

TO: CITY MANAGER

2001 MAY 02

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: LIQUOR LICENCE APPLICATION #01-5
HOTEL BURNABY (NIX PUB)
7610 KINGSWAY (Attached Sketch #1)

PURPOSE: To provide Council with a recommendation on the requested extension of operating hours for the Class "A" pub within the Hotel Burnaby.

RECOMMENDATIONS:

1. **THAT** Council resolve to not support this application for a change in operating hours for the subject Class "A" hotel pub.
2. **THAT** a copy of this report be sent to the applicant, Mr. Colin Pope, #201 - 2753 East 41st Avenue, V5R 2W8 and to the General Manager, Liquor Control and Licensing Branch, PO Box 9292, Stn. Provincial Government, Victoria, B.C. V8W 9J8.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 The subject liquor licenced facility is a Class "A" pub within the Hotel Burnaby, with a licensed maximum capacity of 210. The subject site is zoned C4 Service Commercial District, which does not include hotels as a permitted use. The Hotel Burnaby is legally non-conforming in terms of use.

The liquor licence facility is currently licensed to serve liquor from 9:30 a.m. to 11:30 p.m. Monday through Saturday and 11:00 a.m. to 11:30 p.m. on Sundays.

The applicant is requesting a change in operating hours for the pub. The General Manager of the L.C.L.B. may permanently change the operating hours providing written comments from local government and the police support the change.

- 1.2 The subject site is located within the Council adopted Edmonds Town Centre Community Plan (see **attached** Sketch #2). The site upon which the Burnaby Hotel is located, as well as six additional properties which surround the site to the northeast are designated for multiple-family residential development with a local commercial component. All seven properties are currently under the same ownership.

2.0 GENERAL DISCUSSION

- 2.1 The applicant is requesting an extension of operating hours for the Class “A” pub from 9:30 a.m. to 11:30 p.m. Monday through Saturday and 11:00 a.m. to 11:30 p.m. on Sundays to 11:00 a.m. to 1:00 a.m. Monday through Saturday and 10:00 a.m. to 12:00 midnight on Sundays.
- 2.2 The subject property is occupied by the Hotel Burnaby, which is legally non-conforming in several ways, including use and parking. The hotel covers most of the property, with a small remnant paved area. Parking is informally provided on the adjacent properties to the east, which are under the same ownership as 7610 Kingsway. To the south across Kingsway are low scale commercial buildings, while across Fourteenth Avenue to the northwest there is a muffler repair shop on Kingsway and older single family dwellings along Fourteenth Avenue. A large parking area surrounds the hotel to the east, with multiple family residential dwellings and a commercial building beyond to the south-east.
- 2.3 In the past, there have been several applications for new liquor licence facilities for the Hotel Burnaby, including 4 applications for a retail beer and wine store and an application for a Class “I” Restoration Public House. The application for a restoration public house, which is somewhat similar to a neighbourhood pub, was part of a rezoning proposal involving a mixed-use low-rise multiple-family residential and commercial redevelopment and was supported by staff and Council, but was not pursued by the applicant.

The applications for a retail beer and wine store, however, all involved the retention of the Hotel Burnaby and development contrary to the Council adopted community plan, as well as an increase in the liquor orientation of this site. In light of these factors, as well as others, all the applications for a beer and wine store were rejected by Council. Some of the considerations related to the beer and wine store applications are regarded as pertinent to this application. In light of the existing hotel not being in conformance with the zoning or the adopted community plan for the site, the granting of any additional rights such as an extension of closing hours for the liquor licence facility would increase the viability of the hotel and delay its ultimate redevelopment, which would work against the objectives of the adopted community plan. In addition, the extension of the closing hours may increase the liquor orientation of the site and make the Hotel Burnaby more of a late night liquor facility destination, which may be detrimental to the surrounding neighbourhood. This last issue is

discussed further later in this report.

