



Item
Meeting 2021 February 08

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2021 February 03

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#20-05

SUBJECT: LIQUOR LICENCE APPLICATION #20-05
SCANDINAVIAN COMMUNITY CENTRE
6540 THOMAS STREET (SEE ATTACHED SKETCHES #1 AND #2)

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

RECOMMENDATIONS:

1. **THAT** Council authorize staff to gather public input regarding the amendment of liquor service areas to an existing liquor primary club licence at 6540 Thomas Street (see attached Sketches #1 and #2), as described in Section 4.1 of this report.
2. **THAT** a copy of this report be forwarded to the General Manager, Liquor and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Carol Walters, 6540 Thomas Street, Burnaby, BC V5B 4P9.

REPORT

1.0 POLICY FRAMEWORK

The subject application aligns with the following goals and sub-goals of the Corporate Strategic Plan:

A Connected Community

- Social connection - Enhance social connections throughout Burnaby.
- Partnership - Work collaboratively with businesses, educational institutions, associations, other communities, and governments.

An Inclusive Community

- Create a sense of community – Provide opportunities that encourage and welcome all community members and create a sense of belonging.

A Dynamic Community

- Economic opportunity - Foster an environment that attracts new and supports existing jobs, businesses and industries.

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2.0 BACKGROUND INFORMATION

- 2.1 This Department has received an application to remove an existing indoor liquor service area and to increase the capacity of an existing outdoor patio liquor service area of an existing liquor primary club licence (Licence No. 115113), which currently licences five liquor service areas within the Scandinavian Community Centre building at 6540 Thomas Street.
- 2.2 The Liquor and Cannabis Regulation Branch (LCRB), as part of its assessment process for applications to increase the persons capacity of a service area and for the addition of a patio, requests that local government provide comment on such applications. If a local government opts to provide comment, the LCRB requires that local government gather public input for the community near the proposed establishment.
- 2.3 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor licence applications, in which Council would continue to receive reports on applications for new or amended liquor primary licences that propose a permanent extension of hours, an increase in person capacity, or the addition of a patio. The only exception to this procedure is for liquor primary and manufacturer establishments that apply for a temporary outdoor expanded service area to support physical distancing requirements during the COVID-19 Global Pandemic. Council granted pre-approval to cover these temporary outdoor use applications on 2020 June 01.

3.0 NEIGHBOURHOOD CONTEXT

The subject property is located on the south side of Thomas Street, west of Kensington Avenue, and is currently improved with the Scandinavian Community Centre, a field, and a gravel parking lot. The property is indicated for institutional use in the Burnaby Lake Sports Complex Community Plan and is zoned CD Comprehensive Development District (based on P2 Administration and Assembly District). The Scandinavian Community Centre Society is comprised of five non-profit groups (Danish House, Finland House, Norwegian House, Iceland House and Sweden House) and operates from this location. To the north, across Thomas Street, is a mosque (Ismaili Jamatkhana – Burnaby Lake); to the east is the Burnaby Christ Church of China and, across Kensington Avenue, is the Burnaby Lake Sports Complex and Burnaby Lake beyond. To the south and west is the Trans-Canada Highway and associated buffer areas.

4.0 SUBJECT APPLICATION

- 4.1 The subject application involves a request to amend the licensed service areas to the existing liquor primary club licence. The existing licence permits liquor service on an outdoor patio (14 persons maximum) and four indoor areas within the building (260 persons maximum) for a total of 274 permitted occupants. The subject application proposes to remove one of the indoor service areas (40 persons maximum) as a liquor service area, and to expand the capacity of the outdoor patio liquor service area by 40 persons (from 14 persons to 54 persons). If approved, the total occupant load for the subject liquor licence establishment would remain the same. The current liquor service hours of 11:00 am – 1:00 am Monday to

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Saturday and 11:00 am to Midnight on Sundays apply to all licensed areas and are not proposed to change.

The subject covered outdoor patio is attached to the rear (southern) elevation of the Scandinavian Community Centre building and is approximately 141 sq. m. (1,520 sq. ft.) in area. The patio was expanded in 2001 without issued permits and authorization from the City. The applicant has since been made aware of the separate requirements for review and issuance of preliminary plan approval (PPA) and building permit applications for the patio expansion, and intends to submit both applications as soon as possible. These applications would also review any other proposed improvements to the patio area, such as the installation of a tent over the patio area to provide weather protection during events.

The following is an assessment of the proposal's consistency with pertinent Council adopted guidelines:

(a) *Observance of a sufficient distance from, or physical separation from:*

- *Existing liquor primary establishments*

There are several sports, cultural and recreation facilities near the subject property that also hold liquor primary licences, including Bill Copeland Sports Centre (3676 Kensington Avenue), James Cowan Theatre (6450 Deer Lake Avenue) and the Burnaby Winter Club (4990 Canada Way).

