

ITEM	04
MANAGER'S REPORT #	01
COUNCIL MEETING	96/01/08

TO: CITY MANAGER

1995 December 15

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: LIQUOR LICENCE APPLICATION #6/95
PROPOSED ENTERTAINMENT IN CLASS "B"
RESTAURANT
MISO JAPANESE RESTAURANT
7707 ROYAL OAK AVENUE (see *attached* sketch)

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

RECOMMENDATIONS:

1. **THAT** Council resolve to approve an entertainment area within the Miso Japanese Restaurant, with the operating hours of 8:00 p.m. to 12:00 midnight Sunday to Thursday and 8:00 p.m. to 1:00 a.m. Friday and Saturday, subject to the doors and windows in the restaurant being kept closed during the entertainment.
2. **THAT** a copy of this report and Council's resolution be forwarded to the Liquor Control and Licensing Branch, 217 - 1899 Willingdon Avenue, Burnaby, B.C., V5C 5T1; and the applicant, Sae Chang, 7721 Royal Oak Avenue, Burnaby, B.C., V5J 4K2

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 and 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 at the easterly end of a small low-scale strip commercial building, which faces north. Another small shopping centre is located to the north, while two older legally non-conforming single-family dwellings are to the south. To the west, there is the remainder of the strip commercial development and the rear of single-family dwellings, while across Royal Oak Avenue to the east there is a mixed commercial residential development.

2.2 The subject application involves a request to permit karaoke singing during the entertainment hours. The applicant has indicated he will probably not designate a specific area for the karaoke singing, but that if there is a designated area, it would be a small area adjacent the front door.

As there are no doors or windows on the south and east sides of the building it is not anticipated that the closest residences, to the south, should be affected. The single-family dwellings to the west are some distance from the restaurant, while the residences above the first floor to the east are across Royal Oak Avenue in a busy commercial area.

2.3 The Miso Japanese Restaurant is not yet in operation, but is in a tenant space which was previously occupied by a restaurant. The restaurant is seeking permission from the Liquor Control and Licensing Branch to serve liquor from 12:00 noon - 1:00 a.m. Sunday through Thursday and 12:00 noon - 1:30 a.m. Friday and Saturday. While the operating hours on the liquor licence are not within the scope of the report, the hours of entertainment are included in the Council resolution on entertainment in restaurants.

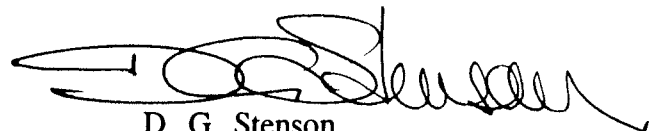
In this case, the applicant is applying for entertainment from 8:00 p.m. to closing (1:00 a.m. Sunday - Thursday, 1:30 a.m. Friday and Saturday) seven days a week. While the internalized, accessory nature of the entertainment in the restaurant is not considered likely to present major impacts, staff do have some concern about the proposed late hours of the entertainment and potential nuisance factor at closing time. It is therefore recommended that Council approval of the entertainment be based on a more acceptable operating time of 8:00 p.m. to 12:00 midnight Sunday through Thursday and 8:00 p.m. to 1:00 a.m. on Friday and Saturday.

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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 establishment of an entertainment area in this Class "B" licensed restaurant. The Chief Environmental Health Officer advises that this Department has no objection to the entertainment, provided that all doors and windows be kept closed during the entertainment.

