
TO: CITY MANAGER **DATE:** 2012 December 05

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#12-01

**SUBJECT: LIQUOR LICENCE APPLICATION #12-01
RIVERWAY GOLF COURSE
9001 BILL FOX WAY (SEE ATTACHED SKETCH #1)**

PURPOSE: To provide Council with a recommendation for a new liquor-primary liquor licence within the original clubhouse building, a portion of the new Riverway Clubhouse, and on golf course play areas of the Riverway Golf Course.

RECOMMENDATIONS:

1. **THAT** Council support the subject liquor-primary liquor licence application, as described in Section 3.0 of this report.
2. **THAT** a copy of this report be forwarded to the applicant, Ms. Kathi Orser, Food Services Administrator, Parks, Recreation and Cultural Services Department, 3676 Kensington Avenue, Burnaby, BC V5B 4Z6.
3. **THAT** a copy of this report, the Public Hearing report for Rezoning Reference #12-01, and minutes of the Public Hearing held on 2012 April 24 be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8.

REPORT**1.0 BACKGROUND INFORMATION**

- 1.1 This department has previously received an application for a new liquor-primary licence for the Riverway Golf Course at 9001 Bill Fox Way to permit liquor-primary service within the golf course area and the associated facilities.
- 1.2 The Liquor Control and Licencing Branch (LCLB), as part of their assessment process of liquor-primary liquor licence applications, requests that local government provide comment on applications for new liquor-primary establishments. LCLB regulations also state that if the requested licence may affect nearby residents, local government must gather the view of the residents.

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- 1.3 At its regular scheduled meeting held 2012 May 28, Council received a report with a recommendation to support the liquor-primary liquor licence application for the subject facility. Council approved the recommendation and a copy of the report was sent to the LCLB as the local government comment required as part of their licencing process. In response, the LCLB has requested that additional comments be provided to match their current regulatory criteria, as noted below.

- 1.4 This report provides comment on this application in accordance with current LCLB regulatory criteria and guidelines, as noted in Section 3.0 of this report. The amended LCLB regulatory criteria remain consistent with the Council-adopted guidelines for assessing new liquor licence establishments with regards to the subject establishment's proposed location, capacity, hours and proximity to other social or recreational facilities and public buildings. The LCLB regulatory criteria now, however, also requires local government comment with regards to *the number and market focus of liquor-primary establishment(s) within a reasonable distance from the subject property, and the establishment's overall impact on the community*, as anticipated by Council. As these new criteria were not addressed as part of the assessment in the report received by Council at its meeting on 2012 May 28, the LCLB has advised that comment from Burnaby, as the local government, on these matters is necessary to advance the application process.

Staff will be preparing a future report to include these new LCLB regulatory criteria for assessing liquor licence applications within the City's procedures for provision of comment of liquor licence applications.

2.0 NEIGHBOURHOOD CONTEXT

The subject site is the Riverway Golf Course, which comprises an established 18-hole golf course and associated facilities. To the north of the golf course across Marine Way are agricultural lands; to the west is a portion of the Burnaby Fraser Foreshore Park; to the east are agricultural, light and general industrial zoned lands. On the east side of Byrne Road at Marine Way is the Big Bend Commercial Precinct and other industrial uses. Vehicular access to the site is provided from Byrne Road via Bill Fox Way.

3.0 SUBJECT APPLICATION

- 3.1 The subject golf course consists of an 18-hole golf course; 54-stall driving range; new club house (banquet facilities); pro/retail shop; and the former café/restaurant. From a liquor licence perspective, the service of liquor is permitted within the new club house only, based on the following provisions of an existing food-primary liquor licence:

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Club House Food Primary Licence (FP# 159166)

Under the provisions of the subject food-primary liquor licence, the club house has a total seating capacity of 216 interior seats (including a 40 seat lounge endorsement) and 172 outdoor seats (including three outdoor patio areas). The total occupant load of the subject building is 388 persons. The hours of operation of the club house are from 9:00 a.m. to 12:00 midnight, Monday through Sunday.

No other areas of the subject golf course are currently permitted to serve liquor.

- 3.2 This application is requesting a new liquor-primary licence for the original clubhouse building, a portion of the new Riverway Clubhouse building and for the outdoor playing areas of the golf course. The City initiated a rezoning application (REZ #12-01) earlier this year to include the “f” zoning sub-category to the existing P3 Park and Public Use District for the subject site in order to provide liquor service (liquor-primary service) within the golf course and associated facilities. Rezoning Amendment Bylaw #13080 (REZ #12-01) received Final Adoption by Council on 2012 May 28.

The requested areas for establishment of a liquor-primary licence are as follows:

- a) Former Riverway Café/Restaurant (original clubhouse building) – proposed hours of operation from 9:00 a.m. to 11:00 p.m. Monday through Sunday, seven days a week, with an interior seating capacity of 60 persons and outdoor seating capacity of 52 persons (over two outdoor patio areas); and,
- b) Bistro (north portion of the new Riverway Club House) – proposed hours of operation from 9:00 a.m. to 11:00 p.m. Monday through Sunday, seven days a week, with an interior seating capacity of 8 persons and outdoor seating capacity of 32 persons.