- *Residential uses*

The nearest residences to the subject property are located over 300 m. (984 ft.) to the west, beyond the Trans-Canada Highway.

- *Schools*

The nearest school to the subject property is Burnaby Central Secondary School, which is located over 500 m. (1,640 ft.) to the west, beyond the Trans-Canada Highway.

- *Care facilities*

Several child care facilities are located west of the subject property, beyond the Trans-Canada Highway.

- *Other uses such as gaming facilities, cyber centres, amusement arcades and billiard halls*

No establishments of this nature are located near the subject property.

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(b) Nature of proposed establishment (e.g. entertainment, outdoor patio, hours and person capacity).

The proposed use of the outdoor patio space as an expanded liquor service area for special events is an acceptable use for this location. The existing liquor primary club licence already permits liquor service in various indoor locations within the Scandinavian Community Centre building and on the outdoor patio for up to 14 persons.

The amended licence, if approved, would effectively increase the service capacity on the outdoor patio by 40 persons (from 14 persons to 54 persons) while the total occupant load would remain the same due to the proposed removal of an existing indoor service area (for up to 40 persons) from the licence. The hours of liquor service for all areas currently licensed are 11:00 am – 1:00 am Monday to Saturday and 11:00 am to Midnight on Sunday, and are not proposed to change.

The applicant notes that liquor service on the outdoor patio would only occur during approximately 10 special events annually, concentrated during the summer months. This is in combination with various other events where liquor is not served during which the patio is sometimes used. The applicant has also noted that they maintain regular communication with the adjacent mosque and have not received any noise or event-related complaints from either the church or mosque in the past. The City also has not recorded any noise complaints against the subject property in the past.

The proposed hours of liquor service are considered by this Department to be generally supportable, subject to public consultation. It should also be noted that the proposed licensed areas would be subject to the requirements of the Burnaby Noise or Sound Abatement Bylaw 1979.

Should the proposed licence amendment be supported by Council, following public consultation, a Section 219 Covenant would be registered in the Land Title Office to ensure compliance regarding proposed person capacity and liquor service hours.

(c) Satisfaction of all parking requirements on site

Sufficient off-street parking is provided on-site on the existing gravel parking lot, which accommodates 127 parking spaces.

(d) Safe and convenient access for vehicular traffic to the site, as well as safe access for pedestrians to the liquor licence establishment

Vehicular access to the subject property is provided from existing driveway access off of Thomas Street. Pedestrians can access the property from a sidewalk on the south side of Thomas Street that links to the Kensington Urban Trail to the east.

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(e) Good proximity (within 250 meters) of public transit

The nearest bus stops are located along Sprott Street, approximately 400 m (1,312 ft) away and an approximate 5-minute walk from the subject property.

In general, the proposed development is consistent with the Council-adopted guidelines for assessing applications for liquor primary licences.

4.2 The LCRB, as part of its assessment process for liquor primary liquor licence applications, requests that local government provide comments on the following:

(a) The impact of noise on nearby residents

Staff do not anticipate that the recommended licence amendment would have potential noise impacts on nearby residents, given that the nearest residences are located beyond the Trans-Canada Highway. The proposed licensed areas would remain subject to the requirements of the Burnaby Noise or Sound Abatement Bylaw 1979.

(b) The impact on the community if the application is approved

The applicant has noted that the Scandinavian Community Centre Society has held the subject liquor club licence for nearly 25 years with minimal issues and have not received any noise or event-related complaints from adjacent properties in the past.

It is not anticipated that approving the application would result in significant negative impacts to the community as the proposed licensed areas are existing. The service areas are accessible by vehicular transport and bus service which is readily available and within an appropriate walking distance. As such, the proposed licensed areas are generally well-suited to the surrounding context. The RCMP has been notified of the proposed liquor licence amendment and has no concerns.

It is noted that the LCRB also requires that local government gather public input for the community within the immediate vicinity of the establishment. It is therefore recommended that staff gather public input from property owners and residents, similar to a Public Hearing notification process. The gathering of public input would include: letters being sent to all property owners and occupants within 30 metres of the site, inviting written comments be sent to the Planning Department, notification in two consecutive issues of The Burnaby Now newspaper, and the placement of signs in front of the subject property.

4.3 In summary, given the nature of and location of the subject establishment, its proximity to public transit, and its distance from the nearest school, child care facility, or residential areas, the proposed amendment generally meets the Council-adopted guidelines for assessing liquor licence establishments. In addition, given the establishment's long-standing existence in the area with minimal noise impacts and impact on the community the minor increase in patio capacity, and no net increase in total establishment capacity, the proposed amendment is considered supportable, subject to staff gathering public input.

