

Attachment 1
Staff Memo

MEMO

Climate Action, Planning and Development

To: Emilie K. Adin, Director, Climate Action,
Planning and Development **Date:** May 30, 2022

From: Jackie Teed, Senior Manager, Climate
Action, Planning and Development **File:** REZ00222

Subject: **Zoning Bylaw Text Amendment and Event-Driven Liquor Primary
Licence: 735 Eighth Avenue (Massey Theatre) – Bylaw for First and
Second Readings**

RECOMMENDATION

Staff recommends that the Director forward this memo and the following resolution to Council for consideration:

THAT Council consider Zoning Amendment Bylaw No. 8341, 2022 for First and Second Readings, and forward the Bylaw to a Public Hearing.

PURPOSE

To request the Director forward the proposed zoning amendment bylaw for Council consideration, which would allow a Liquor Primary licence as a permitted use on the subject property.

EXECUTIVE SUMMARY

An application for an Event-driven Liquor Primary licence has been received by the City concurrent with a Zoning Bylaw text amendment proposal to allow the Massey Theatre Society to hold a Liquor Primary licence at 735 Eighth Avenue. The Society has been operating under individual Special Event Permits in the past but with the recent purchase of the property by the City, the Society has applied to the Province's Liquor and Cannabis Regulation Branch for a full liquor licence, as well as an endorsement for minors to be present in the theatre lobby during liquor service.

The Liquor Primary licence would allow the establishment to continue offering liquor service for theatre performances and other arts-related events (e.g. gallery exhibitions, film screenings, etc.), without the need for multiple Special Event Permit applications.

The applicant is requesting licensing for an overall proposed occupant load of 1,819 persons (which can be increased by 364 persons provided that the additional occupants are solely in the Studio 1C gymnasium). Liquor sales and service, commencing one hour prior to an event and ending one hour after an event, are proposed from 11 am until 2 am seven days a week. No additions or exterior changes to the building are proposed. The applicant has a history of holding complaint-free events at the site.

BACKGROUND

Theatre Operations

The Massey Theatre Society has operated the Massey Theatre since 1982. In October 2021, the City of New Westminster took over ownership of the Massey Theatre complex from the New Westminster School District, following the high school's relocation to its new facility. The City and Massey Theatre Society have a 25-year lease and working agreement as well as an operating partnership, established in November 2021.

The Massey Theatre complex is a multi-use art and theatre facility. The theatre itself has 1,260 seats, and hosts a variety of musical theatre, music, and dance events. A concession offers a variety of food options from its food service counter or can be brought in by outside vendors and prepared for each event in the on-site kitchen.

Policy and Regulations

The subject site is designated *Major Institutional (P)* in the City's Official Community Plan, and zoned *Public and Institutional (Medium Rise) (P-2)*. Establishments with site-specific approved Liquor Primary licences are listed in Appendix H of the Zoning Bylaw. Attachment 3 includes a summary of these and other related City policies and regulations, along with information on related liquor policies, processes, and City practice.

Site Characteristics and Context

The subject site is located at the north-east corner of Eighth Street and Eighth Avenue in the Moody Park neighbourhood. The property, with an approximate site area of 1.75 ha. (4.32 ac.), contains the Massey Theatre complex. Surrounding land uses include New Westminster Secondary School to the north, Moody Park Arena to the east, low-rise apartment buildings to the south-east, Moody Park to the south, and single detached properties to the west. A site context map is provided as Figure 1.



Figure 1. Site Context Map

Proximity to Transit and Cycling Networks

Eighth Avenue is identified as a potential east-west Frequent Transit Network (FTN) route, while Eighth Street is part of the FTN route. The site is also located a short walking distance away from the FTN route on Sixth Street and both street frontages have existing sidewalks. The start of the London/Dublin Greenway is located on Dublin Street just north of the subject site. Similarly, the Crosstown Greenway is located approximately two blocks south on Seventh Avenue. The site’s proximity to transit service is highlighted in Table 1.

Table 1: Proximity to Transit Service

Transit Facility	Distance
<ul style="list-style-type: none"> • Bus #105 (Uptown / New Westminster Station) • Bus #123 (Brentwood Station / New Westminster Station) • Bus #128 (Braid Station / 22nd Street Station) 	<ul style="list-style-type: none"> • Westbound bus stop on Eighth Avenue in front of subject site; 49 m. (160 ft.) to eastbound bus stop on Eighth Avenue • Northbound bus stop on Eighth Street in front of subject site; 99 m. (325 ft.) to southbound bus stop
<ul style="list-style-type: none"> • SkyTrain Station (New Westminster Station) 	<ul style="list-style-type: none"> • 1.8 km. (1.1 mi.)