These requested liquor-primary licensed areas would serve as the principal points of liquor service for the golf course. The applicant is also proposing to licence the golf course to provide for liquor service from two beverage carts and one kiosk located on the playing area, and from a take-out window at the new clubhouse.

- 3.3 The Liquor Control and Licencing Branch (LCLB), as part of their assessment process of new liquor-primary licence applications, requests that local government provide comment on all new liquor-primary licence applications.

LCLB regulations also state that if the new licence may affect nearby residents, local government must gather the views of the residents. The Public Hearing process for the subject site’s 2012 rezoning was utilized to satisfy the Provincial public input process, including written notice to residents/tenants and property owners within 30 m of the subject site and advertisement in two consecutive local newspapers.

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3.4 Based on staff review, the proposed liquor-primary liquor licence application would meet the LCLB regulatory criteria and guidelines for assessing new liquor primary establishments in the following ways:

(a) The location of the establishment.

The location is in an industrial area that is removed from nearby residences and is suitable for liquor-primary use where some street noise at closing time can be anticipated and accommodated.

(b) The proximity of the establishment to other social or recreational facilities and public buildings.

The subject site is not proximate to any existing liquor-primary establishments, residential uses, schools, care facilities and other uses such as gaming facilities, cyber centres, amusement arcades and billiard halls. It is noted that the nearest residential areas are approximately 1 km away, on the north side of Marine Drive. The nearest liquor-primary establishment, the Marine Pub at 5820 Marine Drive, is also approximately 1 km away.

(c) The person capacity and hours of liquor service of the establishment.

The maximum person capacity of 112 for the former Riverway Café/Restaurant and 40 for the Riverway Clubhouse (Bistro) with closing hours of 11:00 p.m. Monday through Sunday is considered acceptable.

(d) The number and market focus of clientele of liquor-primary establishments within a reasonable distance of the proposed location.

As previously noted, the nearest liquor-primary establishment, the Marine Pub at 5820 Marine Drive, is approximately 1 km away from the subject site and generally serves the surrounding area relating to South Burnaby. As a destination golf course, the subject facility serves a broader area and specific function within the context of the golf course, and is expected to draw clientele from the entire Burnaby municipality, as well as adjacent municipalities.

(e) The impact on the community in the immediate vicinity of the establishment.

As previously noted, the nearest residential areas are approximately 1 km away, on the north side of Marine Drive.

The subject site has a total of 213 parking spaces over two surface parking areas located on site, which satisfactorily meets the off-street parking requirements of the Zoning

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Bylaw. Given that this destination golf course is located within an area that is predominantly characterized by agricultural and industrial activities and other automobile oriented businesses, it is anticipated that the majority of patrons will access the site via automobile. Safe and convenient access for vehicular traffic to the site is provided via Bill Fox Way. Pedestrian access to the site is also available via the constructed portion of the Byrne Road Urban Trail. Bus service is also available with a bus stop located on the east side of Byrne Road, south of Market Crossing (approximately 500 meters from the subject site), which is considered to be an appropriate walking distance. As such, the facility is well suited to the surrounding context, and no adverse impacts are anticipated.

(f) The impact on the community if the application is approved.

The proposed liquor licensing classification would allow for more flexibility with regard to the service of liquor on the golf course. The operations of the site are principally as a golf course with related banquet/restaurant facilities and not intended for pub or nightclub use.

In summary, given the nature of the proposed liquor licence establishment as a destination golf course; its sufficient distance from existing liquor licence establishments and gaming facilities, residential neighbourhoods, schools and care facilities so as to mitigate/eliminate any potential impacts; the provision of convenient and safe vehicular and transit access to the site (via Bill Fox Way) with provision of ample on-site parking, the site generally meets guidelines for new liquor licence establishments.

- 3.6 In response to this application, input has been solicited from relevant City Departments, including the RCMP Burnaby Detachment. The RCMP does not oppose the proposed locations or hours of liquor service.
- 3.7 Given that public input was sought for the proposed liquor-primary service as part of Rezoning Reference #12-01, it is the opinion of staff that pursuit of a further public input process is not required. Staff have contacted the LCLB, who has confirmed that this public notification and input process is sufficient for their licencing process. It is noted that no one appeared at the Public Hearing for Rezoning Reference #12-01. As previously noted in this report, the subject site is predominantly surrounded by agricultural and industrial uses. The nearest residential properties are approximately 1 km or more away from the subject facility and are not considered to be impacted by the proposed liquor-primary liquor licence. As such, the gathering of further input from residents is not necessary or required.

4.0 CONCLUSION

Given the location of the subject establishment, the nature of its operations, its sufficient distance from residential neighbourhoods and other liquor-primary establishments, its adequate off-street

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parking provisions, its provisions for safe and convenient vehicular access and proximity of public transit, and its context and relationship to the golf course operations, the proposed liquor-primary liquor licence application is considered to be consistent with the LCLB regulatory criteria for assessing new liquor-primary establishments. This proposed use would be similar in scale to what would be expected at a banquet facility or liquor-primary club establishment.

