

Attachment 3

Background

SUMMARY OF RELATED CITY POLICIES AND REGULATIONS

Official Community Plan

The subject property is designated *Major Institutional* (P), which is described, as follows:

Purpose: *This designation applies to areas used for large scale institutional uses such as schools and hospitals.*

Principal Forms and Uses: *Institutional uses.*

Complementary Uses: *Some ancillary commercial and residential uses may be permitted.*

The proposal is consistent with the intent of the Official Community Plan land use designation.

Zoning Bylaw

The subject property is currently zoned *Public and Institutional (Medium Rise)* (P-2), which allows for institutional uses at a medium density scale.

Liquor Primary licensed premises (LPLPs) are permitted on a site-specific basis as listed in Appendix H of the Zoning Bylaw. This list includes details of permitted LPLPs such as the name of the establishment, the occupant load, and civic address. The City's process for new Liquor Primary licences includes a Zoning Bylaw text amendment application review process to add a proposed site to the list in Appendix H. This process includes an opportunity for public consultation and Council evaluation on individual applications.

LIQUOR APPLICATIONS – PROVINCIAL AND CITY POLICIES, PROCESSES, AND PRACTICES

Provincial Liquor Policies and Processes

The Liquor and Cannabis Regulation Branch's process for considering a liquor primary licence can be summarized as follows:

- The applicant must complete a Liquor Primary licence application to the Branch;
- The application for a new Liquor Primary licence is sent to the local government, which can determine whether or not they accept opting in to provide comments on the application to the Branch.
- Accepting the application means that the local government will begin the review and public input process, and provide a formal Council resolution or comments within 90 days.
- Prior to considering a resolution, the local government conducts the public input process to obtain the views of residents/community. The resolution must consider the comments obtained during the public input process, including the potential for negative impacts on the community and the views of residents/community.
- After the local government provides a resolution regarding the application, the Branch proceeds to make a final decision regarding the matter.

The local government may also choose to opt out of the process and not provide comments on the application. If the local government chooses to opt out, the Branch proceeds to implement a public input process and independently assesses the application.

City Practice Regarding Liquor Applications

The City's practice is to opt into the process by providing resolutions regarding Liquor Primary licence applications. The City's practice to obtain public input on liquor licence applications is to have the applicant post a site sign and two newspaper notices to invite public comments on the application. In this instance, as the City is the property owner, staff recommend opting out of the public input process. This is the same process that was followed during the licensing of Anvil Centre. In these situations where municipalities opt out, the Liquor and Cannabis Regulation Branch conducts the public input process.

The City also obtains comments from the Police Service and civic departments regarding the applicant's compliance record, bylaw issues, and potential community impacts. These comments, along with those received from the public, are provided to Council when a resolution to support or not support an application is considered. Despite the City's past practice, given that the City is owner of the land and building, staff recommends opting out of conducting the public input process.

With respect to hours of liquor service, the City's policy is to consider operating hours for restaurants, neighbourhood pubs, and similar businesses to 2:00 am; private clubs to 1:00 am; and no extension of operating hours for existing nightclubs or cabarets, including that no liquor premises shall operate later than 2:00 am.

PROJECT SUMMARY LETTER AND LETTER OF INTENT



April 20, 2022

Re: Revised Rezoning Project Summary Letter – Text Amendment to the Zoning Bylaw allowing Event Driven Liquor Primary Licensing at Massey Theatre and Complex

Dear Ms. Huang,

On behalf of the Massey Theatre Society, we request the property zoned **be amended with a text amendment** in order to obtain a Liquor License from the Province.

The Massey Theatre was designed and built in 1948 with a capacity of 1,260 seats making it a key large proscenium theatre in the Metro Vancouver area for nearly 75 years. The theatre has two levels and is located at the heart of a larger stand-alone facility. The orchestra seating capacity is 867 including 20 wheelchair positions and the balcony holds 393 seats. The balcony is not always used for performances. A number of rooms of varying types and sizes surround the theatre chamber and are used to support theatre events as well as an active community and rental program of use. Food and Beverage and other services are provided for facility users and have been offered throughout the Society 40 year operational history in the theatre concession and lobbies.

The Massey Theatre is a Specialized Art Centre/Theatre. The capacity is approximately 2183 persons (1,819 in various licensed areas with an additional 364 permitted solely in the Studio 1C gymnasium on the main level). Included with the application is a copy of the preliminary floor plan for this venue.