- 2.4 For information, in terms of the closing times for other non-restaurant liquor licence facilities in south Burnaby, most close at midnight from Sunday to Thursday and 1:00 a.m. on Fridays and Saturdays or are open until 1:00 a.m. from Monday to Saturday, with two cabarets open until 2:00 a.m. 6 days per week. The proposed closing time is therefore relatively similar to the closing times for other liquor licensed facilities in south Burnaby.
- 2.5 In response to this application, input was sought from pertinent City Departments, including the R.C.M.P, Burnaby Detachment. The following comments were received:

From a parking provision viewpoint, the parking for the hotel is not provided on the subject property but on adjacent properties and these additional properties, which are currently under one but new ownership, could be sold, leaving the Hotel Burnaby with virtually no parking available. The applicant has indicated, however, that he would be willing to explore consolidating all the properties to address this. It is also noted that the parking as a principal use on these adjacent C4 and R5 zoned lots is also legally non-conforming..

The Environmental Services Division of the Engineering Department indicated that there have been very few complaints received in the past, however, the pub has recently been renovated and is now bringing in live bands. Environmental Services received one complaint in April 2001 and issued a warning letter to the establishment. At this time, they are unable to gauge the effectiveness of this measure in preventing future disturbances.

The R.C.M.P. is of the belief that the Hotel Burnaby is presently experiencing a large amount of changes due to new ownership. At this time, the impact to the area as a result of the recent renovations is not known. They state that the area is largely residential and it is possible that the increased business to the Hotel Burnaby could aggravate the existing problems associated with this area, namely the street prostitution. The R.C.M.P. has already received one complaint concerning the increased noise linked to the Pub's evening band entertainment. The R.C.M.P. recommend that this application for a change in operating hours not be supported. A later closing time would not be considered a positive change for this general residential neighbourhood

The changes referred to by the R.C.M.P. and Environmental Services involve a change in management in the past year and changes in the level of activity in what was previously a fairly quiet pub. The hotel has undergone some renovations and is now advertising major bands in the pub. This increases concern regarding impacts on the neighbouring single and multiple-family residences due to their close proximity to the hotel and its associated parking lot.

3.0 CONCLUSION:

In light of the concerns expressed regarding the perpetuation of this legally non-conforming use which is not in conformance with the Council adopted Edmonds Town Centre Community Plan through increased liquor orientation, the social problems in the area, the close proximity of residential dwellings and the unknown affect on the community of the recent change in the operating style of the pub, it is recommended that Council not support this application to change the operating hours for the Hotel Burnaby pub.

