

TO: CITY MANAGER 2003 MAY 8

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: LIQUOR LICENCE APPLICATION #03-6
Request for Temporary Extension of Licensed Area
Royal Canadian Legion #148 - 4354 Hastings Street (see attached sketch)

PURPOSE: To provide Council with a recommendation on the requested extension of the liquor area for the subject liquor primary licensed facility.

RECOMMENDATIONS:

1. **THAT** Council resolve to support this application for a temporary extension of the licensed area on 2003 June 6 and June 7 from 11:00 a.m. to 7:00 p.m. and from 4:00 p.m. to 10:00 p.m. on June 9 for the Royal Canadian Legion #148.
2. **THAT** a copy of this report and Council's resolution be forwarded to the General Manager, Liquor Control and Licensing Branch, (L.C.L.B.), P.O. Box 9292, Stn. Provincial Government, Victoria, B.C. V8W 9J8; and to the applicant, S.L. Castagner, Royal Canadian Legion #148, 4356 Hastings Street, Burnaby, B.C. V5C 2J9

R E P O R T

1.0 BACKGROUND:

On 2003 May 5 Council adopted the recommendations in a report on Processing Procedure and Criteria For Liquor Licence Applications, including a recommendation to approve a processing procedure for local government consideration of applications for a temporary change to a liquor licence. The report described how, in the past, the Provincial government forms for these applications required comment from the R.C.M.P. and local government, which was administered by this Department. Under the new regulations, a local government resolution is now required in connection with a requested temporary change to hours of sale, a temporary extension of licensed area, a winery special event endorsement, a temporary patron participation endorsement and a temporary location change.

The report recommended that applications for temporary changes to a liquor licence be circulated to the pertinent City Departments in order to provide Council with a report and recommendation on the application. The report also indicated that consideration of these

types of applications is based on the premise that the event is for a special occasion, such as the extension of liquor sales at the Legion in connection with Hats Off Day and is not to be used in an attempt to receive temporary, but regular changes to a liquor licence and that to avoid this, it is recommended that as a guideline, that favourable consideration to requests for temporary changes to liquor licences be limited to two per property per year.

The subject application fits into the above category as a request for a temporary extension of a licensed area.

- 1.2 The subject liquor licence facility is a licensed liquor primary establishment located at 4125 East Hastings Street, with a maximum licensed capacity of 310 patrons. The subject site is zoned C8A Urban Village Commercial District.
- 1.3 For the past three years the applicants have applied for and been given permission for similar temporary extensions of the licensed area without Council approval. The request for input from the Provincial government was referred to the R.C.M.P and local government for comments and processed by this Department.

2.0 GENERAL DISCUSSION:

- 2.1 The applicant is requesting a temporary extension of the licensed area of the Royal Canadian Legion #148. The extension involves closing off access to 165 seats on the second floor in the Legion and those seats being replaced with 144 seats to be placed outside in the parking lot to the immediate west of the Legion. This would involve the displacement of 25 parking spaces during the extension of the licensed area. The site is legally non-conforming in terms of parking requirements.

The requested extension of licensed area for June 6 and June 7 is in connection with Hats Off Day , which is a municipally sponsored community event, while the extension of licensed area for June 9 is in connection with a Legion convention

- 2.2 The subject property is occupied by the Legion hall, which contains a liquor primary licenced establishment, which is licensed by the L.C.L.B. for 425 seats. The subject site is generally surrounded by low scale commercial development to the north, east and west, with single-family residences across the lane to the south.
- 2.3 It is expected that the patrons utilizing the extended liquor licence area would already be attending Hats Off Day and therefore would not be generating any additional parking requirement beyond that generated by this community event in general. Therefore, displacement of the parking spaces is not considered to be an issue in connection with Hats Off Day. For the June 6 date, staff are pursuing with the applicant a limit on the licensed

extension area to retain some on site parking. The two day temporary extension of the licensed area in association with Hats Off Day has been occurring for several years without any apparent problems. For the Legion convention to be held on June 9, it has been suggested and the applicant has agreed to limit the extension of the licensed area to half of the parking lot. Use of half of the on-site parking lot and the availability of parking on nearby City owned lots at the corners of both Rosser Avenue and Pender Street and Madison Avenue and Pender Street are considered adequate to address parking for this one day event.

- 2.4 As previously noted, the policy report recently adopted by Council indicated that consideration of these types of applications is based on the premise that the event is for a special occasion, such as the extension of liquor sales at the Legion in connection with Hats Off Day and is not to be used in an attempt to receive temporary, but regular changes to a liquor licence. The subject application was put forward on the basis of a two legitimate special events for these specific dates, however, this would constitute the maximum of two favourable considerations for such requests by Council per property per year.
- 2.5 The Planning and Building Department has solicited comments on this application from the relevant City Departments, including the R.C.M.P., Burnaby Detachment. No objections or concerns were expressed regarding this application from the pertinent Departments

3.0 CONCLUSION:

In light of the requested extension of licensed area on June 6 and June 7 being in conjunction with Hats Off Day, a municipally sponsored event and the lack of problems with this extended liquor licensed area in the past, it is recommended that Council support this application for a temporary extension of the licensed area for the Royal Canadian Legion #148 on 2003 June 6 and 7 from 11:00 a.m. to 7:00 p.m. and on June 9 from 4:00 p.m. to 10:00 p.m.



J. S. Belhouse

Director Planning and Building

BW:gk
Attach

cc RCMP, Burnaby Detachment
Environmental Services Division, Engineering Department
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