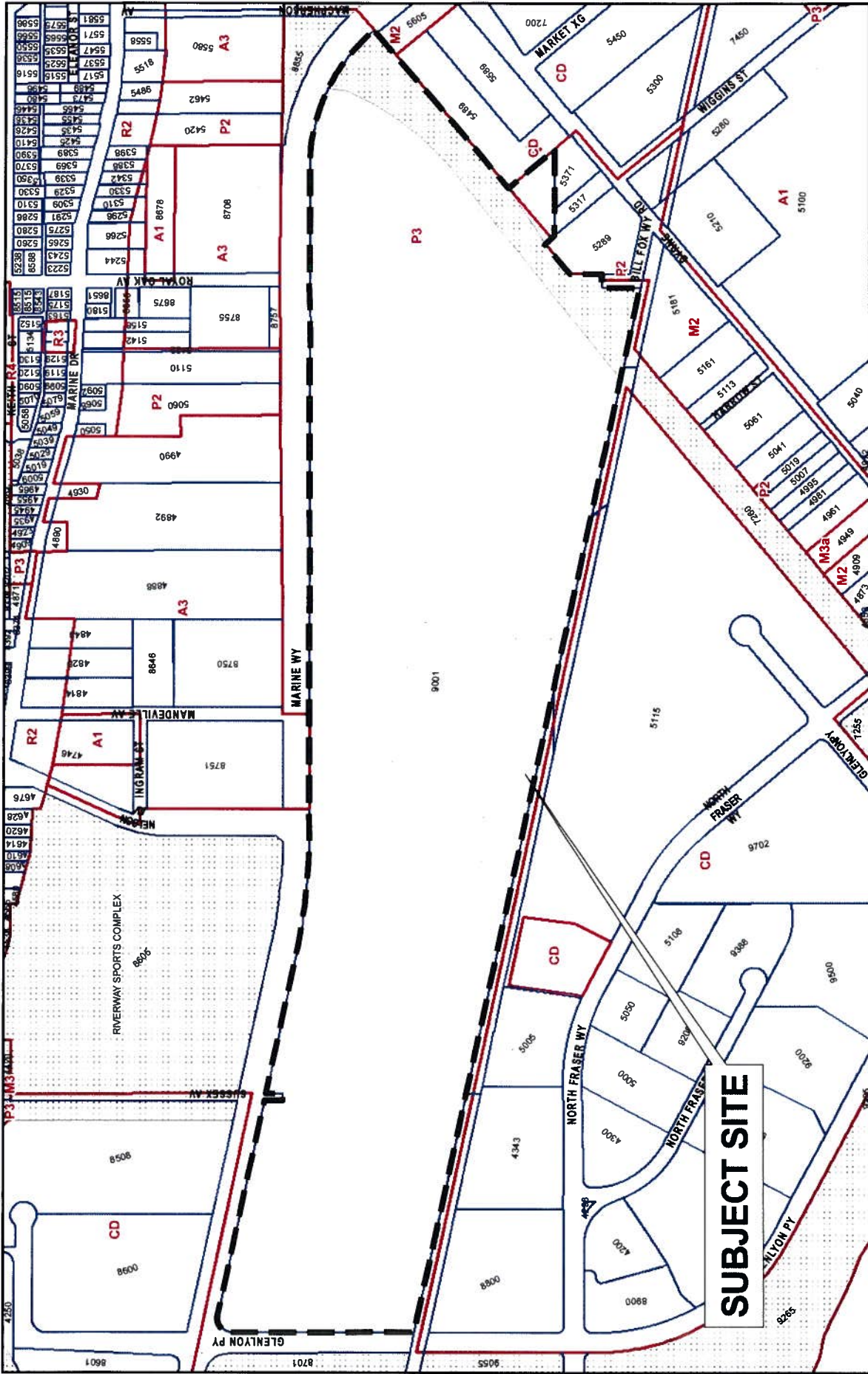
Staff therefore recommend that Council indicate its support for the requested liquor-primary liquor licence at the subject establishment based on its relationship to the LCLB criteria, as described in Section 3.0 of this report. Staff also recommend that a copy of this report be forwarded to the applicant, Ms. Kathi Orser, Food Services Administrator, Parks, Recreation and Cultural Services Department, 3676 Kensington Avenue, Burnaby, BC V5B 4Z6; and a copy of this report, the Public Hearing report for Rezoning Reference # 12-01, and minutes of the Public Hearing held on 2012 April 24 be forwarded to the General Manager, Liquor Control and Licensing Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8.





Lou Pelletier, Director
PLANNING AND BUILDING

GT/LF:tn
Attachment

cc: Director Parks, Recreation and Cultural Services
Officer-in-Charge, RCMP, Burnaby Detachment
Chief Licence Inspector
Acting Director Engineering, Environmental Services Division
City Solicitor
Acting City Clerk



<p>PLANNING & BUILDING DEPARTMENT</p> 	
<p>LIQUOR LICENCE APPLICATION #12 -- 01 9001 Bill Fox Way Riverway Golf Course</p> <p> Subject Site</p>	
Date:	NOV 19, 2012
scale:	1:8,000
Drawn By:	DJ