3.0 CONCLUSION:

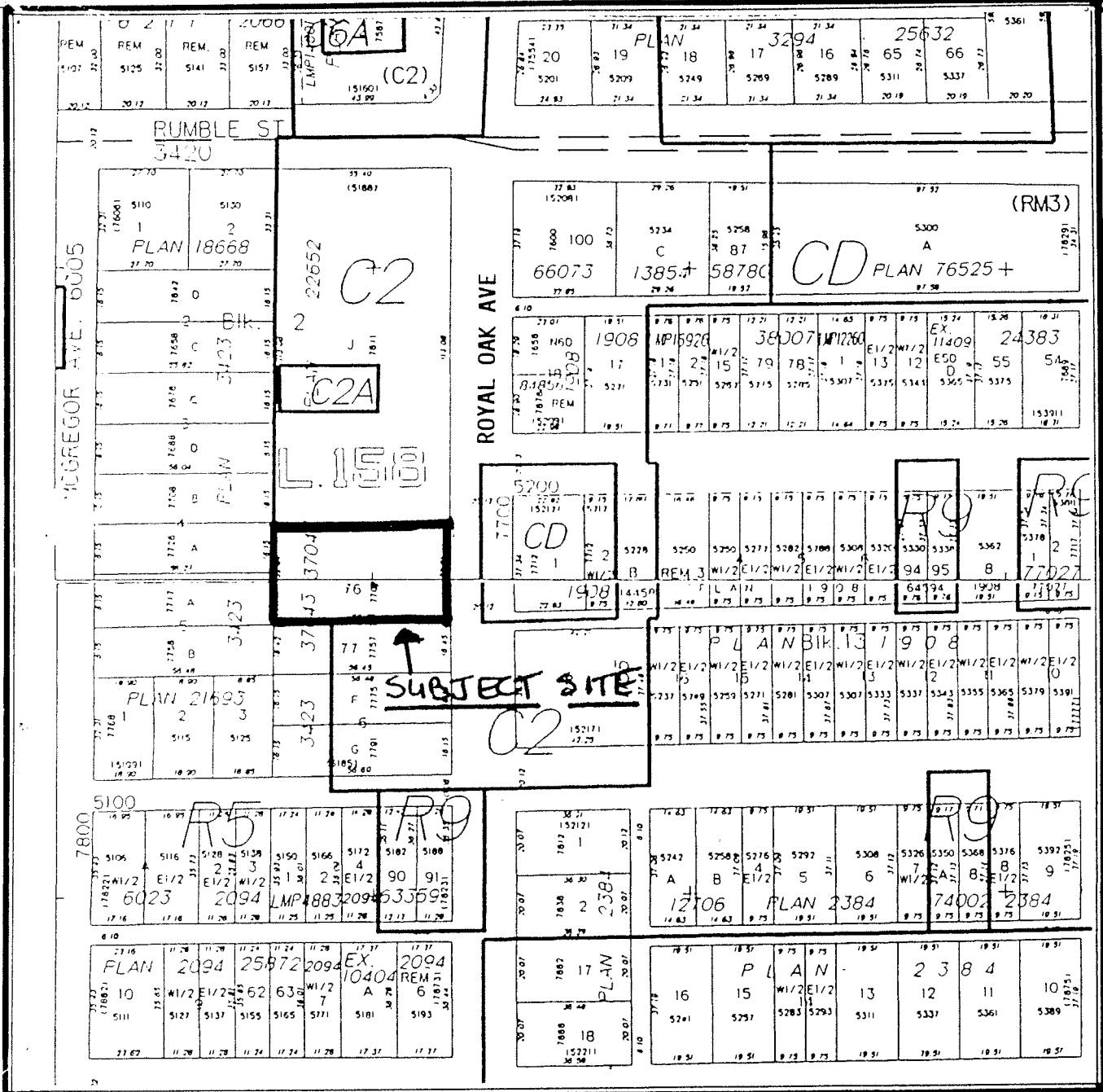
In light of the location of the entertainment area in relation to other land uses, the accessory, internalized nature of the entertainment, and the lack of objections to the application, the Planning and Building Department supports the subject application for entertainment in the Class "B" restaurant, subject to operating hours of 8:00 p.m. to 12:00 midnight Sunday through Thursday and 8:00 p.m. to 1:00 a.m. Friday and Saturday, and the doors and windows being kept closed during the entertainment.



D. G. Stenson,
Director Planning and Building

BW/ds
Attach.

cc: Chief Public Health Inspector
O i/c Operations, RCMP, Burnaby Detachment



Date:
 OCTOBER 31, 1995

Scale:
 1:2000

Drawn By:



City of
Burnaby
 Planning & Building Dept

LIQUOR LICENCE APPLICATION #6/95