extension to the hours of operation.

RECOMMENDATIONS:

1. THAT the request to alter the operating hours of Delaney's Place Neighbourhood Pub from 11:00 h to 01:00 h be approved; and
2. THAT Council's approval be forwarded to the General Manager of the Liquor Control and Licensing Branch in Victoria; and
3. THAT the alleged overcrowding of the facility in contravention of the Liquor Control and Licensing Act be brought to the attention of the General Manager such that appropriate measures to resolve this situation can be taken accordingly; and
4. THAT a copy of this report be sent to Messrs. Don Greer and Joe Strodl.

PLANNING DEPARTMENT
1978 FEBRUARY 22.

TO: MUNICIPAL MANAGER

FROM: DIRECTOR OF PLANNING

SUBJECT: DELANEY'S PLACE NEIGHBOURHOOD PUB
UNIT #170 - 5665 KINGSWAY - IMPERIAL PLACE
REQUEST TO ALTER HOURS OF OPERATION

1.0 INTRODUCTION:

Appearing on the 1978 January 23 Council Agenda was a letter from Mr. Joe Strodl, the owner/operator of the above referenced Neighbourhood Pub requesting an extension of his pub's hours of operation (refer to attached letter).

2.0 GENERAL INFORMATION:

2.1 The subject facility, which opened in 1976 August presently operates as a Class "D" Liquor License which permits the hours of sale between 09:00 h and 23:00 h Monday through Saturday. The applicant has made application to the appropriate authorities to change his hours of operation from 11:00 h to 01:00 h Monday through Saturday.

2.2 Council is advised that 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 09:00 h and 23:00 h, 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" license. "

An "A" license which includes Hotels, resorts, clubs etc. permits hours of sale in the same fashion as in "D" Neighbourhood Pub licenses but allows for the sale of alcohol to extend until 02:00 h.

2.3 Pursuant to Mr. Strodl's request, the Planning Department has requested those relevant Municipal Departments and other pertinent agencies to comment on this application relative to their Departmental concerns. Since these comments have now been obtained, it is appropriate for this request to be brought forward for Council consideration at this time. 128

3.0 GENERAL DISCUSSION:

3.1 The majority of those Municipal Departments contacted (with the exception as noted in Section 3.2) do not have any objections to the proposed change in operating hours. In addition, the Burnaby Detachment of the RCMP have advised that they have not experienced any problems with this facility in the past and do not anticipate that this will change should their hours of operation be altered.

3.2 Council is advised that the Burnaby Fire Prevention office has experienced problems with overcrowding of the premises. Pursuant to the Regulations of the Liquor Control and Licensing Act, a maximum of 100 patrons is permitted in a neighbourhood pub at any one time. Upon two recent inspections of the premises the Fire Prevention Office alleges that occupancy had reached up to 200 patrons in contravention of the Liquor Act. This situation has been brought to the attention of Regional Office of the Liquor Administration Branch requesting that this situation be resolved accordingly.

3.3 The Planning Department advises that the subject facility is located within an established retail commercial complex that has abundant surface parking to serve the needs of its patrons. In addition, the building is set back approximately 45 m from the adjacent residential area to the north with a landscaped buffer 2 m in height and width separating the parking surface from these residential properties. As such, the facility has not presented a negative impact on its immediate residential neighbours and is not anticipated to do so should the hours of operation be extended to 01:00 h.

4.0 CONCLUSION:

In light of the foregoing information, this Department is of the opinion that the subject request will have no detrimental impact on the immediate area nor on the community at large. However, it is important to note the alleged overcrowding of the facility in contravention of the Liquor Act as outlined in Section 3.2 such that appropriate measures to resolve this situation can be taken by the Liquor Control and Licensing Branch authorities.

5.0 RECOMMENDATIONS:

It is recommended:

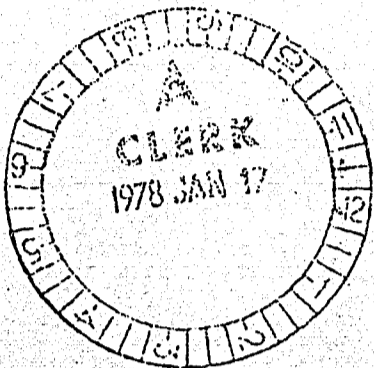
- 5.1 THAT Council receive the report of the Planning Department and that Council resolve to approve the request to alter the operating hours of the subject facility from 11:00 h to 01:00 h.
- 5.2 THAT Council's resolution be forwarded to the General Manager of the Liquor Control and Licensing Branch in Victoria.
- 5.3 THAT the alleged overcrowding of the facility in contravention of the Liquor Control & Licensing Act be brought to the attention of the General Manager such that appropriate measures to resolve this situation can be taken accordingly.


A. L. Parr
DIRECTOR OF PLANNING

PDS/sam
Attachment
cc: Chief Fire Prevention Officer
Chief License Inspector

~~CORRESPONDENCE AND PETITIONS~~
Regular Council Meeting
1978 JANUARY 23

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Delaney's Place Neighbourhood Pub
Unit #170-5665 Kingsway
Burnaby, B.C.
Phone 433-8942
January 16, 1978

To the Honorable Mayor and Members of Council
Municipality of Burnaby.

