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**TO:** CHIEF ADMINISTRATIVE OFFICER                      **DATE:** 2021 November 03  
**FROM:** DIRECTOR PLANNING AND BUILDING              **FILE:** 46000 06  
**SUBJECT: FOOD PRIMARY LIQUOR LICENCE APPLICATIONS**  
**DAHLAK RESTAURANT - 7868 EDMONDS**  
**ADDRESS: 7862 EDMONDS**  
**LIVING ROOM CAFÉ - #116 - 3787 CANADA WAY**  
**ADDRESS: 3788 CANADA WAY**  
**PURPOSE:** To inform Council of two requests to amend existing food primary liquor licences by extending the interior hours of liquor service.

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**RECOMMENDATION:**

1. **THAT** this report be received for information purposes.

**R E P O R T****1.0 INTRODUCTION**

This Department has received a request from the LCRB for local government comment and resolution regarding the extension of food primary liquor service hours for two existing restaurants/hookah lounges. The first application is for Dahlak Restaurant at 7868 Edmonds Street (Food Primary Licence #308189), and the second is for Living Room Café at #116-3787 Canada Way (Food Primary Licence #308410) (see *attached* Sketches #1 and #2). In both cases, the proposed change would extend the interior hours of liquor service from 9:00 am to 12:00 am, seven days a week, to 9:00 am to 2:00 am, seven days a week.

**2.0 BACKGROUND**

On 2003 December 15, Burnaby Council passed a resolution indicating the circumstances under which it would comment on amendments to the hours of liquor sale in food primary establishments. The process of providing comments on food primary liquor licence applications is:

- preparation of a staff report which assesses the potential impact of the proposal;

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- dissemination of mail-outs to residents and businesses within 30 m of the subject establishment;
- posting newspaper ads to raise awareness of the application and gather input from Burnaby residents; and,
- the preparation of a follow-up report to Council containing a summary of the public consultation process.

The circumstances under which this process is undertaken are as follows:

- a) The proposed hours of liquor sale are later than 2:00 am, **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 midnight.

In cases where Council does not provide comments or a resolution, it is understood that an LCRB-led consultation would include, at minimum, the posting of signage in front of the establishment with the opportunity for residents and owners of businesses within a 0.8 km radius of the proposed establishment to comment.

### **3.0 DISCUSSION**

For both of the subject establishments, liquor service is not proposed to occur after 2:00 am and patron participation is not proposed beyond 12:00 midnight. With respect to patio use, the Dahlak Restaurant has been approved for a temporary outdoor expanded service area operating from 11:00 am to 10:00 pm, and the Living Room Café has a permanent patio. With respect to the Living Room Café, the City has received complaints about this business regarding their hours of operation and the associated noise on multiple occasions between August 2019 and July 2021. However, the requested extension to liquor service hours for both establishments is only proposed for the interior of the establishments. As such, these applications do not include circumstances under which Council would comment or provide a resolution.

It is noted that both food primary establishments function as restaurants with hookah. Council adopted the Burnaby Smoking Regulation Bylaw on 2021 September 20 that, in part, regulates smoking on business premises. The new bylaw restricts smoking and hookah uses on patios and all enclosed or substantially enclosed customer service areas where food or beverages are served on-site. The subject establishments are two of twelve existing businesses which are exempted from the restrictions on the use of a hookah pipe to smoke substances other than tobacco or cannabis. Both establishments may provide hookah pipes for patrons as long as the subject licenced establishments have a valid business licence for the business premises at their current location, without any assignment, sale, transfer, or disposal in the current holder's interest in the business licence.

These applications are being brought forward for Council's information. As noted above, a Council-approved process to undertake City-led community consultation is not required based on the 2003 policy guiding the processing of liquor licence applications.

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### 3.0 CONCLUSION

The City has received applications to extend the interior hours of liquor service at the above noted locations. As per Council policy, a process to submit comments on the applications is not required. Therefore, unless otherwise directed by Council, Staff will notify the LCRB that Council will not be providing a resolution on these two food primary liquor licence applications.

This is for the information of Council.