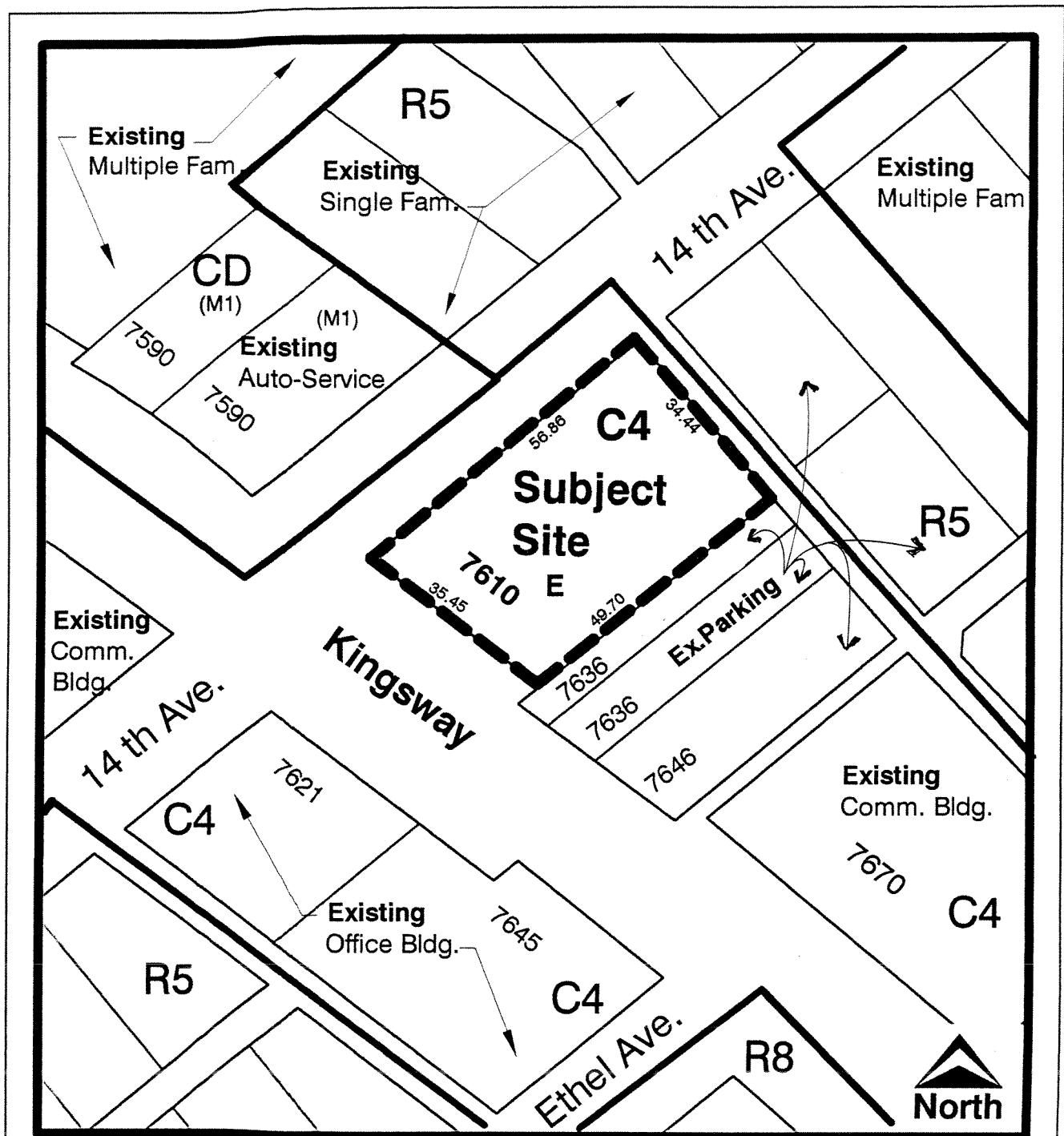


J. S. Belhouse
Director Planning and Building

BW:gk
Attach.

cc: R.C.M.P., Burnaby Detachment
Environmental Services Division, Engineering Department
Chief Licence Inspector

P:\Barry\HOTEL BURNABY OPERATING HOURS.wpd



Planning And Building Department

Scale: N.T.S.