The owner/operators of Delaney's Place Neighbourhood Pub
wish to apply for the hours of operation to be changed to read 11:00
A.M. to 1:00 A.M. from the now current hours of 9:00 A.M. to 11:00 P.M.

Many of our Patrons have requested we have later hours
rather than leaving our premises at 11:00 P.M. and traveling to
another establishment.

Enclosed please find portions of the Public Survey taken at
the time of our applying for a Neighbourhood Pub Licence. The greater
percentage of those surveyed were in favor of the later closing hours.

Yours truly,

Don Greer

Joe Strodl

Owners/operators Delaney's Place

- AGENDA-(1978 01 23)
- COPY-MANAGER
 - PLANNER (FOR REPORT) ✓
 - CHIEF LICENCE INSPECTOR

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COMMENTARY ON RESULTS

1. A total of 1,188 ballots (almost exactly 50%) of the 2,375 distributed, were returned within the deadline period. The rate of return was highest amongst those who "reside" nearest to the proposed pub site.

	<u>TOTAL</u>	<u>DISTANCE FROM PROPOSED SITE</u> <u>WITHIN ONE QUARTER</u> <u>TO ONE-HALF MILE</u>	<u>ONE QUARTER</u> <u>TO</u> <u>ONE-HALF MILE</u>
TOTAL BALLOTS DISTRIBUTED	2375	365	2010
RETURNED - NUMBER	1188	229	959
- %	50	63	48

(Refer to Detailed Table 1)

2. A majority (78%) of area residents who replied to the study are in favour of the proposed pub. This level of acceptance is equally strong among voters within the quarter-mile radius as it is among those in the one-quarter to half-mile radius.

	<u>TOTAL</u>	<u>DISTANCE FROM PROPOSED SITE</u> <u>WITHIN ONE QUARTER</u> <u>MILE</u>	<u>ONE QUARTER</u> <u>TO</u> <u>ONE-HALF MILE</u>
RETURNED BALLOTS	1188	229	959
<u>IN FAVOUR OF PROPOSED PUB:</u>			
NUMBER	927	177	750
%	78	77	78

(Refer to Detailed Table 2)

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3. Persons in favour of the pub were requested to specify the latest closing hour they feel would be appropriate. The single, most popular closing hour is 12:00 midnight, however, a number of residents in favour of the pub (43%) would prefer a later closing hour (1:00 A.M. or 2:00 A.M.).

(Refer to Detailed Table 3)

4. All persons responding to the survey did not volunteer additional comments. The remarks of those who did are presented verbatim following the Detailed Tables (see pages 4 - 22).

Among those in favour of the pub, additional comments focus on:

- approval of the pub idea, the neighbourhood feeling and interaction it would encourage (as found in English/European pubs),
- further reference to pub hours with frequent reference to later closing on weekends,
- the need for supervision to keep out rowdy persons and minors,
- discouraging driving and drinking,
- parking and traffic-related needs.

Persons against the proposed pub tend to be more vocal. Their criticisms focus on noise and traffic problems and moral reasons. They also assert that the area has sufficient licensed premises.

CORRESPONDENCE AND PETITIONS
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TABLE NO. 3

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LATEST CLOSING HOUR APPROPRIATE
FOR PROPOSED NEIGHBOURHOOD PUB

TOTAL VOTERS WHO ARE IN FAVOUR OF PROPOSED NEIGHBOURHOOD PUB	TOTAL		WITHIN ½ MILE RADIUS FROM PUB		½ TO ½ MILE RADIUS FROM PUB	
	NO. (927)	% (100)	NO. (177)	% (100)	NO. (750)	% (100)
<u>LATEST CLOSING HOUR</u>						
11:00 P.M.	(174)	19	(34)	19	(140)	19
12:00 P.M.	(300)	32	(57)	32	(243)	32
1:00 A.M.	(235)	25	(39)	22	(196)	26
2:00 A.M.	(167)	18	(38)	21	(129)	17
<u>OTHER TIMES MENTIONED</u>						
10:00 P.M.	(1)	*	(-)	-	(1)	*
11:00 P.M. WEEKDAYS - 12:00 P.M. SATURDAY	(1)	*	(-)	-	(1)	*
11:00 P.M. WEEKDAYS - 1:00 A.M. SATURDAY	(7)	1	(1)	1	(6)	1
11:00 P.M. WEEKDAYS - 2:00 A.M. SATURDAY	(5)	1	(1)	1	(4)	1
12:00 P.M. WEEKDAYS - 1:00 A.M. SATURDAY	(5)	1	(-)	-	(5)	1
12:00 P.M. WEEKDAYS - 2:00 A.M. SATURDAY	(3)	*	(-)	-	(3)	*
11:00 P.M. OR 12:00 P.M.	(2)	*	(-)	-	(2)	*
12:00 P.M. OR 1:00 A.M.	(1)	*	(-)	-	(1)	*
DON'T KNOW	(26)	3	(7)	4	(19)	3

NOTE: * Equals less than one-half of one percent.
Percent figures are rounded