

TO: CITY MANAGER **1999 JUNE 09**

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: LIQUOR LICENCE APPLICATION #5/98
ENTERTAINMENT PROPOSED IN CLASS "B" RESTAURANT
WONDER BARBECUE RESTAURANT
6669 KINGSWAY (See Attached Sketch)

PURPOSE: To recommend that Council not approve the subject liquor licence application.

RECOMMENDATIONS:

1. **THAT** Council resolve to not approve the request for an entertainment area at the Wonder Barbecue Restaurant at 6669 Kingsway.
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, Diego's Entertainment c/o HOST Consulting Ltd., 302 - 32555 Simon Avenue, Abbotsford, B.C., V2T 4Y2.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 Since 1990, local government input has been a pre-condition for Liquor Control and Licencing Branch approval of entertainment in Class "B" licenced restaurants. 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 has reported to Council on applications for entertainment in such restaurants.
- 1.2 As noted in the 1998 December 14 report to Council, Liquor Licence Application (L.L.A.) #5/98 for the Wonder Barbecue Restaurant, located at 6669 Kingsway, concerned a request for karaoke box rooms. Karaoke box rooms are small private rooms used for karaoke entertainment and are a relatively new phenomenon for Class "B" licenced restaurants in Burnaby. Upon review of the application, the R.C.M.P., Burnaby Detachment raised concerns that karaoke entertainment in restaurants has been associated with gang activity and that additional activity on the subject site could precipitate concerns. In addition, it was noted by the Social Planning Division of the Planning and Building Department that the

Report on the City of Burnaby Task Force on the Sexual Exploitation and Prostitution of Children and Youth (adopted by Council in June 1998) included reference to karaoke establishments as a type of business which children under the age of 19 should be prohibited from working in or frequenting. In light of these concerns, the Planning and Building Department recommended that a decision on L.L.A. #5/98 be deferred pending a review of the issue. The Planning and Building Department subsequently received another request for karaoke box rooms—L.L.A. #6/98 for Taisho Restaurant at Eaton Centre—which was also deferred pending a review of the karaoke box room issue.

- 1.3 On 1999 February 8, Council received reports regarding L.L.A. #5/98 and L.L.A. #6/98. It was noted in the report for L.L.A. #5/98 that karaoke box rooms are considered potentially problematic by both the R.C.M.P., Burnaby Detachment, and Vancouver police.

Given concerns about the potential for such entertainment to facilitate illegal activity, the Planning and Building Department recommended that the liquor licence applications for the subject restaurants be approved subject to both establishments first providing greater visibility for the karaoke box rooms than is currently provided by the Liquor Control and Licencing Branch regulations and subject to the applicant for L.L.A. #5/98 first meeting necessary noise mitigation measures. It was noted that the karaoke box rooms for the subject restaurants had already been constructed. At that time, the reports for L.L.A. #5/98 and L.L.A. #6/98 were tabled in order to allow Council a further opportunity for review.

- 1.4 On 1999 March 1, the reports were lifted from the table and the karaoke box room issue was discussed. Given Council's concern about the experiences of other municipalities with karaoke entertainment in restaurants, Council requested that the Planning and Building Department write a report regarding the feasibility and advisability of Burnaby not entertaining further applications for karaoke box rooms as part of liquor licences in Class "B" restaurants and reflecting Council's concern regarding karaoke box rooms.

- 1.5 On 1999 March 29, the above requested report was received by Council and was tabled, and on 1999 April 19, Council lifted the tabled report. Following further discussion of the issue, Council requested that the Planning and Building Department write a report that would address security and use concerns of karaoke box rooms. In particular, Council directed staff to give consideration to ways in which to create highly visible karaoke box rooms and means to ensure that those rooms are used for karaoke purposes only. Following discussions with the R.C.M.P., Burnaby Detachment, and the Social Planning Division of the Planning and Building Department, specific guidelines and requirements were recommended in a report to Council on 1999 May 31 and were adopted.

