

TO: CITY MANAGER 1993 DECEMBER 08

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: PROPOSED INCREASE IN CABARET PATRON CAPACITY
7012 RANDOLPH AVENUE - WILD PONY CABARET
(SEE ATTACHED SKETCH)
LIQUOR LICENCE APPLICATION #6/93**

PURPOSE: To provide Council with a recommendation on an application to increase the maximum patron capacity at the Wild Pony Cabaret.

RECOMMENDATIONS:

1. **THAT** Council resolve not to approve the request for an increase in patron capacity to 305 persons.
2. **THAT** a copy of this report be sent to Mr. Shaw Saltzberg, Managing Partner, 7012 Randolph Avenue, Burnaby, B.C. V5J 4W6 and the General Manager, Liquor Control and Licensing Branch, 1019 Wharf Street, Victoria, B.C. V8V 1X4.

REPORT

1.0 BACKGROUND INFORMATION:

- 1.1 In 1984 a Preliminary Plan Approval was issued for a 225 seat cabaret at the above address. The subject property is zoned C4 Service Commercial District and M4 Special Industrial District. Cabarets are a permitted use in the C4 District.
- 1.2 The maximum patron capacity in Class "C" Cabarets is 350 patrons. Requests to the Liquor Control & Licensing Branch for a permanent increase in patron capacity must be supported with the written approval of local government and police authorities. The licensed hours of sale of liquor for the Wild Pony Cabaret are 7:00 p.m. to 2:00 a.m. Monday to Saturday and 7:00 p.m. to 12:00 midnight on Sundays.

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- 1.3 Council will recall that on 1993 July 26 a report was submitted to Council on an application to rezone the property at 7037 Randolph Avenue (across Randolph Avenue to the west) to P8 Parking District to permit the property to be used as a parking lot for the subject cabaret. The report advised that the applicant was not requesting an increase in permitted seating in the cabaret at that time, but had indicated that such a request may be submitted through a liquor licence application in the future. The report also stated that such an application would be assessed on its own merits at that time and would be the subject of a further report to Council.

At that time Council adopted the recommendation to forward the rezoning to a Public Hearing, with the rezoning amendment bylaw subsequently given Third Reading on 1993 October 04. The plan of development submitted for the rezoning, which requires only minor revisions to be approveable, shows 16 parking stalls.

The parking requirement for cabarets is 1 stall per 5 seats, therefore the potential 16 additional available parking stalls allow the cabaret to apply for an 80 patron increase in the maximum capacity, resulting in a total patron capacity of 305.

2.0 GENERAL DISCUSSION:

- 2.1 As Council is aware there had been a large number of complaints from adjacent residents and concerns by City staff, including the R.C.M.P., regarding the former liquor licence facility at this site "Coconuts". The applicant has strongly asserted that the current operation is quite different from the former liquor licence establishment and thus, deserves a fresh assessment based on the current situation.

The Class "C" licensed cabaret on this site had operated as "Coconuts" since its opening in 1984 until December of 1992. During that time numerous complaints were received by Council, City staff visited the premises to investigate problems on many occasions and the operators met with Council directly once to address the problems. In December 1992, the cabaret closed down temporarily to convert from a rock and roll type cabaret to a country and western format. In addition to having apparently reduced loud obnoxious behaviour and excessive drunkenness with the change to a country and western format, the applicant has made building and staff changes to better control the volume of the music.

- 2.2 In reviewing the proposed increase in cabaret capacity, this Department has solicited comments from all City Departments, including the Burnaby Detachment of the R.C.M.P.

Environmental Health Services advises that they recently received complaints from a neighbouring resident regarding band noise from the Wild Pony Cabaret and that they have been actively working with the owners on the issue, but that they have not received complaints regarding noise from patrons leaving the premises or vehicles leaving the site, as had occurred with "Coconuts".

Social Planning has expressed the concern that the cabaret could revert to rock and roll format without the necessity of Council approval after the expansion was approved and assert that size is an issue regardless of music type. It has been further noted that there are still concerns regarding late closing times and potential problems associated with drinking and driving and neighbourhood disruption. On this basis, Social Planning recommends against supporting the application.

No other City Departments, including the R.C.M.P., objected to the proposed expansion.

- 2.3 For information, the applicant advises that the Wild Pony Cabaret has received a special occasion licence from the Liquor Control and Licencing Branch a number of times over the past 10 months. The special occasion licences have permitted the cabaret to increase their capacity to 350, and on one occasion to 425 patrons, for a pre-booked special event. In this respect, the cabaret is not strictly limited to the stated 225 patron capacity and the financial limitations of that capacity.
- 2.4 While there may be validity in the claims of the applicant that with the country and western format at this cabaret and a general decrease in alcohol consumption in society in general, that the current licensed establishment presents fewer problems in terms of drunkenness, neighbourhood disturbances and community impacts than in the past; this Department still has concerns regarding expanding the capacity to 305 seats. If Council and the Liquor Control & Licensing Branch approve the expansion to 305 seats, there is no guarantee that the cabaret will retain a country and western format or that the current management will remain at this establishment in the future. For that matter, there is no certainty that the relationship between the amount of alcohol consumption, the associated behaviour and a "country and western" format will remain constant.

A capacity of 305 patrons is considered to be large for a straight drinking establishment (no food consumption required), especially in light of the late closing time and the potential number of patrons to be leaving the site in the early morning hours and the possible neighbourhood impact.