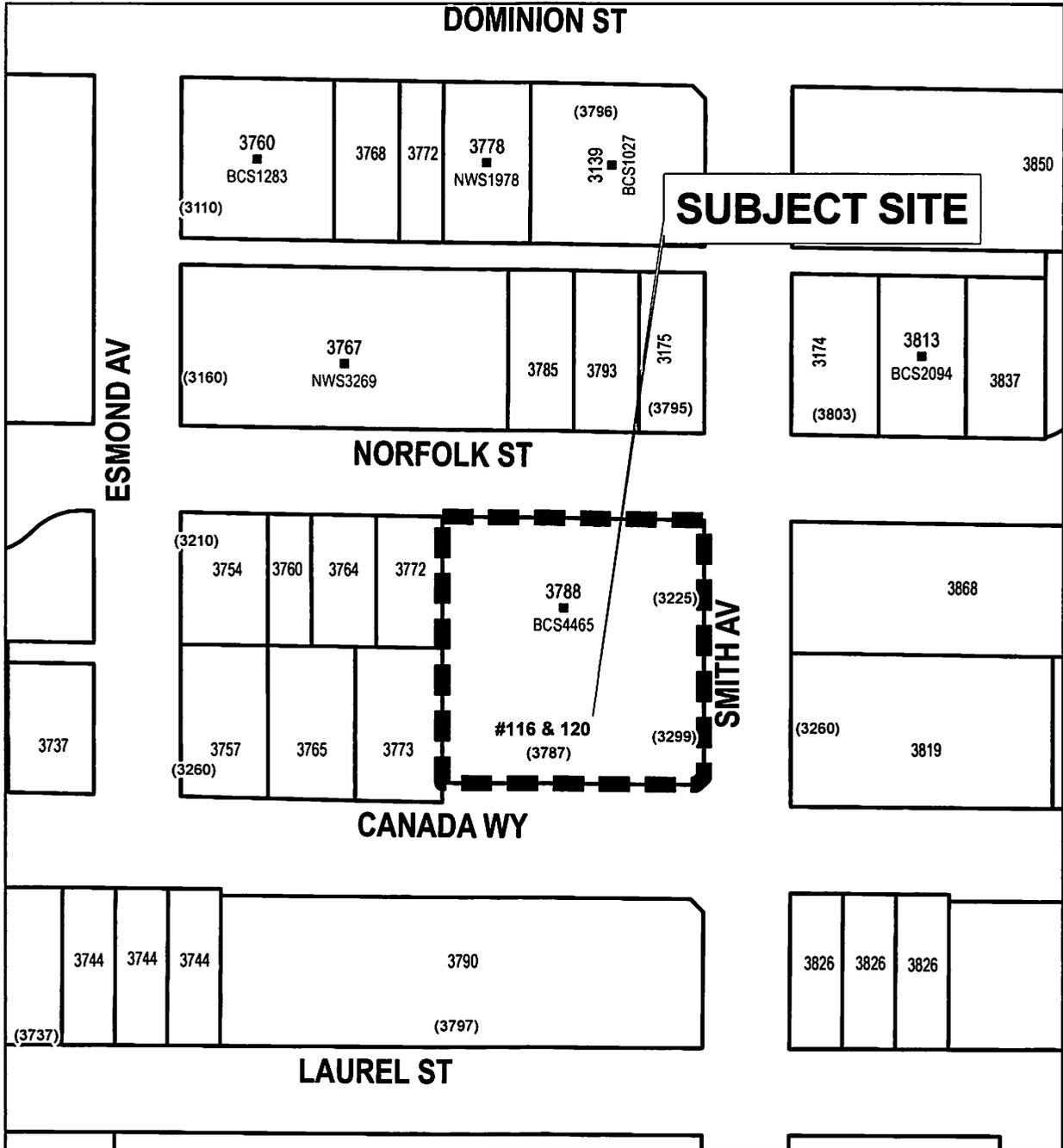


E.W. Kozak, Director  
PLANNING AND BUILDING

MP:spf

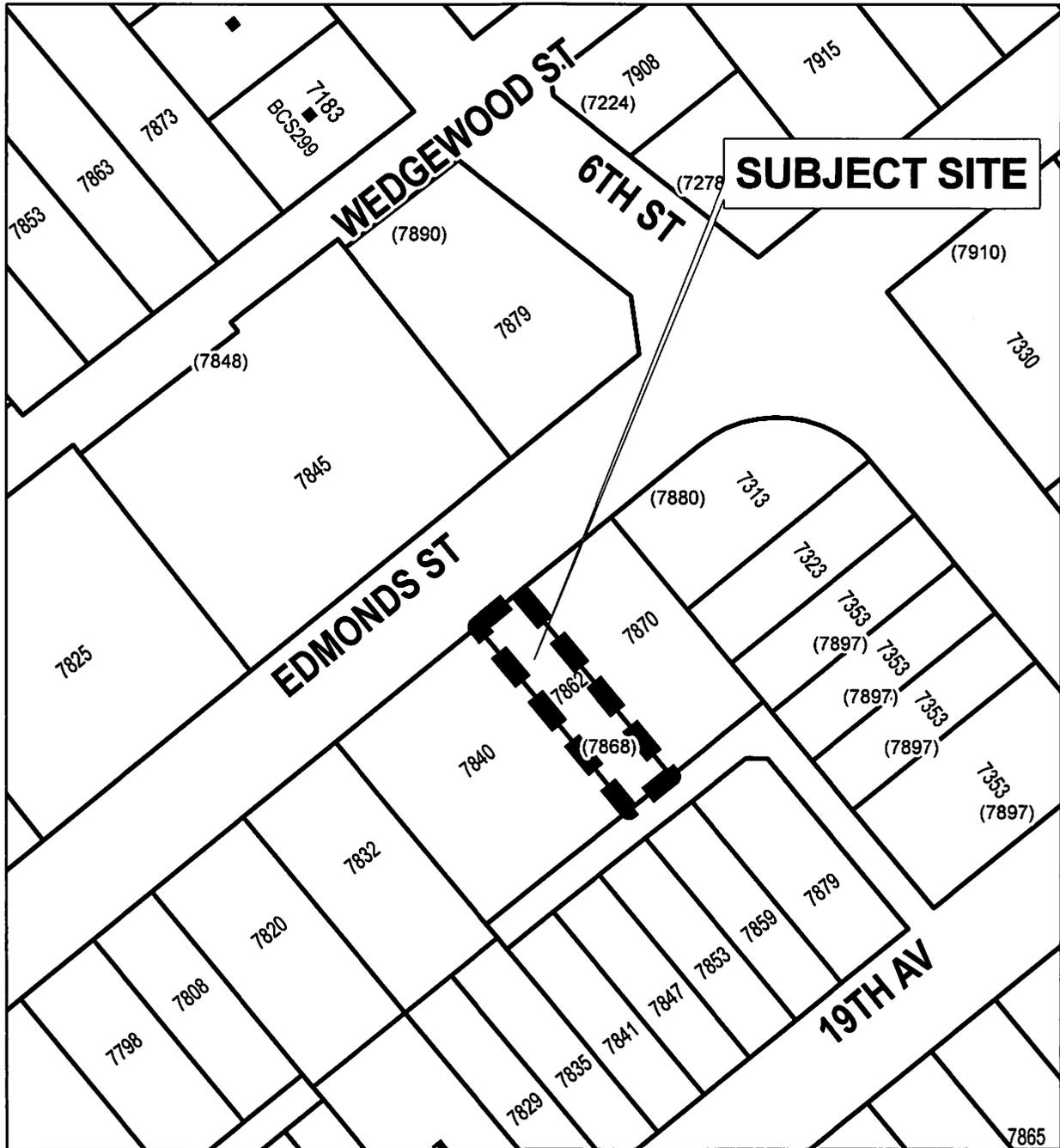
#### ***Attachments***

cc: Director Public Safety and Community Services  
Chief Building Inspector  
City Solicitor



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|  <p>City of Burnaby</p> | <p>PLANNING &amp; BUILDING DEPARTMENT</p>  |
| <p>Date: SEP 29 2021</p>   | <p><b>LIVING ROOM CAFÉ</b><br/> <b>UNIT 116 AND 120</b><br/> <b>3787 CANADA WAY</b></p>  Subject Site |
| <p>scale: 1:1,500</p>  |  |
| <p>Drawn By: RW</p>  |  |

Sketch #1



PLANNING & BUILDING DEPARTMENT



Date:  
SEP 29 2021

scale:  
1:1,200

Drawn By:  
RW

**DAHLAK RESTAURANT LTD.**  
**7868 EDMONDS STREET**

 Subject Site

**Sketch #2**