2.0 GENERAL DISCUSSION:

2.1 As noted in the 1998 December 09 report to Council, the applicant for Liquor Licence Application #5/98 proposed to have karaoke entertainment in the form of four boxes and one raised stage area along the south side of the second floor area of the Wonder Barbecue Restaurant. One box room has since been removed to make room for a new raised stage area, leaving three box rooms that are located off a corridor. Also noted in that report was the R.C.M.P., Burnaby Detachment's concern about karaoke entertainment on the subject site—already home to a 350 seat Class "C" cabaret liquor licence—and both the R.C.M.P., Burnaby Detachment, and Environmental Services' concern about the potential for residents in the area to be affected by excess noise from the entertainment.

2.2 In order that applications for karaoke box rooms in Class "B" licenced restaurants are evaluated based on their individual and contextual characteristics, guidelines for assessing applications were adopted by Council on 1999 May 31. The following is an examination of those guidelines with respect to the subject restaurant:

- **A minimum distance of 200 metres (656 feet) from establishments with drinking-oriented liquor licences and 100 metres (328 feet) from properties zoned for single- and two-family dwellings.**

The subject restaurant is located within the same building, above and adjacent to Maverick's Sports Bar and Grill, a Class "C" licenced cabaret. Such close proximity to a drinking-oriented establishment would exacerbate the potential for problems, both through the potential for intoxicated patrons from the cabaret to frequent the karaoke box rooms and through the creation of additional, non-restaurant activity on the site.

The subject site is also located directly across from properties zoned for single- and two-family dwellings. This raises concerns regarding neighbourhood impacts from both the proposed additional entertainment activity, as well as the other established on-site uses such as the cabaret, and from the higher intensity of on-site exterior patron use and traffic into the late evening hours.

- **A minimum seating capacity of 100 patrons.**

Previous reports indicated that smaller establishments may be more susceptible to problems associated with karaoke entertainment than larger establishments. For example, small restaurants with fewer clientele may inadvertently have a more intimate "club" atmosphere that could foster certain types of illegal activity. Larger restaurants with the potential for more clientele—and therefore more "eyes on" the

karaoke box rooms—may more easily discourage such activity. In this case there is a combined seating capacity for the Class "B" licenced restaurant of 190, however, the upper restaurant area, including the karaoke box rooms, is licenced for 80 patrons and the floor plans submitted for this application shows only 38 seats on the upper floor. In addition to being removed from the main restaurant area below, the prevailing atmosphere of the upper floor seating area is that of a "lounge" and is more conducive to drinking than eating.

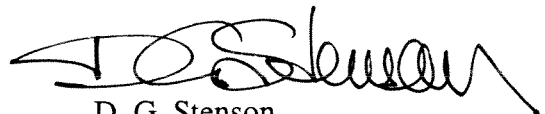
- **No designated "drinking seats."**

As designated "drinking seats" have not yet been approved as an option by the Liquor Control and Licencing Branch, this particular guideline is not applicable at this time.

Even if the subject restaurant were able to meet all of the above guidelines, it would likely be unable to meet the adopted physical requirements for karaoke box rooms in Class "B" restaurants, specifically that which requires that the karaoke box rooms be easily accessible and visible from the main restaurant area. The karaoke box rooms are located off a corridor which is perpendicular—not adjacent—to the common restaurant area of the upper floor, and only the first of the three rooms could potentially be made more visible to the common restaurant area.

3.0 CONCLUSION:

Karaoke box rooms in licenced establishments are a relatively new phenomenon in the City of Burnaby and one which has created concerns related to its potential to facilitate illegal activity. Council has therefore adopted a number of guidelines and physical requirements in order to help review applications and increase the visibility of box rooms in Class "B" licenced restaurants. Given that the subject restaurant does not meet all the adopted guidelines for karaoke box rooms in Class "B" licenced restaurants and would likely be unable to meet all the adopted physical requirements for such box rooms, the Planning and Building Department does not support the subject application for entertainment in the Class "B" licenced restaurant.



