

**TO:** CITY MANAGER

2005 June 07

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: LIQUOR LICENCE APPLICATION #05-03  
PORTUGUESE CANADIAN SENIORS FOUNDATION  
5455 IMPERIAL STREET (see attached sketch)**

**PURPOSE:** To provide Council with recommendations on the subject liquor licence application.

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**RECOMMENDATIONS:**

1. **THAT** Council advance the request for a new liquor licence establishment to the necessary public input process, with the next report to Council to provide the results of the public input process and a final recommendation on the liquor licence application.
2. **THAT** a copy of this report be sent to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292 Stn. Provincial Government, Victoria, BC V8W 9J8 and to the applicant, Mr. Nelson Santos, Portuguese Canadian Seniors Foundation, 5455 Imperial Street, Burnaby, B.C., V5J 1E5

**R E P O R T**

**1.0 BACKGROUND INFORMATION:**

- 1.1 On 2003 January 13, Council adopted, as amended, six recommendations contained in a report regarding the new Provincial liquor licensing system and proposed zoning bylaw text amendments. The report recommended the creation of a "liquor licence establishment" land use classification to be included in the Burnaby Zoning Bylaw and the inclusion of liquor licence establishments in a new zoning sub-category in each of the zoning districts which currently permits such uses. This would require all applicants for a liquor licence establishment to seek Council approval through the rezoning process. The zoning bylaw text amendment allows existing liquor facilities in Burnaby to retain their legal conforming status.
- 1.2 The subject site is zoned CD Comprehensive Development District (based on P2 Administration and Assembly District guidelines). Liquor licence establishments in premises that were being lawfully used for that purpose on January 13, 2003 are a permitted use in the P2 District. As the Army, Navy and Air Force Veterans Club was legally operating as a liquor licence establishment on January 13, 2003, a liquor licence establishment is a permitted use on this site and rezoning is not required for the Portuguese Canadian Seniors Foundation to receive a liquor primary club licence from the Provincial government and, therefore, become a liquor licence establishment in terms of the Burnaby Zoning Bylaw.

- 1.3 The Army, Navy and Air Force Veterans Club operated out of the subject site as a private club for many years, until its closure in September 2003. The Army, Navy and Air Force Veterans Club held a valid liquor primary club licence, issued by the Provincial government. The liquor licence allowed the Army, Navy and Air Force Veterans Club to sell liquor from 10:00 a.m. to 12:00 midnight Monday to Thursday, 11:00 a.m. to 1:00 a.m. Friday and Saturday and 11:00 a.m. to 12:00 midnight on Sundays, with a total capacity of 225, including a patio for 20 persons.
- 1.4 The Portuguese Canadian Seniors Foundation opened very shortly after the site was vacated by the Army, Navy and Air Force Veterans Club in September 2003 and subsequently applied to the Liquor Control and Licensing Branch (LCLB) for a liquor primary club licence. The Portuguese Canadian Seniors Foundation has been in the process of seeking a liquor primary club licence for this location, first through the relocation of their liquor primary club licence they held in Vancouver and then through applying for a new liquor primary club licence. The Branch has determined that the Foundation is not able to meet the requirements for a relocation of the liquor primary club licence they held in Vancouver due to the new location not being within a reasonable distance and within the same community. Therefore, while this site is already zoned for a liquor licence establishment and staff explored the possibility of a simpler, more streamlined process for reporting to Council on this matter, the LCLB has indicated that local government should still address all the regulatory criteria established by the Provincial government and seek public input on the liquor licence application.