Liquor sales and service at this establishment will be 11 am to 2 am seven days a week. Liquor sales and service will commence 1 hour prior to an event and end 1 hour after an event.

The Massey Theatre Society has operated the theatre since 1982. In October 2021, the City of New Westminster took ownership of the Complex and land from School District 40 In November 2021 **following the school's move to its new high school facility. The Society entered into a 25-year operating lease with the City of New Westminster to operate the civic complex described for the benefit of the community. The relationship between the City and the Society is aligned in goals and values to enable a thriving arts, cultural and community program of activities. We are committed to working together to improve and sustain the facility for the use and enjoyment for the City and region and activate and develop the facility to its fullest potential artistically, culturally and socially. The programs that MTS brings to the neighbourhood, local and regional community, and underserved populations are in alignment with municipal policies and strategic initiatives. The experience and track record of good relationships of Massey Theatre Society as a responsible long term operator of the large theatre has garnered the confidence of the City and the community.**

Presently, the MTS society has been applying for individual special occasions liquor licenses for events at the complex. The new ownership and partnership model provides the opportunity to establish a more



consistent service model in regard to liquor service at performances, exhibitions and special events in the complex. The community regularly gathers at the venue and the majority of adult patrons request bar service in the periods prior to and following performances. Bar and concession service is a standard service model for most performance and event spaces. In addition, the complex will allow for greater diversity of public activities which will often be made more viable and enjoyable if bar service is available. The long standing relationship to the school community has ensured the Massey Theatre Society is sensitive to providing a safe space for minors at all times. This will continue as long established school activities as well as new children, youth and family activities continue in the facility. There is an exceptional track record of good citizenship and positive relationships with minors spanning 40 years which will continue to be a key priority for the Society in its vision and strategic plans for the complex.

Thank you for processing our request. Should you have any questions please do not hesitate to contact me personally.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jessica", is placed above the typed name.

Jessica Schneider, Executive Director
Massey Theatre Society
604-517-5900
Jessica@masseytheatre.com



RISINGTIDE
CONSULTANTS — EST. 1988

APPLICATION FOR A LIQUOR PRIMARY LICENSE

**AT: MASSEY THEATRE
735 8TH AVENUE,
NEW WESTMINSTER, B.C.
V3M 2R2**

APPLICANT: MASSEY THEATRE SOCIETY

**LETTER OF INTENT
FOR THE APPLICATION FOR A LIQUOR PRIMARY LICENCE**

Submitted to:

**Liquor & Cannabis Regulation Branch
4th Floor, 645 Tyee Road
Victoria, BC V9A 6X5**

Submitted by:

**Rising Tide Consultants Ltd.
1620-1130 West Pender Street
Vancouver, BC V6E 4A4**

**Phone: (604) 669-2928
Fax: (604) 669-2920**

PRIMARY FOCUS OF THE BUSINESS

This Letter of Intent is provided in support of the application submitted to the Liquor and Cannabis Regulation Branch by the Massey Theatre Society for a new liquor primary license to be located at the 735 8th Avenue, New Westminster, B.C. V3M 2R2. The proposed licensed establishment will be a new event-driven liquor primary licensed theatre establishment.

The Massey Theatre was designed and built in 1948 with a capacity of 1,260 seats making it a key large proscenium theatre in the Metro Vancouver area for nearly 75 years. The theatre has two levels and is located at the heart of a larger stand-alone facility. The orchestra seating capacity is 867 including 20 wheelchair positions and the balcony holds 393 seats. The balcony is not always used for performances. A number of rooms of varying types and sizes surround the theatre chamber and are used to support theatre events as well as an active community and rental program of use. Food and Beverage and other services are provided for facility users and have been offered throughout the Society 40 year operational history in the theatre concession and lobbies.

The Massey Theatre Society (MTS) has operated the theatre since 1982. In October 2021, the City of New Westminster took ownership of the Complex and land from School District 40. In November 2021 following the school's move to its new high school facility. The Society entered into a 25-year operating lease with the City of New Westminster to operate the civic complex described for the benefit of the community. The relationship between the City and the Society is aligned in goals and values to enable a thriving arts, cultural and community program of activities. We are committed to working together to improve and sustain the facility for the use and enjoyment for the City and region and activate and develop the facility to its fullest potential artistically, culturally and socially. The programs that MTS brings to the neighbourhood, local and regional community, and underserved populations are in alignment with municipal policies and strategic initiatives. The experience and track record of good relationships of Massey Theatre Society as a responsible long term operator of the large theatre has garnered the confidence of the City and the community.

