

RE: MUNICIPAL ROLE IN SEEKING PUBLIC INPUT  
ON LIQUOR LICENCE APPLICATIONS

ITEM	5
MANAGER'S REPORT NO.	31
COUNCIL MEETING	90/04/30

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1990 APRIL 24

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

**SUBJECT: MUNICIPAL ROLE IN SEEKING PUBLIC INPUT  
ON LIQUOR LICENCE APPLICATIONS**

PURPOSE: To provide Council with information regarding the procedure to be utilized to determine public opinion for certain types of liquor licence applications.

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RECOMMENDATIONS:

- 1) THAT Council adopt the procedure outlined in this report as the method to be utilized for obtaining public opinion on liquor licence applications.
- 2) THAT the Burnaby Zoning Bylaw be amended to change the term "night club" to "cabaret" in the C3 District and the C4 District and to provide a definition for cabaret and that the necessary Amending Bylaw be prepared and advanced to First Reading on 1990 May 07 and to a Public Hearing on 1990 May 29 at 7:30 p.m.
- 3) THAT a copy of this report be sent to the General Manager, Liquor Control and Licensing Branch and the General Manager, Liquor Distribution Branch.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 In January 1990, the Planning and Building Inspection Department received notification from the Liquor Control and Licensing Branch that municipalities now have the responsibility for determining the views of local residents on any liquor licence application or significant changes to an existing licence where, in the opinion of the General Manager, the view of residents should be considered.
- 1.2 Applicants for Class "A" (Hotels, clubs, recreational centres, cultural centres, etc), Class "C" (Cabarets), Class "E" (Stadiums and concert halls), and Class "G" (Licensee retail stores) liquor licences must now include a favourable municipal resolution as part of their liquor licence application. Applicants for Class "D" (Neighbourhood pubs) and Class "F" (Marine pubs) must seek a municipal resolution at a later stage in the provincial approval process, with the resolution to include a statement on public opinion on the application.

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This report responds to the change in the Provincial Government regulations and provides information on the public input procedure that is intended to be utilized for various types of liquor licence applications.

**2.0 GENERAL DISCUSSION:**

2.1 A public input policy for applications for Class "D" Neighbourhood Public Houses and Class "G" Licensee Retail Stores (beer and wine stores) has previously been adopted by Council and is utilized on an ongoing basis. This policy requires the applicants for these types of liquor licensed facilities to deposit with the Municipality sufficient monies to conduct a neighbourhood survey. This Department considers this public input requirement appropriate and does not recommend any changes to this policy.

2.2 In terms of the other classes of liquor licences, the following public input is considered appropriate and unless Council directs otherwise, will be utilized in the future:

a) Class "A" liquor licences include a variety of types of establishments. The type of Class "A" liquor establishment which staff feel has the greatest potential for a significant impact on the surrounding community, due to their size and nature of the activity, is Class "A" Hotel pubs and lounges. It is therefore appropriate to require applicants for a Class "A" liquor licence for a hotel pub or a hotel lounge to be required to deposit sufficient monies to conduct a neighbourhood survey.

b) Class "C" Cabarets are permitted to have a maximum capacity of 350 persons, with hours of sale being up to 2:00 a.m. It is well recognized that cabarets have the potential for creating more problems than any of the other types of liquor licence establishments. It is therefore appropriate to require applicants for a Class "C" Cabaret liquor licence to deposit sufficient monies to conduct a neighbourhood survey.

Cabarets are considered to be equivalent to "night clubs", which are listed as a permitted use in the C3 General Commercial District and the C4 Service Commercial District in the Burnaby Zoning Bylaw. In order to allow the use noted in the Zoning Bylaw to reflect the term utilized in the Liquor Control and Licensing Branch regulations and the more common term in the community, it is recommended that the term "night clubs" be changed to the term "cabaret" in the C3 and the C4 Commercial District and that "cabaret" be defined in the Zoning Bylaw.

c) In 1988, Council adopted a Bylaw amending the Zoning Bylaw, creating the C2a and the C3a Commercial District and establishing liquor stores as a permitted use in these zoning Districts. The definition for liquor store includes a government liquor store, a government beer store, a government wine store, an agency established under the Liquor Distribution Act and a licensee retail store licensed under the Liquor Control and Licensing Act.

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In response to the specific change in Liquor Control and Licensing Branch regulations creating the Class "G" Licensee retail store category, a policy was adopted which required applicants for licensee retail stores alone, to deposit sufficient monies to conduct a neighbourhood survey, while the Zoning Bylaw was amended to require applicants for all types of liquor stores to go through the rezoning process. It has always been the intention to treat all liquor stores consistently in terms of the public input requirement, as all liquor stores have an equal potential for community impact. It is therefore appropriate to require all applicants for liquor stores to deposit sufficient monies to conduct a neighbourhood survey.

2.3 In the past, the Liquor Control and Licensing Branch has required that all surveys be conducted in an area defined by a 1/2 mile radius from the proposed liquor licence establishment. In light of the minimal impact that a new liquor licence facility would have on businesses and residences near the outer edge of the 1/2 mile radius, combined with the high cost involved to both conduct the survey, and oversee/audit the survey, it has been concluded that a radius of 550 m (1,804.5 ft.) would be more appropriate.

2.4 With the potential increase in the number of liquor licence applications that would require a neighbourhood survey and the intensive, but irregular work involved for staff in coordinating the surveys, including conducting a necessary audit, it is considered necessary for the Planning and Building Inspection Department, in consultation with the Purchasing Agent, to hire an independent consultant to coordinate and supervise neighbourhood surveys for future liquor licence applications.

In order to ensure that the cost for obtaining public opinion on liquor licence applications is not a burden on the Municipality, but instead, is borne by the applicant, applicants for liquor licences which require a neighbourhood survey will be required to deposit sufficient monies to cover all the anticipated costs associated with seeking public input on a liquor licence application, including the necessary audit and administrative work.

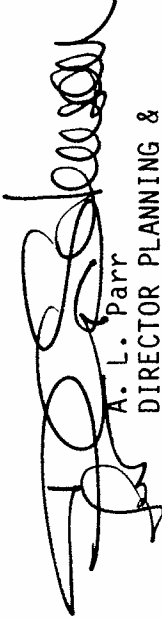
**3.0 CONCLUSION:**

3.1 In response to the Provincial Government assigning all responsibility for determining public opinion on liquor licence applications to the Municipalities, it is appropriate to establish a public input procedure for certain types of liquor licence applications which have a potentially significant community impact and to establish the necessary administrative procedure to manage the public input process in terms of both staffing and the anticipated costs of the procedure.

If Council concurs in the above procedure, staff will ensure that future applicants for the respective types of liquor licences are informed of their obligations in terms of the public input process.

*AW*  
BW:ap

cc: Municipal Solicitor  
Director Finance  
Purchasing Agent

  
A. L. Parr  
DIRECTOR PLANNING &  
BUILDING INSPECTION