## **2.0 GENERAL DISCUSSION:**

- 2.1 The Foundation has submitted a liquor licence application to Burnaby for exactly the same hours of liquor sale and capacity as that held by the Army, Navy and Air Force Veterans Club. In essence, this change in the liquor licence is the same as a simple change in ownership or licensee for the establishment, for which local government is not involved in, or is even normally advised of by the LCLB.
- 2.2 Notwithstanding the above circumstances, the LCLB requests the local government to provide a resolution on the application to the Provincial government. The Provincial liquor licensing process requires the local government to consider and comment on eight criteria as part of its resolution. The eight criteria are:
- a) location of the establishment,
  - b) proximity of the establishment to other social or recreational facilities and public buildings,
  - c) the person capacity and hours of liquor service of the establishment,
  - d) the number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location,
  - e) traffic, noise, parking and zoning,
  - f) population, population density and population trends,
  - g) relevant socio-economic information; and
  - h) the impact on the community

In addition to addressing the eight criteria, the local government must gather the views of residents whenever issuing a liquor primary licence may affect them. Local government must provide a resolution that:

- comments on the eight regulatory criteria above
- indicates whether the views of residents were gathered, and explains:
  - how the views of residents were gathered
  - the views of residents; and,
  - its comments and recommendations with respect to the views of residents;
- provides recommendations whether the licence should be issued; and
- gives the reasons for its recommendation.

Each of the eight regulatory criteria are addressed in section 2.3 below, while the views of residents are addressed in section 2.4 of this report.

2.3 The eight regulatory criteria are addressed as follows:

a) *Location of the establishment:*

The subject site is located in an M4 Special Industrial District zoned area, characterized largely by industrial and limited service commercial type uses. There is no record of problems related to the Army, Navy and Air Force Veterans Club, which also held a liquor primary club liquor licence at this location and it is not anticipated that a liquor primary club liquor licence held by the Portuguese Seniors Foundation will create land use conflicts in this area.

The subject site is part of the C9a (Urban Village Commercial District) designated area of the Royal Oak Community Plan. The C9a District provides for a wide range of commercial and retail establishments with the option of residential above the business premises. The issuance of a liquor primary club licence is considered compatible with the range of uses and the level of activity expected in this area of the Royal Oak Community Plan.

b) *Proximity of the establishment to other social or recreational facilities and public buildings:*

There are no social/recreational facilities or public buildings within the largely industrial, immediate area surrounding the subject site with the exception of a church at the corner of Short Street and Antrim Avenue and the Royal Canadian Legion at 5289 Grimmer Street. It is not anticipated that a liquor primary club licence held by the Portuguese Seniors Foundation at this location should have any impact on the above-noted church. The relationship to the Royal Canadian Legion is addressed in d) below.

c) *The person capacity and hours of liquor service of the establishment:*

The application is for a total capacity of 225, including 20 on the patio and hours of liquor sale of 10:00 a.m. to 12:00 midnight Monday to Thursday, 11:00 a.m. to 1:00 a.m. Friday and Saturday and 11:00 a.m. to 12:00 midnight on Sundays. This is the same capacity and operating hours as the Army, Navy and Air Force Veterans Club, who operated at this site without problems for a number of years, with a similar liquor primary club licence. It is also noted that while the above hours of sale of liquor have been applied for, the primary operating hours are expected to be Friday and Sunday afternoons and in the evenings. The capacity of the proposed licensed establishment is similar to or less than most other liquor primary club licensed facilities in Burnaby. In addition, the closing hours are the same as, or in most cases, earlier than those of both other liquor primary licensed facilities in the area and other liquor primary-club licensed facilities in Burnaby. While the hours of sale of liquor are supportable for the interior of the licensed facility, a more cautious approach should be taken with respect to the outdoor patio fronting Lane Street. In light of the fact that the general area could potentially be developed for future mixed-use commercial/residential development and that licensed outdoor patios could have a negative impact on nearby residents late at night, it is recommended that the closing hour of sale of liquor on the patio be limited to 10:00 p.m., seven days per week. Therefore, the proposed capacity and hours of sale of liquor are considered supportable with the 10:00 p.m. patio closing.

d) *The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location:*

While there are several liquor license establishments within 0.5 miles of the subject site, such as Onyx Nightclub, Best Western Kings Inn, Delaney's Place and the Royal Canadian Legion, the Portuguese Canadian Seniors Foundation is applying for a liquor primary club licence, for which the facility would primarily be utilized by members and guests. In this case, the applicants stated orientation is Portuguese speaking people in the Greater Vancouver area, primarily over 40 years of age.

e) *Traffic, noise, parking and zoning:*

Zoning

As discussed, the site is already specifically zoned to permit a liquor licence establishment.