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5.0 CONCLUSION

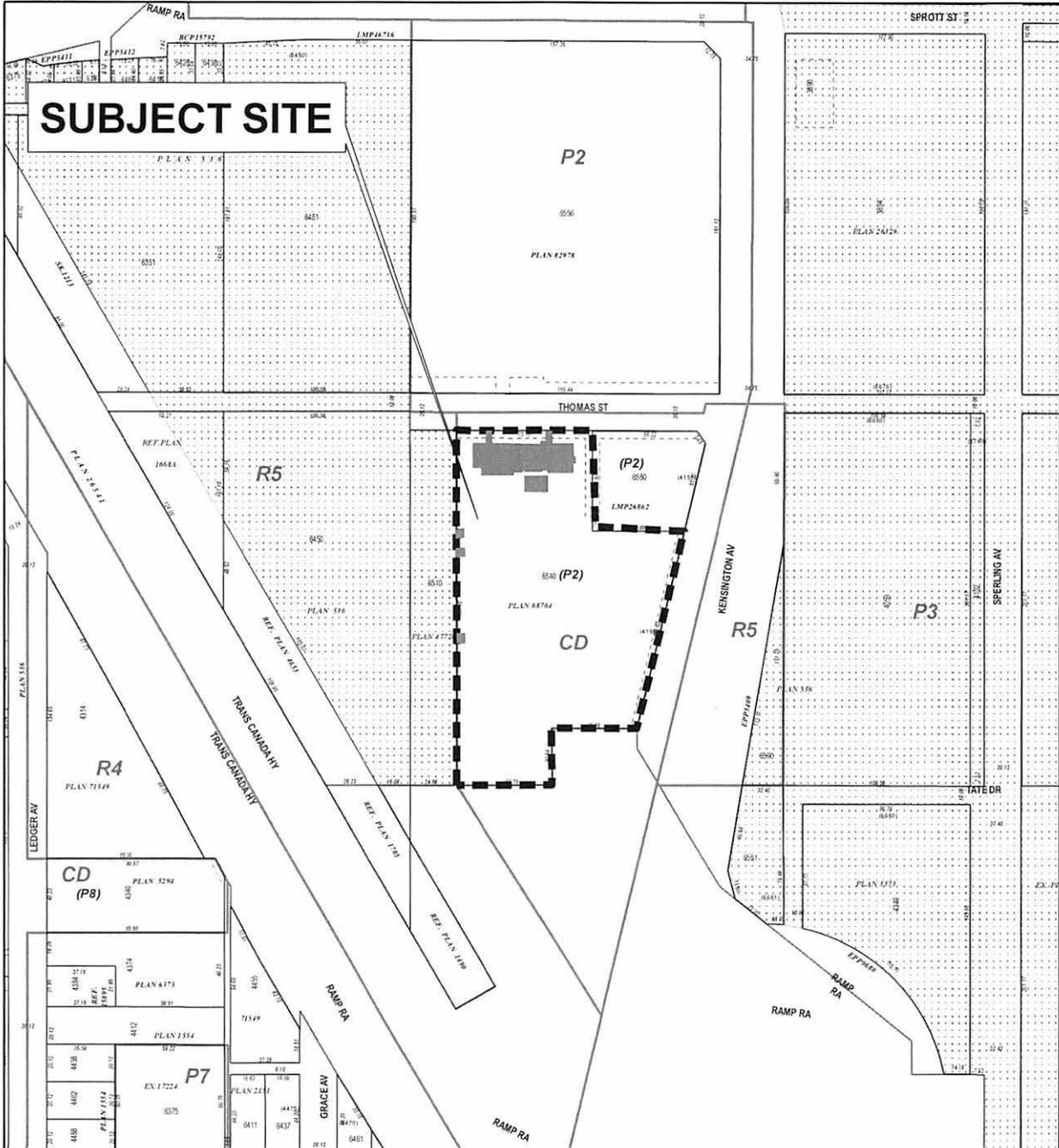
Based on the information presented above, staff recommend that Council support the recommended amendment to the licensed areas at the Scandinavian Community Centre, as discussed in Section 4.1 of this report, subject to staff gathering public input. Once this input has been gathered from the public, staff will submit a subsequent report to Council responding to any comments of nearby residents. Staff also recommend that a copy of this report be forwarded to the applicant, and to the General Manager, Liquor and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8.



E. W. Kozak, Director
PLANNING AND BUILDING

AY:jz
Attachments

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



SUBJECT SITE



PLANNING & BUILDING DEPARTMENT



Date: JAN 20 2021

scale: 1:3,500

Drawn By: RW

LIQUOR LICENSE APPLICATION #20-05
6540 THOMAS STREET

 Subject Site