PROPOSAL

The Massey Theatre Society is seeking from the Province an Event-driven Liquor Primary licence for the venue, as well as an endorsement for minors to be present in the theatre lobby during liquor service. The total requested capacity for the facility is 1,819 persons (plus an additional 364 persons provided that they are solely in the Studio 1C

gymnasium). Proposed liquor sales and service are from 11 am to 2 am seven days a week. Liquor sales and service would commence one hour prior to an event and end one hour after an event. There are no exterior/patio areas proposed at this time; however, the applicant has expressed a potential interest in this for the future.

The proposed licensed areas include the lobby, theatre auditorium, stage, backstage, and the green room, as well as the Plaskett Gallery and various studio rooms. Hallways leading to each of the studio rooms on each level are also being requested as pre-function areas and to allow liquor service prior to use of the rooms and travel between rooms when booked together.

The Zoning Bylaw text amendment application to allow the Liquor Primary licence as a permitted use on the site is being processed concurrently with the Liquor and Cannabis Regulation Branch (LCRB) application.

Copies of the project summary letter and letter of intent are included in Attachment 3.

DISCUSSION

Occupant Load Calculations

Based on the information submitted and review by Building Division staff, 1,819 persons would be the total permitted occupant load for both levels of the theatre complex. However, it should be noted that the occupant load can be increased by 364 persons provided that the additional occupants are solely in the Studio 1C gymnasium.

A draft copy of Zoning Amendment Bylaw No. 8341, 2022 is provided as Attachment 2.

Liquor Licence Considerations

If the Liquor and Cannabis Regulation Branch (LCRB) approves the liquor licence application, the Massey Theatre Society would have the ability to continue serving liquor in conjunction with live performances and film screenings as well as in various studio rooms in the building, without having to apply for Special Event Permits for each event. It is understood that bar service is a standard service model for most performance and event spaces in the region.

The proposal, with an occupant load of 1,819 persons and the potential for an additional 364 persons in Studio 1C, would include significantly more seats than the average liquor licence application. However, it is noted that the proposal is a different operating model than a typical licence application (e.g. for a bar or pub) and as such, the applicant is applying for the maximum hours and occupant load to enable business flexibility to host a variety of arts and culture-related events. It is more similar to the Anvil Centre, which operates under a Liquor Primary licence with a 1,755 person capacity. The Columbia also operates as a special events venue under a Liquor Primary but only has an occupant load of 110 persons.

In addition to being a timing efficiency for the business operator, a Liquor Primary licence also creates efficiencies for the LCRB and Police. Having a Liquor Primary licence can also allow more control of alcohol service and consumption as the operator becomes solely responsible for the management of liquor at events versus third-party organizers applying for Special Event Permits.

Complaints and Enforcement on Existing Operation

City records show no noise complaints, non-compliance of bylaws, or violations recorded by Police at this site in the past five years with respect to liquor service. The City's Bylaw staff and Police have no concerns to report with respect to the proposal.

Parking

As there is no additional floor space proposed on-site and the primary use remains the same, City bylaws do not require additional parking to be added to the site nor is a variance required to the Zoning Bylaw. The proposal was referred to the Engineering Services Department for review by the Transportation and Servicing Divisions as part of standard application review procedures. No requirements or concerns were noted.

APPLICATION REVIEW PROCESS AND NEXT STEPS

The Zoning Bylaw text amendment and Provincial Liquor Primary licence applications are being processed concurrently. The anticipated next steps in the application review process include:

1. Preliminary Report to Council (April 25, 2022);
2. Information on proposed Zoning Bylaw text amendment to the New Westminster School District (May 9, 2022);
3. Liquor and Cannabis Regulation Branch to initiate public input process for proposed Liquor Primary licence application (TBD by Province);
4. Council consideration of First and Second Readings of Zoning Amendment Bylaw and forwarding to a future Public Hearing (May 30, 2022) – **we are here**;
5. Public Hearing and Council consideration of Third Reading and Adoption of Zoning Amendment Bylaw (estimated – June 2022).

CONSULTATION

For the liquor licence application, the City has opted out of conducting the public input process due to the City being the property owner. The Liquor and Cannabis Regulation Branch (LCRB) would conduct the public input process instead. Given the close proximity of New Westminster Secondary School to the Massey Theatre, the City has encouraged the LCRB to include the New Westminster School District when sending details of the liquor licence application and request for comment.

For the proposed Zoning Bylaw text amendment, an opportunity for public feedback will be sought through the Public Hearing process. This process includes two notices placed

in the local newspaper, notices sent to properties located within 100 metres of the site, and a sign posted on the property, with the community encouraged to submit written correspondence to Council and/or attend the Public Hearing.

OPTIONS

The following options are offered for Council's consideration:

1. That Council consider Zoning Amendment Bylaw No. 8341, 2022 for First and Second Readings, and forward the Bylaw to a Public Hearing.
2. That Council provide staff with alternative feedback.

Staff recommends Option 1.

APPROVALS

This memo was prepared by:
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This memo was approved by:
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