

TO: CITY MANAGER 2000 MARCH 23

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.

REPORT

1.0 BACKGROUND INFORMATION:

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.

2.0 GENERAL DISCUSSION:

- 2.1 The subject Class "B" licenced VIP Restaurant is located on the lower level of the three-storey heritage designated Andy Johnson House and has a proposed seating capacity of 50

seats. The Johnson House Restaurant, also a Class “B” licenced restaurant, is located on the second level of the subject heritage building, and has a seating capacity of 114 seats. Burlington Square, the mixed-use Comprehensive Development project of which the Andy Johnson House is a component, surrounds the subject building to the south and east with commercial uses and a multiple-family residential tower to the south. A restaurant is located across Kingsway to the north, and a drive-thru restaurant and an older single-family dwelling are located across Burlington Avenue to the west.

- 2.2 The applicant for the VIP Restaurant is proposing to have karaoke entertainment in the northwest corner of the open restaurant area, away from the side of the restaurant facing the residential tower. A number of doors and windows around the sides of the building could, if opened, affect the potential noise containment. Generally, however, the ambient noise of Kingsway and other commercial activities would likely exceed any possible noise from the proposed entertainment. The proposed hours of the restaurant are 10:00 a.m. to 12:00 midnight, seven days a week, and the proposed hours of the entertainment are 5:00 p.m. to 12:00 midnight, seven days a week.

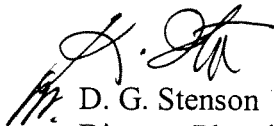
However, given the close proximity of the restaurant and the restaurant’s parking lot to the residential tower to the south and past complaints regarding noise and nuisance from patrons exiting the former restaurant space where the VIP Restaurant is now located, 12:00 midnight is considered too late a time for the entertainment to cease. A more acceptable time for the entertainment to cease, and one which would help ensure that the focus of the restaurant remains on food service, not entertainment, would be 11:00 p.m., seven days a week.

- 2.3 The Planning and Building Department has solicited comments on this application from relevant City Departments, including the R.C.M.P., Burnaby Detachment. The Environmental Services Division of the Engineering Department notes that the restaurant must comply with requirements of the Burnaby Noise or Sound Abatement Bylaw and the R.C.M.P., Burnaby Detachment, had concerns about the existence of two small private dining rooms located in the subject restaurant.

To address this latter concern, the applicant has made one of the rooms for storage/office use only and hence inaccessible to the public and has made interior renovations to the other private room by removing portions of its walls to a height of 4.25 feet (1.29 metres), removing its door, and enlarging its entrance. The new “pony wall” around this former room is to remain unobstructed and the entrance is to remain clear. The R.C.M.P, Burnaby Detachment, is satisfied that these changes—as observed with city staff during a site visit on 2000 March 21—increase the visibility and accessibility of the restaurant’s former private room and improve the overall surveillance of the restaurant by police and liquor inspectors.

3.0 CONCLUSION:

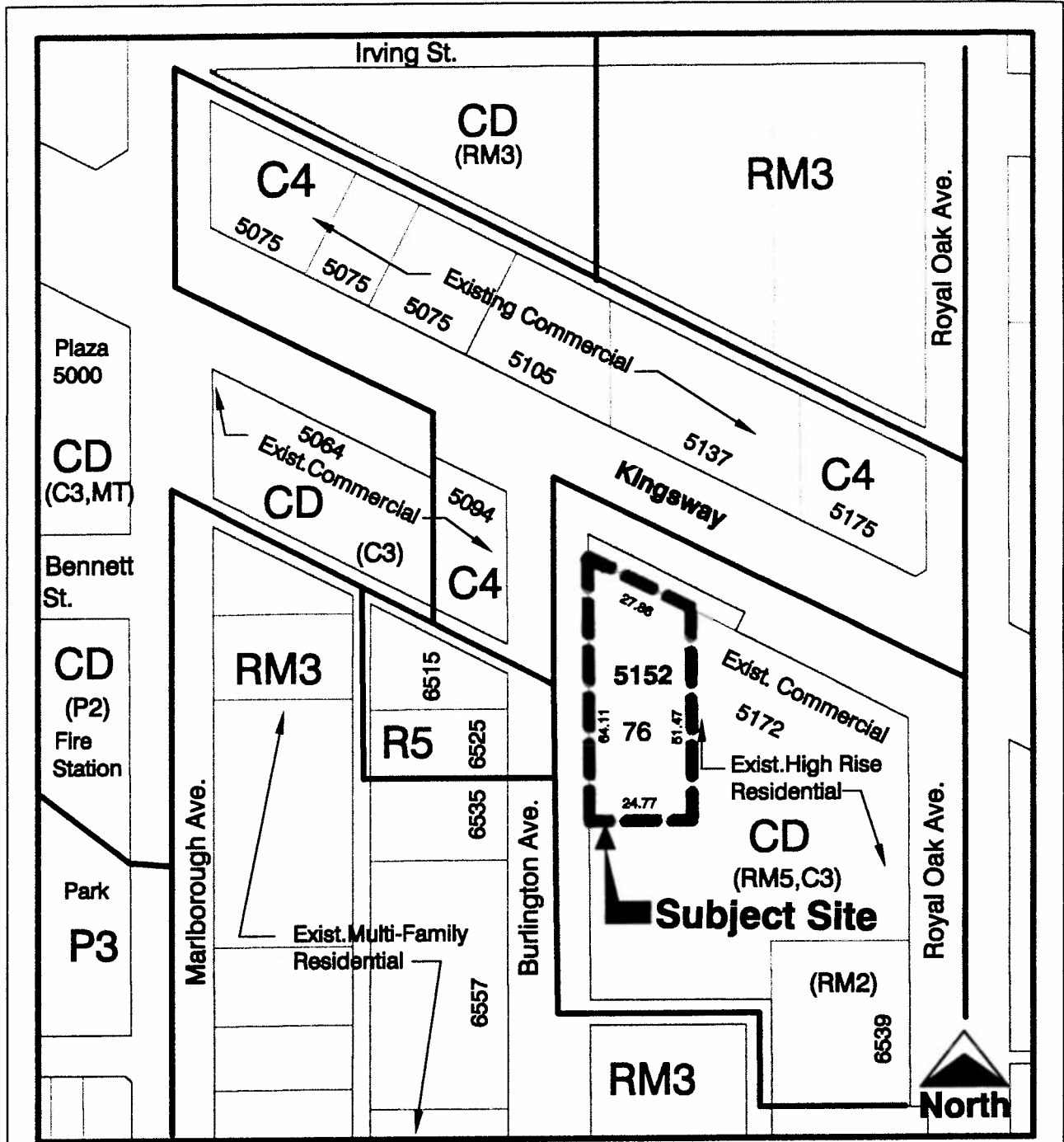
Given the proposed entertainment area's location removed from the side of the VIP Restaurant facing the residential tower, the ambient noise of Kingsway and the area's commercial activity, and the lack of objections to the application, the Planning and Building Department supports the subject application 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.




D. G. Stenson
Director Planning and Building

LS:gk
Attach.

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



 City of Burnaby		Planning And Building Department		
Scale: 1 = 1500		Liquor Licence Application #2/99 5152 Kingsway		
Drawn By: J.P.C.				Sketch # 1
Date: Dec.1999				