Noise

As noted, the subject site is located in an area that is predominantly occupied by industrial and limited service commercial uses. It is unlikely that noise from the club will be an issue in this area. While mixed use commercial/residential development is designated for the area, prospective purchasers in the area should be aware of the existence of the club and some noise in the area from both the club and the general active/urban type of activity occurring through redevelopment of the area.

Parking and Traffic

Our development records indicate that the Army, Navy and Air Force Veterans Club was approved for 225 seats based on a public assembly calculation, with 24 parking spaces provided on site. While the parking provided is legal non-conforming and is lower than some liquor licence establishments, two factors are noted. First, the applicant advises that the club will primarily be used on weekends and in the evenings when most businesses in the area will not be open. Therefore, there will be on street parking available for the members. Second, the Army, Navy and Air Force Veterans Club operated as a licensed facility with this number of parking spaces without concerns raised in the area to the best of our knowledge. The Veterans Club also utilized the property at 5389 Imperial Street for additional parking for a number of years. However, the City purchased the property in 1998 and the Veterans Club operated without the benefit of the additional parking from 1998 until it ceased operation in 2003 without creating parking difficulties in the area to our knowledge.

With regard to traffic access, the site is assisted by the fact that it is double fronting, with traffic to disperse on to either Lane or Imperial Streets. The focus on evening and weekend activity also helps mitigate any traffic concerns.

*f) Population, population density, population trends and socio-economic factors:*

The population around the site is not directly relevant as the Club is oriented to Portuguese speaking people throughout Greater Vancouver. According to the latest census statistics, there are 1,275 people for which Portuguese is their mother tongue in Burnaby and 8,190 in Greater Vancouver.

It is also noted that this location is near the Kingsway commercial corridor between Metrotown and Edmonds Town Centres and that it is expected that there would be a number of liquor license establishments in this area given the population base and other commercial activities.

The LCLB has indicated that there was one contravention of Provincial regulations by the six Liquor Primary and Liquor Primary – Club establishments within a 0.5 mile radius of the subject site during the period from 2003 January 1 to 2005 June 7. This statistic does not indicate a general problem with liquor licence contraventions in the area. Information provided by the LCLB indicates that there are proportionately less BC Basic Income Assistance Recipients, Employment Insurance Beneficiaries and BC Basic Income Assistance & EI Beneficiaries combined in Burnaby than in British Columbia as a whole. This latter statement was required to satisfy the specific LCLB requirement of local government consideration of socio-economic factors in relation to an application for a liquor primary or liquor primary club licence. More importantly, this application is related to the practical continuation of an existing licence and not an additional primary liquor licence. This liquor primary club licence would simply replace the one held by the Army, Navy and Air Force Veterans Club. It is noted that the Portuguese Canadian Seniors Foundation had no record of contraventions during the time they were located in Vancouver.

g) *The impact on the community:*

The impact on the broader community is expected to be positive in that the Foundation will be able to provide a venue for social events for members, with minimal impact on the immediate area surrounding the site.

2.4 Public Input

In addition to addressing the above regulatory criteria, Provincial regulations state that local government must gather the views of residents. In lieu of the Public Hearing held as part of a rezoning process, which is not required in this case, it is recommended that, if Council supports this application in principle, that the application proceed to the public input stage, which includes the placement of a Public Hearing type sign in front of the establishment and the Clerk's Department sending out letters to all residents and businesses within 30 meters of the subject site. A further report would then be submitted to Council outlining the results of the public input process and providing Council with a final recommendation on the liquor licence application.