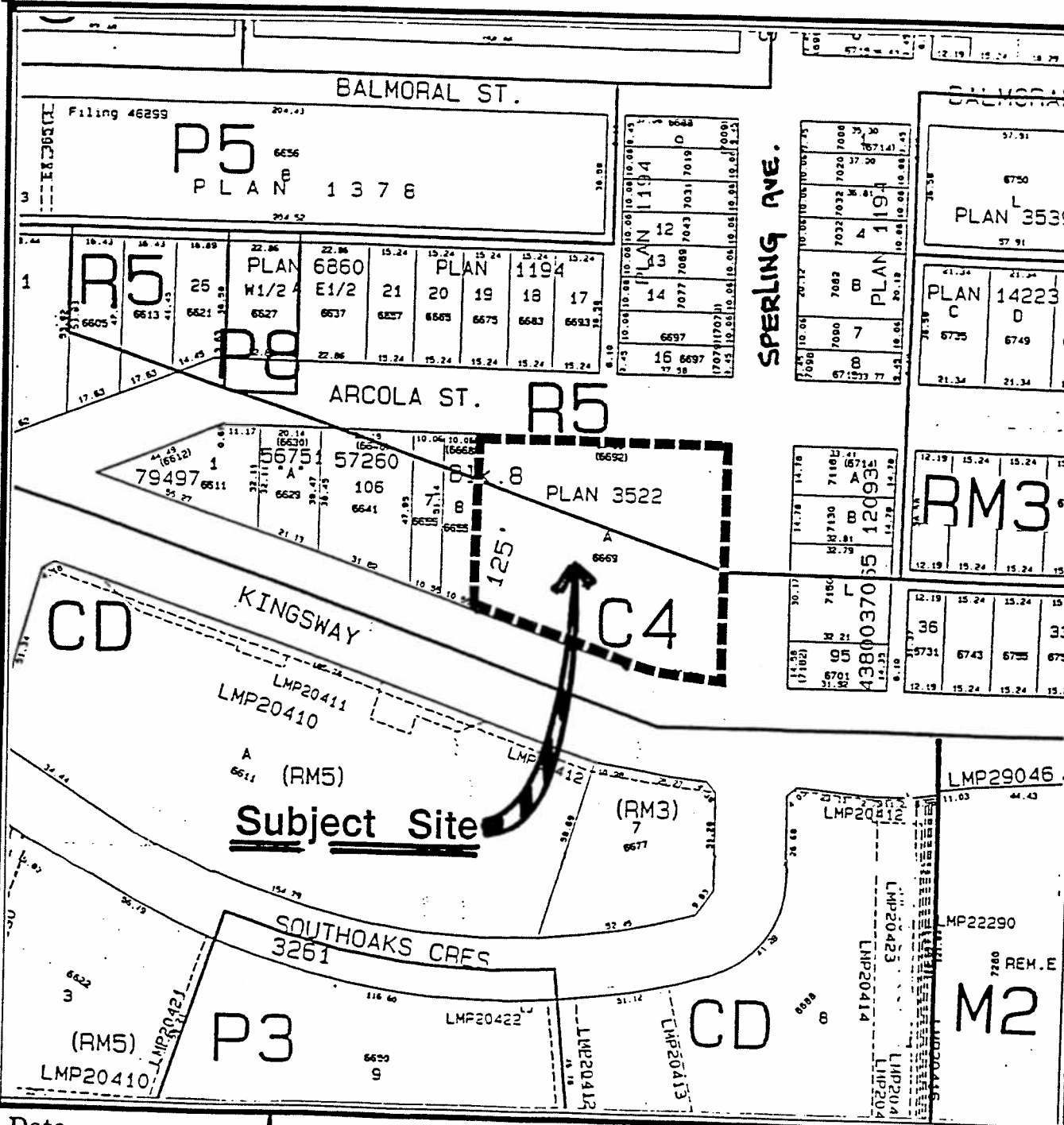
D. G. Stenson

Director Planning and Building

LS/ds

Attach.

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



Date:
November 1998

Scale:
1:2000

Drawn By:
J.P.C.



Planning & Building Dept.

Liquor Licence Application # 5 / 98



Sketch # 1

