

TO: CITY MANAGER 2002 January 24

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: LIQUOR LICENCE APPLICATION # 01-12
DELANEY'S PLACE PUB
5665 KINGSWAY (see attached sketch)

PURPOSE: To provide Council with a recommendation regarding an application for an increase in seating capacity in Delaney's Place Pub.

RECOMMENDATIONS:

1. **THAT** Council resolve to support the application to increase the licensed seating capacity of Delaney's Place Pub from 145 seats to 208 seats, subject to the applicant being granted a Preliminary Plan Approval recognizing the increased parking requirements as well as the installation of panic hardware on all required exit doors.

2. **THAT** a copy of this report be sent to the applicant, Mr. Paul Dumas, #170-5665 Kingsway, Burnaby, B.C. V5H 2G4 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 On 2000 December 18 Council received a report regarding two changes in the Provincial Liquor Licencing regulations. One of the changes involves increasing the theoretical maximum capacity for certain types of liquor licence facilities, such as pubs, lounges and cabarets. This change in Provincial liquor regulations was also discussed in a report to Council in April 1999 within the context of the Surich report to the Provincial government covering substantial proposed changes to the Provincial regulations. The 2000 December 18 report advised Council that the new regulations would allow these liquor facilities to apply to increase their licensed capacity to their building occupancy load or to increase their current capacity by 150 percent, whichever is less. The report also noted that the L.C.L.B. package received on this matter states that "*Only in exceptional circumstances will the general manager's decision differ from the local government authorities' input. The general manager may override a negative recommendation only where it is in the public interest to do so, and the residents of the area have had an opportunity to comment.*"

The Council report indicated that in addition to considering the occupancy load and the 150 percent criteria established by the L.C.L.B., that the parking required and provided would also be considered in determining the limiting factor for any increase in licenced capacity. At that time, Council adopted the recommendation to approve the process for consideration of such requests involving an amendment to an existing licence. This process involves City staff in determining the limiting factor (occupancy load, 150% of current capacity or parking) and if there are any physical upgrades required in connection with the increase in licensed capacity. After that is determined and if the applicant still wishes to continue with the application, Planning staff then incorporate an impact assessment when reporting to Council with a recommendation on the application.

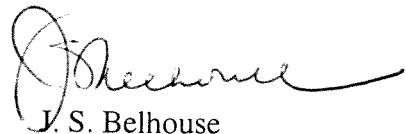
- 1.2 Delaney's Place Pub is a Class "D" licensed neighbourhood pub, which has a current licensed capacity of 125 seats inside and 20 seats on the patio. The operating hours are 11:00 a.m. to 12:00 midnight Sunday through Thursday and 11:00 a.m. to 1:00 a.m. on Friday and Saturday.

2.0 GENERAL DISCUSSION:

- 2.1 The applicant has applied for an increase in seating capacity from 125 to 188 in addition to the 20 seat patio. In this case the proposed increase is based on the permitted 150 percent of current licensed capacity as the limiting factor. The only physical requirement resulting from the occupancy load assessment is the installation of panic hardware on all the exit doors.
- 2.2 The subject site containing the neighbourhood pub is zoned C2a Community Commercial District, and also includes a retail beer and wine store, a Denny's restaurant, and a small office building. The site is quite large and has a surplus of parking spaces - the rear portion of the site is zoned P8 Parking District. Single family residential dwellings of varying age are located to the north and east of the subject site (separated by a lane and street respectively). Older low scale commercial buildings are located to the south and east of the site along Kingsway.
- 2.3 In response to this application, input was sought from pertinent City Departments, including the R.C.M.P., Burnaby Detachment. As part of their review, the R.C.M.P. discussed this application with staff during the usual CPTED review process. No objections or concerns were raised by the R.C.M.P. regarding the increase in licenced capacity. However, City staff noted that, given the subject site borders a residential neighbourhood, there exists the potential for disturbances caused by pub related noise. As such, the applicant will be

required to limit any outdoor use of the property, namely prohibition of speakers on the patio and limiting its hours of operation (requiring it to be closed by 10:00 pm Sunday through Thursday and 11:00 pm Friday and Saturday), and comply with the requirements of the Burnaby Noise or Sound Abatement Bylaw 1979, Amendment Bylaw No. 1, 1995. It is noted that no formal complaints related to noise from the pub have been received to date.

- 2.4 In light of the lack of any complaints or concerns regarding noise from the pub, and the proposed limitations on the use of the outdoor patio, it is recommended that Council support this application for an increase in capacity from 145 to 208 seats, based also on the separation provided by the P8 zoned portion of the property between the pub and the residential properties.
- 2.5 If Council supports this application, it is recommended that the L.C.L.B. not approve an increase in licenced capacity until the applicant has been granted Preliminary Plan Approval recognizing the increased parking requirements associated with the increase in capacity and has received a permit for and installed the necessary panic hardware on the exit doors.