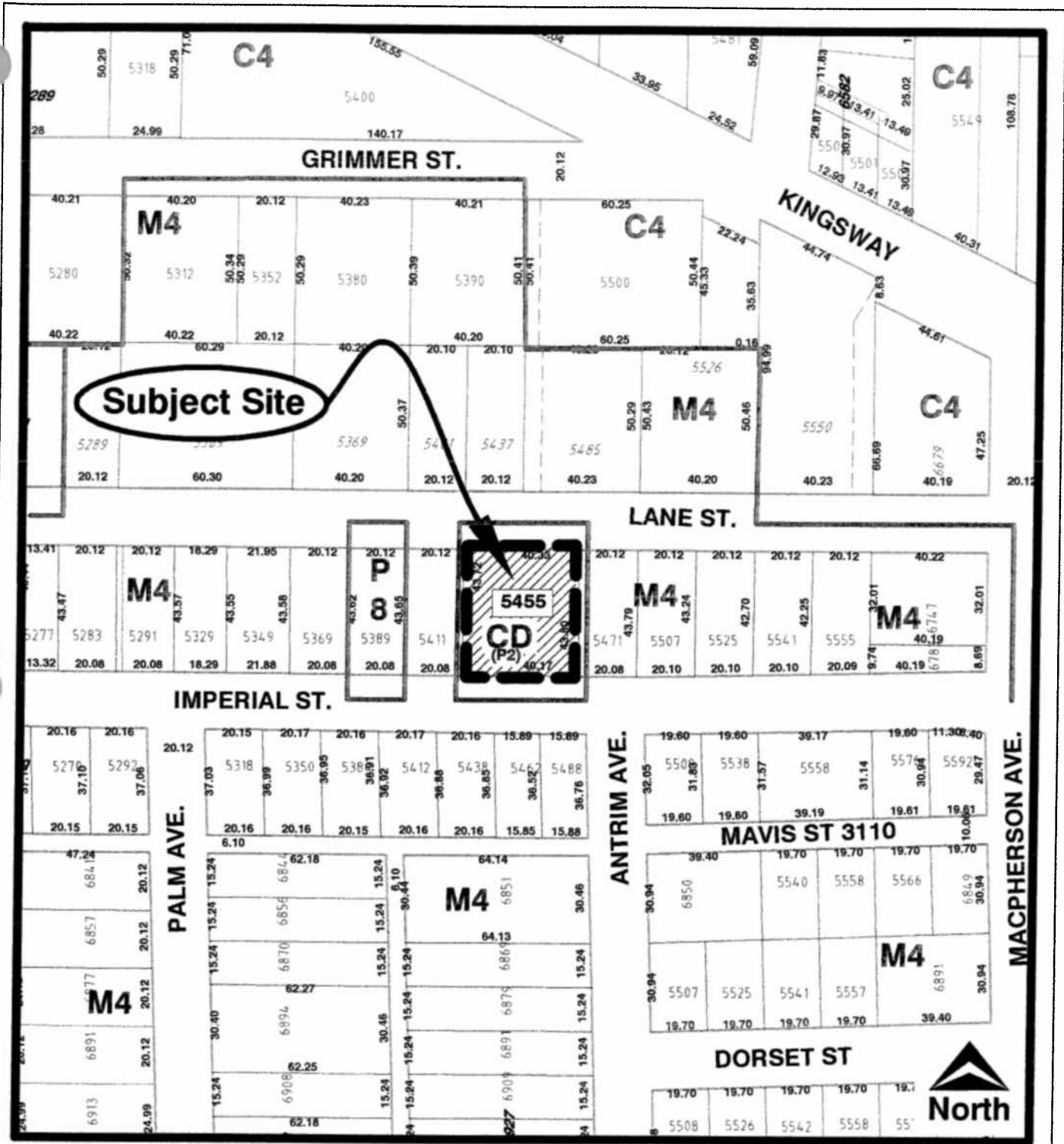
3.0 CONCLUSION:

In light of the subject application for a liquor primary club licence for the Portuguese Canadian Seniors Foundation being the same as that previously held by the Army, Navy and Air Force Veterans Club and the comments on the regulatory criteria above, it is recommended that Council advance this application to the public input stage.

  
for J. S. Belhouse  
Director Planning and Building

BW:gk  
Attach

cc: City Clerk  
City Solicitor  
RCMP, Burnaby Detachment  
Engineering Department, Environmental Service Division



**Planning and Building Department**

Scale: 1 = 1500

Drawn By: J.P.C.

Date: April 2005

**Liquor Licence Application # 05 -- 3**  
 5455 Imperial Street

Sketch # 1

