

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2012 June 13

FROM: ACTING DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#12-03

SUBJECT: **LIQUOR LICENCE APPLICATION #12-03**
HART HOUSE RESTAURANT (TENT STRUCTURE)
6664 DEER LAKE AVENUE (SEE ATTACHED SKETCH #1)

PURPOSE: To provide Council with a recommendation regarding the subject food primary liquor licence.

RECOMMENDATIONS:

1. **THAT** Council support the requested patron participation entertainment and use of the seasonal tent structure at the subject food primary liquor establishment, as described in Section 3.0 of this report.
2. **THAT** a copy of this report be forwarded 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. Paul Smolen, Hartco Management Ltd., 6664 Deer Lake Avenue, Burnaby, BC V5E 2L8.

REPORT**1.0 BACKGROUND INFORMATION**

- 1.1 The Hart House Restaurant at the subject property at 6664 Deer Lake Avenue currently holds a food primary liquor licence which permits the service of liquor from 11:00 a.m. to 1:00 a.m. Monday through Thursday; 11:30 a.m. to 1:30 a.m., Friday and Saturday; and 11:00 a.m. to 12:00 a.m. midnight on Sundays. The approved seating capacity for the restaurant is 280 indoor seats, 65 outdoor patio seats and 40 seats for the restaurant's gazebo.

On 2011 May 30, Council adopted Rezoning Reference #11-07 which extended the area of Deer Lake Park which may be used to accommodate the subject restaurant's operations. The purpose of the extension was in order to accommodate a 250-seat seasonal tent structure for the purpose of hosting events, including weddings, festivals, and other social events, as part of the restaurant operations.

This report addresses the proposed amendment to the existing food primary liquor license to permit liquor service within the seasonal tent structure, as well as permit patron participation entertainment.

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- 1.2 The Liquor Control and Licencing Branch (LCLB), as part of their assessment process of food-primary liquor licence applications, requests that local government provide comment on applications seeking to amend a food primary liquor licence to permit patron participation entertainment and the use of an outdoor patio. LCLB regulations also state that if the requested licence may affect nearby residents, local government must gather the view of the residents.
- 1.3 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor licence applications, in which Council will continue to receive reports on applications for new or amended food primary licences that propose to serve liquor past 12:00 a.m. midnight if:
 - a. The proposed hours of liquor sale are later than 2:00 a.m.; or
 - b. The establishment has, or proposes to have a patio; or
 - c. The establishment has or proposes to have patron participation entertainment past 12:00 a.m. midnight.

This report provides comment on this application based on the above guidelines.

2.0 SUBJECT APPLICATION

- 2.1 This application is requesting an amendment to the existing food primary liquor licence to permit the service of liquor within the seasonal (May-October) tent structure related to the operations of the Hart House Restaurant. As noted, the seasonal tent structure located south of the Hart House and cabana, is for the purpose of hosting events, including weddings, festivals, and other social events.

The proposed seating capacity within the seasonal tent structure is for up to 250 persons in which the proposed hours of liquor sale are from 11:00 a.m. to 12:00 a.m. midnight, Monday through Sunday. The applicant is also seeking patron participation entertainment endorsement within the seasonal tent structure, specifically live or amplified music with patron participation entertainment, such as dinner and dance. The proposed patron participation entertainment would cease no later than 10:00 p.m., Sunday through Thursday, and 12:00 a.m. midnight on Fridays and Saturdays only. It is also noted that the operations of the restaurant are subject to compliance with the Burnaby Noise and Sound Abatement Bylaw.

- 2.2 Based on staff review, the proposed food primary liquor licence application would meet Council adopted guidelines for assessing amendments to existing food primary establishments. The proposed hours of liquor sales within the seasonal tent structure are consistent with Council adopted guidelines and does not require comment from the City to the LCLB, as liquor sales in the seasonal tent structure will not extend past 12:00 a.m. midnight.

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With regard to the proposed patron participation entertainment within the seasonal tent, staff note that the location of the subject tent structure is oriented internally within Deer Lake Park, is well landscaped along Deer Lake Avenue with mature coniferous trees, and is predominantly surrounded by park and cultural uses. The nearest residential properties are approximately 100 m away from the subject restaurant. Such patron participation entertainment use is also recognized as an integral part of the restaurant operations, and is considered compatible with the intent of using the Hart House lawn for creating an active park and public venue. In terms of the potential noise impacts of the restaurant operations within the seasonal tent structure, these issues were addressed in a report to Council responding to concerns raised at the Public Hearing for Rezoning Reference #11-07. As part of the rezoning, the restaurant operator committed to operate in compliance with the Burnaby Noise or Sound Abatement Bylaw.

- 2.3 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 sale within the facility.
- 2.4 Given that public input was sought for the proposed seasonal tent structure and associated patron participation entertainment as part of Rezoning Reference #11-07, it is the opinion of staff that pursuit of a further public input process for the proposed amendment to the food primary liquor licence is not required.

3.0 CONCLUSION

Based on the information presented above, staff recommend that Council support the requested amendments to the existing food primary liquor licence at the subject establishment. Staff also recommend that a copy of this report be forwarded 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. Paul Smolen, Hartco Management Ltd., 6664 Deer Lake Avenue, Burnaby, BC V5E 2L8.

Lou Pelletier, Acting Director
PLANNING AND BUILDING

GT:tn
Attachment

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