

TO: CITY MANAGER 2000 MAY 24

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: LIQUOR LICENCE APPLICATION #99-02
ENTERTAINMENT PROPOSED IN CLASS "B" RESTAURANT
VIP RESTAURANT
5152 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 VIP Restaurant, with the hours of 5:00 p.m. to 11:00 p.m., seven days a week, subject to the doors and windows of the restaurant remaining closed during the entertainment.
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 Mr. Sung Woo Kang, A402 - 9868 East Whalley Ring Road, Surrey, B.C., V3T 5S8.

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 Licencing Branch regulation, local government approval is a pre-condition for Branch consideration of entertainment in a licenced 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.

1.2 On 2000 April 03, Council received a report regarding a request by the VIP Restaurant, located at 5152 Kingsway Avenue, to have karaoke entertainment in its open restaurant area

(Liquor Licence Application #99-02). As noted in that report, the subject restaurant is located on the lower level of the three-storey heritage designated Andy Johnson House within the Burlington Square mixed-use Comprehensive Development project, which also contains commercial uses and a multiple-family residential tower. The Planning and Building Department supported the application for entertainment in the Class “B” licenced restaurant, subject to the doors and windows on the lower floor being kept closed during the entertainment and the entertainment ceasing at 11:00 p.m., seven days a week. Council referred the report back to staff in order to inform the Strata Council of the adjacent Burlington Square apartment building of the proposal. This report addresses the comments of the Strata Council

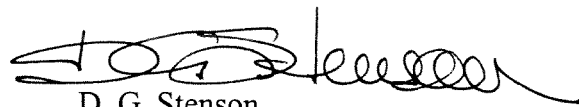
2.0 GENERAL DISCUSSION:

- 2.1 The first concern of the Burlington Square Strata Council was that the subject restaurant be a viable, legitimate, and contributing member of the community. Through a review of this application by the Planning and Building Department with input from the R.C.M.P., Burnaby Detachment, and the Environmental Services Division of the Engineering Department, potential problems regarding issues such as safety and noise were addressed to help ensure the subject restaurant and its proposed accessory entertainment component will be a positive Burnaby business. For example, as noted in the 2000 April 03 report to Council, to address R.C.M.P. and Social Planning staff concerns about visibility and surveillance, the applicant made one private dining room inaccessible to the public and made interior renovations to another private room by creating an enlarged entrance and new “pony wall” that are to remain unobstructed. Potential problems, if any, would be dealt with via the appropriate department or agency—for example, the Licence Office of the Finance Department, the Environmental Services Division of the Engineering Department, R.C.M.P., Burnaby Detachment, or the Liquor Control and Licencing Branch.
- 2.2 As noted in the 2000 April 03 report to Council, it was recommended that an acceptable time for the entertainment to cease would be 11:00 p.m., seven days a week. The second concern of the Strata Council was that the operating hours of the restaurant should be 10:00 p.m. on weekdays and 12:00 p.m. on weekends. While the City generally has no jurisdiction regarding the operating hours of restaurants which already have business and liquor licences, it may provide input regarding the hours of the proposed entertainment. In this respect, the 2000 April 03 report recommended that the hours of entertainment in the subject restaurant be reduced from the applicant’s proposed hours of 5:00 p.m. to 12:00 midnight, seven days a week, to 5:00 p.m. to 11:00 p.m., seven days a week. These reduced recommended hours are thought to be acceptable to help ensure that the focus of the restaurant remains on food service, not entertainment.

2.3 The third concern of the Strata Council was that it be ensured that patrons of the subject restaurant not use the underground P1 parking level of Burlington Square designated for commercial patrons. However, an agreement by registered easement exists between the Andy Johnson House property and the Burlington Square property which grants the users of the Andy Johnson House property the right to park motor vehicles on portions of the Burlington Square property. Nevertheless, given the availability of at-grade parking stalls and on-street parking and the underground parking garage's relatively remote nature, it is unlikely that restaurant patrons would use the underground P1 parking level of Burlington Square. The applicant has also confirmed that the underground P1 stalls reserved for "restaurant" use are regularly used by restaurant staff, not by patrons.

