

**TO:** CITY MANAGER 1996 NOVEMBER 20

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** LIQUOR LICENCE APPLICATION #3/96  
ENTERTAINMENT IN PROPOSED CLASS "B" RESTAURANT  
MYLES OF BEANS COFFEE HOUSE  
7010 KINGSWAY (Sketch Attached)

**PURPOSE:** To seek Council approval for the subject liquor licence application.

**RECOMMENDATIONS:**

1. THAT Council resolve to approve the request for an entertainment area within the Myles of Beans Coffee House, with the operating hours of 7:00 p.m. - 11:00 p.m., seven days per week, subject to the conditions of the Chief Environmental Health Officer, noted in Section 2.4.
2. THAT a copy of this report and Council's resolution be forwarded to the Liquor Control and Licensing Branch, 101 - 9180 King George Highway, Surrey, B.C., V3V 5V9; and the applicant David Myles, 7010 Kingsway, Burnaby, B.C. V5E 1E7.

**R E P O R T**

**1.0 BACKGROUND INFORMATION:**

- 1.1 On 1990 April 30, Council received a report advising that as part of a change in Liquor Control Licensing Branch regulations, local government approval is a pre-condition for Branch consideration of entertainment in a licensed restaurant.

The report also stated, in consideration of the past practice of reporting on all requests for local government approval or comments on liquor licence applications, and the potential impact Class "B" licensed restaurants with significant entertainment features could have on adjacent neighbourhoods, this Department would, unless otherwise directed, report to Council on applications for entertainment in such restaurants.

**2.0 GENERAL DISCUSSION:**

2.1 The subject restaurant is located along the Kingsway frontage of a mixed-use commercial/residential development (City Club - Rezoning Reference #43/93). The first floor of the development is occupied by commercial use, with two storeys of residential above and a residential tower on the site to the south. The coffee house is at the corner of Kingsway and Greenford Avenue. A car sales facility is to the west across Greenford Avenue and additional low scale commercial developments are across Kingsway to the north. Another mixed-use commercial/residential development is to the east.

2.2 The subject restaurant already has an entertainment area and has been providing entertainment since the restaurant opened earlier this year, but the restaurant has not had a liquor licence. The applicant is now in the process of applying to the Liquor Control and Licensing Branch for a Class "B" liquor licence for the restaurant with hours of sale of 10:00 a.m. to 11:00 p.m., seven days a week. Therefore, local government approval is now required. The applicant indicates that the entertainment has been and will continue to include acoustic guitar, poetry readings and folk singing nights.

The restaurant includes a raised area which is approximately 7ft. by 9ft. (63 sq.ft. total area) and is occupied by couches and a coffee table, which has been used as the entertainment area. Liquor Control and Licensing Branch staff have indicated, however, that the size of the entertainment area could be required to be reduced. The proposed hours for the entertainment are 7:00 p.m. to 11:00 p.m. seven days a week.

2.3 The surrounding area is a busy commercial and mixed-use development area fronting on a major traffic thoroughfare. It is therefore unlikely that this relatively minor entertainment proposal should cause any significant land use impacts or nuisances. The only adjacent land use that could be impacted would be the residential unit directly above the restaurant. However, the owner advises that they have had no complaints about entertainment from the residents above. Also, as the restaurant and the residential unit are part of the same Strata Corporation, the situation should be somewhat self-policing.

2.4 The Planning and Building Department has solicited comments on this application from relevant City Departments, including the R.C.M.P. Burnaby Detachment. No City Departments have expressed any objections to the entertainment area in the proposed Class "B" licensed restaurant. The Chief Environmental Health Officer advises that his Department has no objection, subject to the following conditions:

1. No music or loud entertainment outside, including external speakers.
2. Front doors to restaurant to remain closed during entertainment.

3. Patio seating is closed after 10:00 p.m.

The Planning and Building Department concurs with these conditions and they have been included in the recommendation to Council.

**3.0 CONCLUSION:**

In light of the minor nature of the entertainment and the fact it has already been taking place in the unlicensed restaurant, as well as the lack of other objections to the application, the Planning and Building Department supports the subject application for entertainment in a proposed Class "B" licensed restaurant.

  
D. G. Stenson  
Director Planning and Building

BW:gk  
Attach

cc: Chief Public Health Inspector  
Officer-in-Charge, R.C.M.P., Burnaby Detachment

