

REPORT
Climate Action, Planning and Development
Office of the Chief Administrative Officer

To: Mayor Cote and Members of Council **Date:** April 25, 2022

From: Emilie K. Adin,
Director, Climate Action, Planning and
Development **File:** REZ00222

Lisa Spitale,
Chief Administrative Officer

Item #: 2022-291

Subject: **Zoning Bylaw Text Amendment and Event-Driven Liquor Primary
Licence: 735 Eighth Avenue (Massey Theatre) – Preliminary Report**

RECOMMENDATION

THAT the City of New Westminster opt out of conducting the public input process for the Event-Driven Liquor Primary licence application submitted by the Massey Theatre Society for 735 Eighth Avenue;

THAT the City encourage the Liquor and Cannabis Regulation Branch to send application details and request for comment to the New Westminster School District given the close proximity of New Westminster Secondary School;

THAT Council direct staff to process the proposed Zoning Bylaw text amendment application for 735 Eighth Avenue as outlined in the Application Review Process and Next Steps section of this report.

PURPOSE

To provide Council with preliminary information on the proposed applications and to seek support for the application review process outlined in this report.

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.

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

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. A summary of these and other related City policies and regulations are included in Attachment 1. More information on related liquor policies, processes, and City practice is provided in Attachment 2.

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 below (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.

A Zoning Bylaw text amendment application has been received to allow the Liquor Primary licence as a permitted use on the site and 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 as Attachment 3.

DISCUSSION

Occupant Load Calculations

Based on the information submitted and review by Building Division staff, it is determined that 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.

Liquor Licence Considerations

As noted in Attachment 2, staff recommends that the City opt out of conducting the public input process for the liquor licence application due to the City being the property owner. The Liquor and Cannabis Regulation Branch (LCRB) would conduct the public input process instead.

If the LCRB approves the 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 Licences 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 seats to enable business flexibility to host a variety of arts and culture-related events.

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.

A number of other special events venues, such as The Columbia (occupant load of 110 persons) and the Anvil Centre (1,755 persons), are operating under a Liquor Primary licence in the city.

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.

Surrounding Uses

Given the close proximity of New Westminster Secondary School to the Massey Theatre, staff recommends that the City's resolution to the LCRB highlight the preference for direct correspondence with the New Westminster School District on the details of the liquor licence application. The City would also notify the New Westminster School District on the proposed Zoning Bylaw text amendment.

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 Provincial Liquor Primary licence and proposed Zoning Bylaw text amendment applications would be processed concurrently. Proposed next steps in the application review process include:

1. Preliminary Report to Council (April 25, 2022) – **we are here**
2. Information on proposed Zoning Bylaw text amendment to the New Westminster School District

- 3. Liquor Cannabis Regulation Branch to initiate public input process for proposed Liquor Primary licence application
- 4. Council consideration of First and Second Readings of Zoning Amendment Bylaw and forwarding to a future Public Hearing
- 5. Public Hearing and Council consideration of Third Reading and Adoption of Zoning Amendment Bylaw

Based on the nature and scope of the proposal, including the primary use of the site remaining the same and no building additions or exterior changes proposed, staff recommends that Council receive public feedback for the Zoning Bylaw text amendment component through a Public Hearing. For such an application, this would be the simplest and most expedient approach, similar to other liquor-related proposals.

INTERDEPARTMENTAL LIAISON

The City has a team-based approach for reviewing development proposals. Staff from various Departments, including Climate Action, Planning and Development; the Economic Development Office; and Engineering Services; has conducted an initial review of this proposal.

OPTIONS

The following options are offered for Council’s consideration:

- 1. That the City of New Westminster opt out of conducting the public input process for the Event-Driven Liquor Primary licence application submitted by the Massey Theatre Society for 735 Eighth Avenue;
- 2. That the City encourage the Liquor and Cannabis Regulation Branch to send application details to the New Westminster School District given the close proximity of New Westminster Secondary School;
- 3. That Council direct staff to process the proposed Zoning Bylaw text amendment application for 735 Eighth Avenue as outlined in the Application Review Process and Next Steps section of this report.
- 4. That Council provide staff with alternative feedback.

Staff recommends Options 1, 2, and 3.

ATTACHMENTS

- Attachment 1: Summary of Related City Policies and Regulations
- Attachment 2: Liquor Applications – Provincial and City Policies, Processes, and Practices
- Attachment 3: Project Summary Letter and Letter of Intent

APPROVALS

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