The Massey Theatre is a Specialized Art Centre/Theatre. The capacity is approximately 2183 persons (1,819 in various licensed areas with an additional 364 permitted solely in the Studio 1C gymnasium on the main level). Included with the application is a copy of the preliminary floor plan for this venue.

The approval of this application will allow the licensee the ability to serve liquor in conjunction with live performances and film screenings as well as into various studio (bookable) rooms in the building. The sale and service of liquor will be an added amenity to this theatre building.

The proposed areas to be licensed with a liquor primary license are the theatre auditorium, Plaskett Gallery, the lobby (pre-function area), various studio rooms, the stage, backstage and the green room. We would also ask that the hallways leading to each of the Studio rooms on each level be pre-function areas to allow liquor service prior to use of the rooms

and travel between rooms when they are booked together. The occupancy for the pre-function areas would come from the interior licensed areas. The applicant is seeking a minor's endorsement for minors to be present in the theatre lobby during liquor service.

The community regularly gathers at the venue and the majority of adult patrons request bar service in the periods prior to and following performances. Bar and concession service is a standard service model for most performance and event spaces. In addition, the complex will allow for greater diversity of public activities which will often be made more viable and enjoyable if bar service is available. The long-standing relationship to the school community has ensured the Massey Theatre Society is sensitive to providing a safe space for minors at all times. This will continue as long-established school activities as well as new children, youth and family activities continue in the facility. There is an exceptional track record of good citizenship and positive relationships with minors spanning 40 years which will continue to be a key priority for the Society in its vision and strategic plans for the complex. The applicant is requesting liquor service for this event-driven theatre.

Liquor sales and service at this establishment will be 11 am to 2 am seven days a week. Liquor sales and service will commence 1 hour prior to an event and end 1 hour after an event.

This event-driven liquor primary license at the Massey Theatre will be an added amenity to the theatrical performance, etc. being offered.

ENTERTAINMENT

Massey Theatre hosts musical theatre hits, international music and dance forms, children's entertainers, orchestras, choirs, ballets and stars of music like Jann Arden and The Brothers Landreth.

FOOD SERVICE

The Applicant has a delicious choice of options for meals from its concession type food service counter in the Licensed areas or can be brought in by outside vendors and prepared for each event in the on-site kitchen.

TARGET MARKET

The target market for this venue will be for the public attending a live theatrical or film screening, gallery exhibitions, cultural and other community events. It is not proposed that this venue will operate as an ongoing licensed establishment like a pub or lounge.

It will be an event driven venue with a focus on arts and culture and community gatherings.

BENEFITS TO THE COMMUNITY

The applicant's establishment will benefit the community in the following ways:

- Employment opportunities for residents in the surrounding areas;
- The establishment will contribute to the Community by providing an added amenity for the New Westminster residents, visitors and guests.
- Provide a source of additional tax revenue for the Local Government, the Provincial and Federal Governments;
- Provides an additional venue for community events, fundraisers and special events;
- Involvement in community sponsorships and activities;
- Provide a venue for local actors and artists to perform and therefore supporting local artists.
- Adds additional earned revenue to sustain the charitable mandate and work for the Society.

COMPOSITION OF THE NEIGHBOURHOOD

The site of the proposed event-driven liquor primary licensed establishment is located on the corner of 8th Street and 8th Avenue in New Westminster.

There appears to be only one other liquor selling establishment within 300 metres of the establishment which is as follows:

- *IHOP 514 8th Avenue, New Westminster.*

Attached is a map of the area showing the site.

NOISE IN THE COMMUNITY

This establishment is a quintessential arts/theatre facility with no proposed exterior areas at this time. Exterior areas may be considered in the future but are not part of this application. The applicant will be required to comply with the City of New Westminster noise by-laws.

OTHER FACTORS

The applicant also submits the following additional factors for consideration:

- A liquor primary license for this event-driven theatre would be of great benefits to the residents of New Westminster as well as the general public.
- This venue will be strictly event driven.
- There is a need for an event-driven liquor primary license for this theatre in this area.
- The Massey Theatre has been operating under Special Event Permits in the past but with the purchase by the City and expanded lease area, feel it is the appropriate time to get full licensing for the venue.
- The sale and service of liquor is an added amenity to the primary business which is the operation of the theatre.

All of which is respectfully submitted this 23rd day of February, 2022.

Edna Lizotte
Manager of Licensing
Rising Tide Consultants Ltd
Suite 1620 – 1130 West Pender Street
Vancouver, B.C.
V6E 4A4