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In conclusion, staff do not consider the proposed increase to be a benefit to the community and do not recommend that Council approve the increase in seating capacity to 305 patrons at the Wild Pony Cabaret.

- 2.5 If Council were to favourably consider this request to increase the patron capacity to 305 patrons, it is recommended that Council approval be subject to the granting of Reconsideration and Final Adoption to Rezoning Reference #37/93, and the development of additional required parking stalls on the site at 7012 Randolph Avenue.

3.0 CONCLUSION:

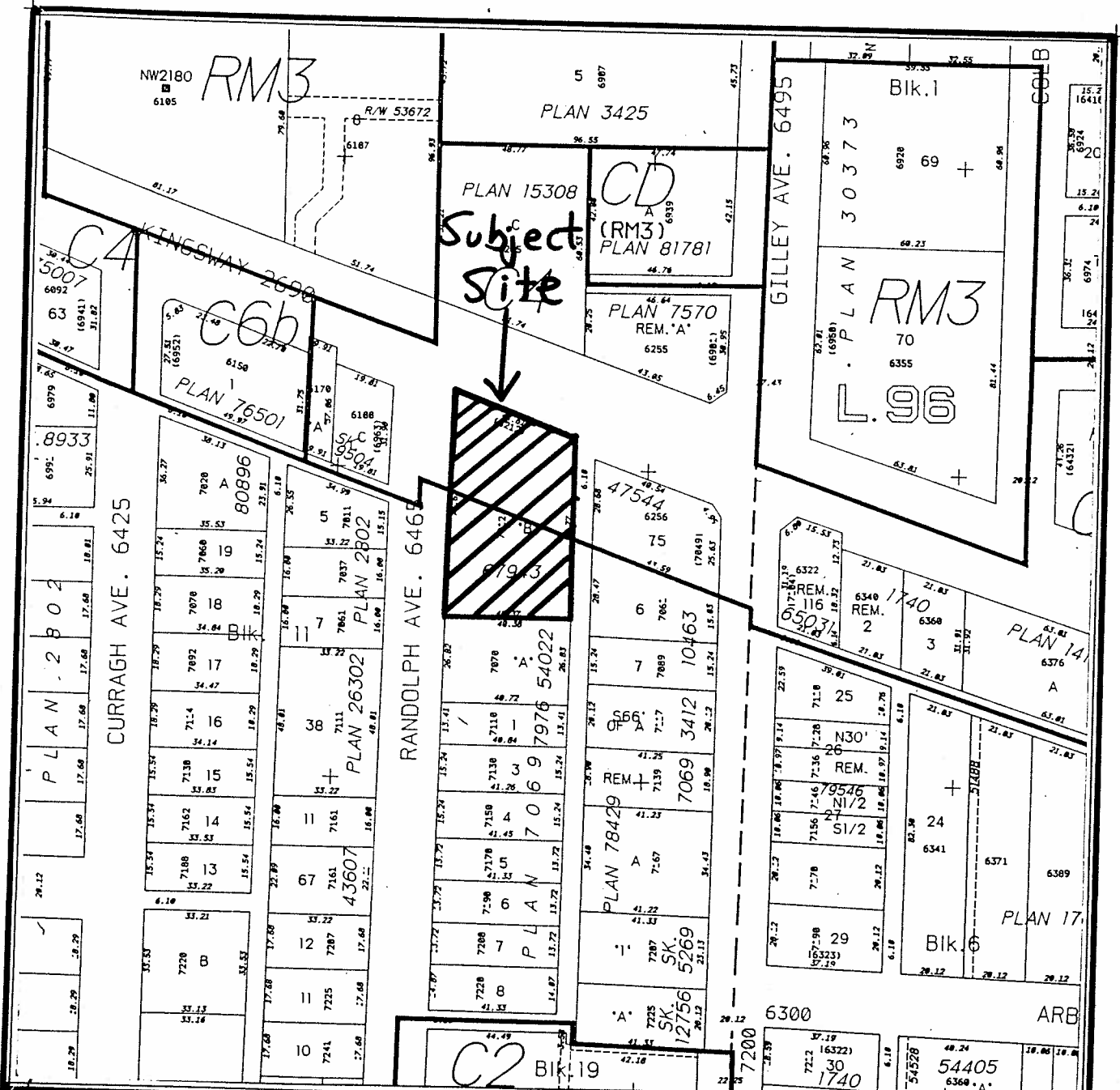
- 3.1 While staff recognize the change in operation and the resulting decrease in problems at this site since the cabaret changed from Coconuts to The Wild Pony, this Department is still concerned with the potential effects of increasing the patron capacity at this site to 305 persons. If Council were to approve the requested increase in patron capacity, there is no guarantee that the cabaret will remain with a country and western format or the same management. This Department does not consider increasing the capacity to 305 patrons to be beneficial to the community and recommends that Council resolve not to approve the application.



D.G. Stenson
Director
Planning and Building

BW:yg
Attach.

cc: Chief Environmental Health Officer
Oi/c RCMP, Burnaby Detachment
Senior Social Planner



Date: 1993 Oct.
 Scale: 1:2000
 Drawn By:



City of Burnaby
 Planning & Building Dept.

Wild Pony Cabaret
 Liquor Licence Application # 6/93