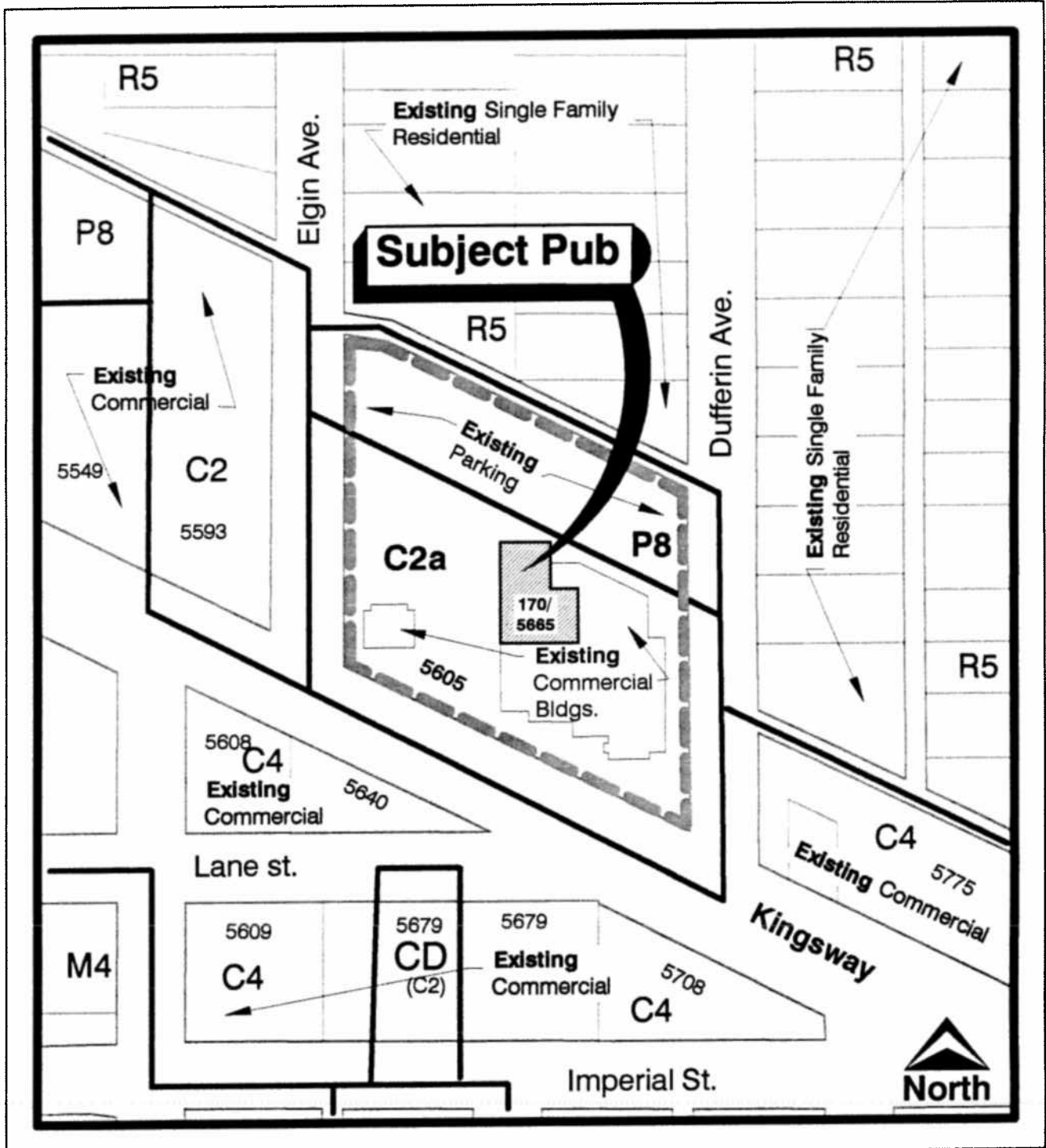


J. S. Belhouse
Director Planning and Building

EK:gk
Attach

cc: RC.M.P. Burnaby Detachment
Environmental Services, Engineering Department
Chief Building Inspector
Chief Licence Inspector

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Planning And Building Department

Scale: N.T.S.	Liquor Licence Application # 01--12 <u>170 / 5665 Kingsway</u> (Delaneys Place - Pub)	Sketch # 1
Drawn By: J.P.C.		
Date: Sept. 2001		