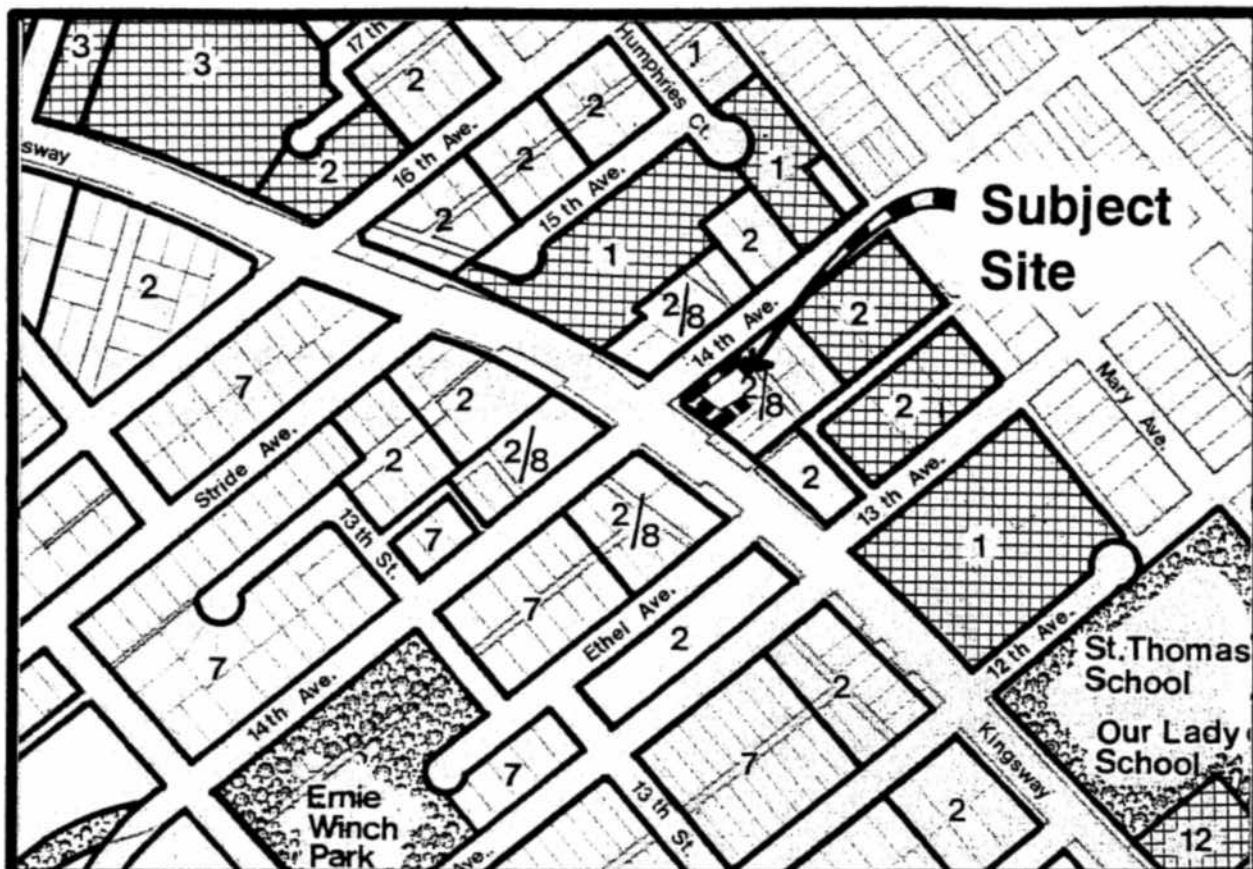
Drawn By: J.P.C.

Date: April 2001

Liquor Licence Application # 01--5

7610 Kingsway "Hotel Burnaby Nix Pub"

Sketch # 1



Legend:

- High Rise Apartments**
 5 — RM5 — (100 units per acre maximum)
 4 — RM4 — (80 units per acre maximum)
- Low Rise Apartments**
 3 — RM3 — (50 units per acre maximum)
- Low Rise Apartments / Ground-Oriented Multiple Family**
 2 — RM2 — (40 units per acre maximum)
- Ground-Oriented Multiple Family**
 1 — RM1 — (25 units per acre maximum)
 6 — Townhousing — (12 units per acre maximum)
- Single and Two-Family Infill**
 7 — Potential Area Rezoning

- Commercial**
 8 — C1 Neighbourhood Commercial
 9 — C2 Community Commercial
 10 — C3 General Commercial
 11 — C4 Service Commercial
- 12 — Institutional (including Seniors Housing, Churches, etc.)
 13 — Industrial
 14 — Mixed-Use Complex (Rezoning Reference #7/93)
 15 — B.C. Hydro Headquarters Complex (Rezoning Reference #36/90)
- Park, School, Trail, Ravine and Open Space Area
 Completed or Rezoned in Accordance with Development Guidelines

Development sites in the Edmonds Town Centre are generally to be zoned to Comprehensive Development District (CD) utilizing the outlined zoning designations as guidelines.
 This Sketch is subject to updating on a continuous basis.