3.0 CONCLUSION:

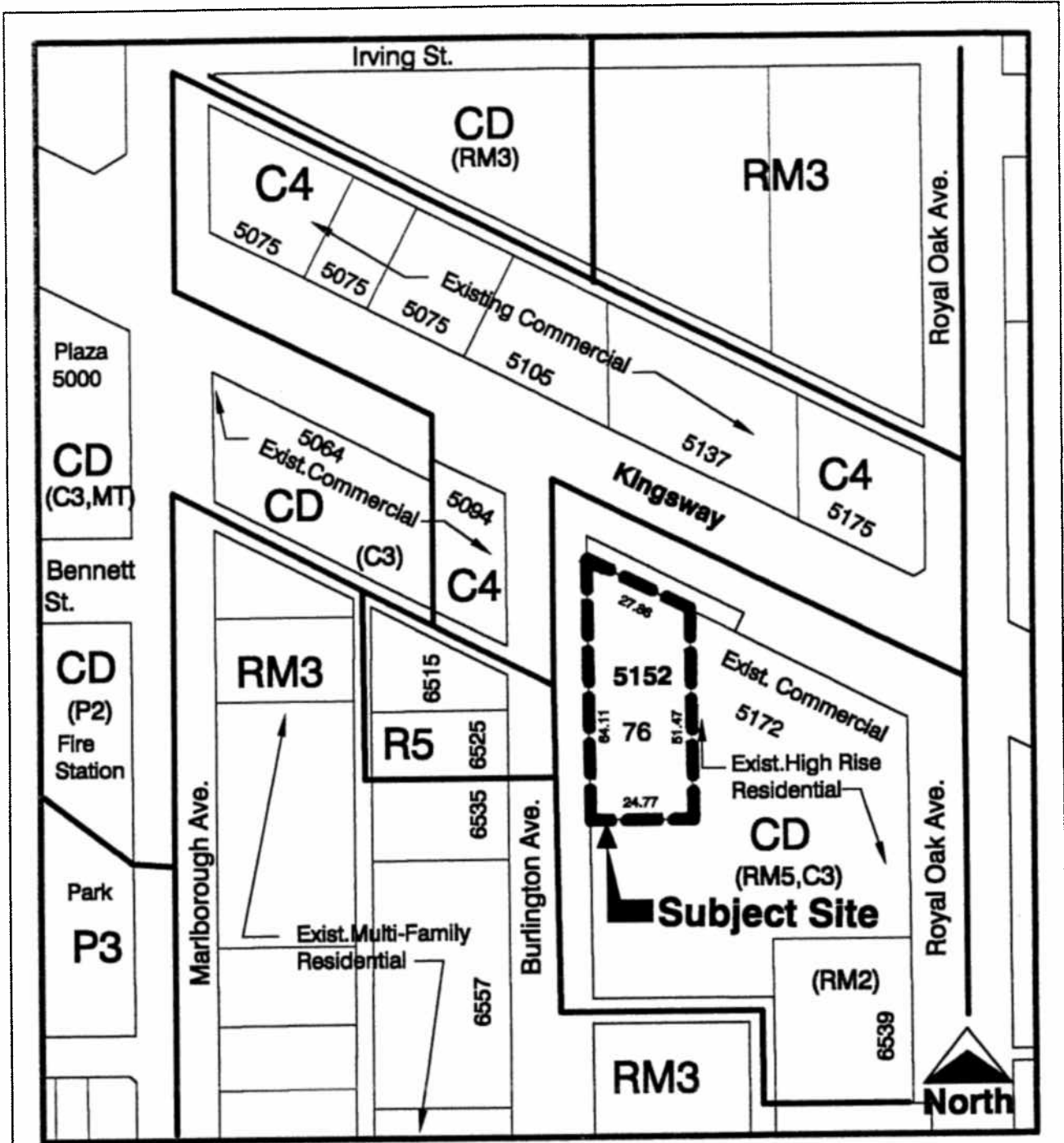
This report has addressed the Burlington Square apartment Strata Council's comments regarding the subject liquor licence application. Given the proposed entertainment area's location removed from the side of the VIP Restaurant facing the apartment, the ambient noise of Kingsway and the area's commercial activity, and the lack of objections to the application, the Planning and Building Department supports the subject application for entertainment in the Class "B" licenced restaurant, subject to the doors and windows on the lower floor being kept closed during the entertainment and the entertainment ceasing at 11:00 p.m., seven days a week.



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
Chief Licence Inspector



Planning And Building Department

Scale: 1 = 1500

Drawn By: J.P.C.

Date: Dec.1999

Liquor Licence Application #2/99

5152 Kingsway

Sketch # 1