

TO: CITY MANAGER

1998 FEBRUARY 25

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: LIQUOR LICENCE APPLICATION #1/98
ENTERTAINMENT PROPOSED IN CLASS "B" DINING LOUNGE
FOODY GOODY RESTAURANT
4211 KINGSWAY (SEE ATTACHED SKETCH)**

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 Foody Goody Restaurant, with the operating hours of 5:00 p.m. - 10:00 p.m. seven days a week, subject to the applicant engaging the services of an acoustical engineer to recommend and implement noise mitigation measures.
2. **THAT** a copy of this report and Council's resolution be forwarded to the Liquor Control and Licencing Branch, 101 - 9180 King George Highway, Surrey, B.C., V3V 5V9; and the applicant Marcia Lau, 4277 Kingsway, Burnaby, B.C., V5H 3Z2.

R E P O R T

1.0 BACKGROUND INFORMATION:

On 1990 April 30, Council received a report advising that, as part of a change in Liquor Control & Licencing 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" licenced 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 on the ground level of a mixed-use residential/commercial development, known as Burnaby Centre, with commercial uses along the ground level, two apartment towers above and behind the restaurant to the north and east and an office tower at the western edge of the property. The subject site is surrounded by more high-rise residential towers to the east and south, low-rise walk-up apartments to the north and west and Central Park to the south-west.

- 2.2 The applicant is proposing to have entertainment in the form of a dance floor measuring 30' x 19'6" (585 sq. ft.) with recorded music playing from 5:00 p.m. to 10:00 p.m. seven days per week. The applicant advises that the seating capacity in the restaurant will not change, remaining at 200 seats.
- 2.3 The subject property is located along Kingsway, which is a very busy traffic corridor and in an area of mixed land uses. Therefore, ambient traffic noise should exceed any possible noise from the entertainment affecting adjacent properties and it is in an area of significant existing commercial activity.
- 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 in the Class "B" licenced restaurant. However, the R.C.M.P. and the Environmental Services Division of the Engineering Department are concerned about the potential for residents in the towers above the restaurant to be affected by excess noise from the music entertainment. As a result, the Environmental Services Division of the Engineering Department recommends that the applicant engage the services of an acoustical engineer to recommend and implement noise mitigation measures prior to the issuance of the liquor licence. The Environmental Services Division, of the Engineering Department is requiring such measures be taken in this instance to ensure the residential component of this development is not adversely affected, and, the potential for an increase of similar types of entertainment liquor licence applications in mixed-use developments in the future. If Council adopts the recommendations in this report, staff will write to the applicant advising of the noise mitigation requirement. Once any necessary noise mitigation measures have been implemented, staff will notify the City Clerk's office to forward the resolution of support on to the Liquor Control and Licencing Branch.

3.0 CONCLUSION:

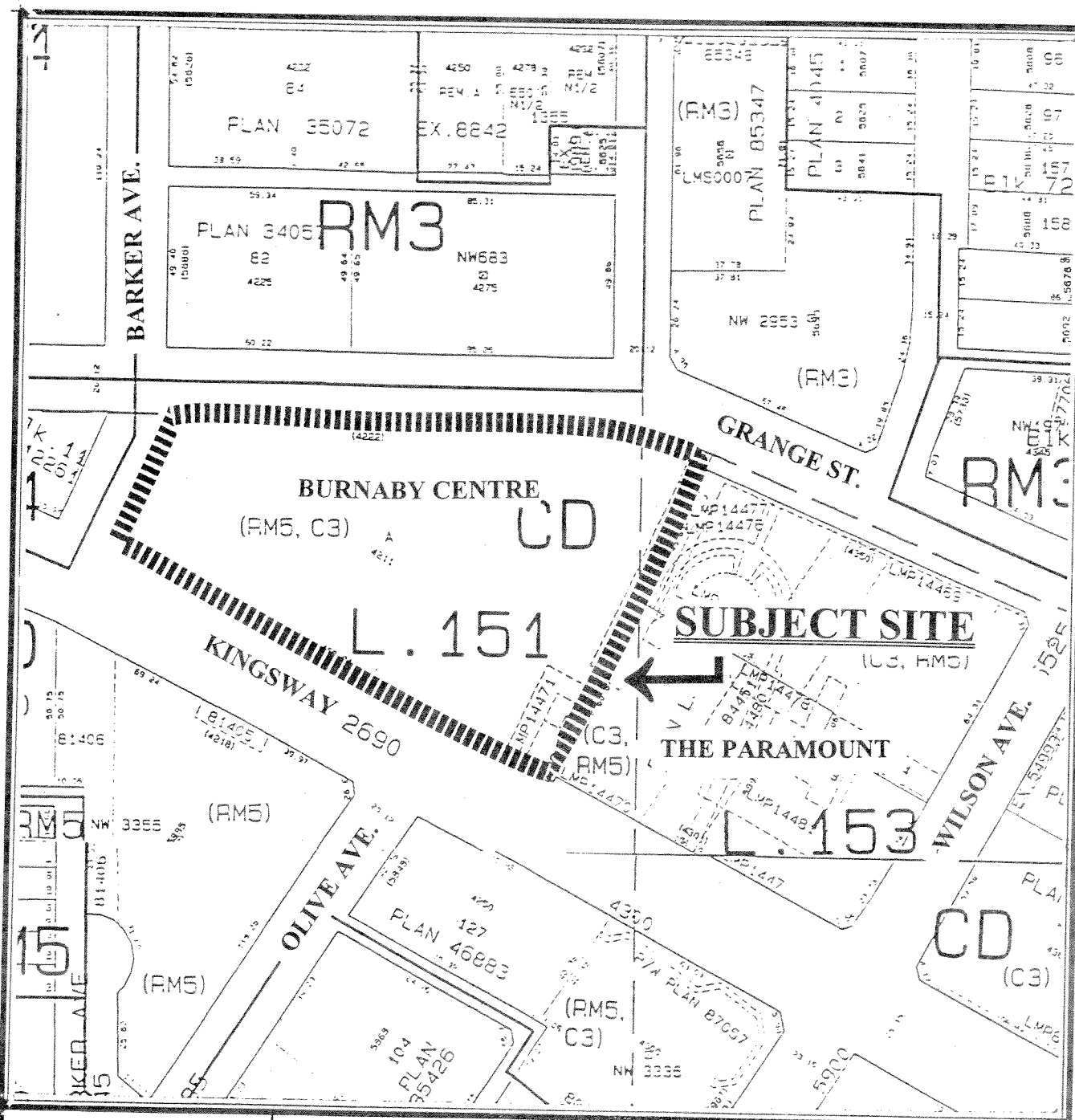
In light of the minor nature of the proposed entertainment in combination with the required noise mitigation measures to be completed prior to issuance of the liquor licence, the Planning and Building Department supports the subject application for entertainment in the Class "B" licenced restaurant.



D.G. Stenson,
Director Planning and Building.

PSF/ds
Attach.

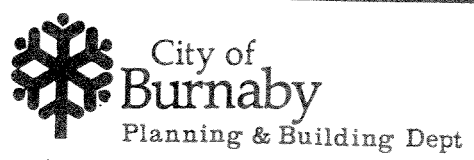
cc: Director Engineering, Environmental Services Division
Officer-in-Charge, R.C.M.P., Burnaby Detachment
City Clerk



Date:
JANUARY 1998

Scale:
1:2000

Drawn By:
P.S.F.



LIQUOR LICENCE APPLICATION 1/98

