

TO: CITY MANAGER 2001 August 31

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: LIQUOR LICENCE APPLICATION #01-8
Designated Food Optional Area in Class "B" Restaurant
Playdium - E5 - 4700 Kingsway(see *attached* Sketch #1)

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

RECOMMENDATIONS:

- 1. THAT Council resolve to approve the request for a Designated Food Optional (DFO) area within Playdium, with the operating hours of 11:00 a.m. to 1:00 a.m from Monday to Saturday and 11:00 a.m. to 12:00 midnight on Sunday, subject to the continuation of functional separation of arcade and video game machines from the proposed DFO area.

- 3. THAT a copy of this report and Council's resolution be forwarded to the General Manager, Liquor Control and Licencing Branch, 1019 Wharf Street, Victoria, B.C., V8V 1X4; and to the applicant, Jason Troll, Playdium Entertainment Corp., E5 - 4700 Kingsway, Burnaby, B.C., V5H 4M1.

REPORT

1.0 BACKGROUND INFORMATION:

On 2000 December 18, Council received a report advising that, as part of a change in Liquor Control and Licencing Branch (LCLB) regulations, restaurant licensees with a Class "B" Dining Lounge Licence can apply to operate Designated Food Optional (DFO) areas, a limited area in restaurants where patrons can be served liquor without having to consume food. Restaurants can apply to change 10% of their current licensed capacity (excluding patios and banquet room capacities) for use as DFO seats, up to a maximum of 20 seats. The report also advised that the LCLB requires local government resolution to be sought for all applications, though the general manager of the LCLB will make a decision on the application if local government advises the LCLB that they do not wish to comment or do not respond in a reasonable time.

On 2001 January 22, Council adopted a report recommending a process for dealing with applications for DFO areas. In accordance with the past practice of reporting on all requests for local government approval or comments on liquor licence applications and to ensure that potentially problematic DFO areas are evaluated, it was recommended that each restaurant seeking a DFO area apply for a Liquor Licence Application amendment with this Department. Applications would be circulated to relevant City Departments, including the R.C.M.P., Burnaby Detachment, for comment. It is anticipated that proposed interior DFO areas in restaurants without a record of recent complaints or issues, and without entertainment, would be supportable.

Any seats in an approved DFO area could not be reallocated without a future Liquor Licence Application. In addition, any approved DFO area would still be considered a restaurant area and therefore be subject to the requirements of the Burnaby Smoking Bylaw.

2.0 GENERAL DISCUSSION:

Playdium is located on the second storey of the new three-storey commercial development located within the Metropolis shopping centre. The subject facility is located on the north side of the development facing the parking lot on Kingsway. The facility's neighbouring units, to the south and east, are occupied by retail stores. Older low-rise commercial buildings and an older three-storey mixed-use building are located to the north across the shopping centre's parking lot and Kingsway. The Class "B" licenced restaurant of the subject facility is located on the west side of both the main floor and mezzanine, with the remainder of the facility devoted to entertainment such as video games.

The applicant for Playdium is proposing to have a DFO area of 20 seats — 20 seats being the maximum number of DFO area seats possible in this restaurant which has a principal licenced area of 256 seats. The proposed DFO area is located in the restaurant's mezzanine area which is located on the north side of the facility and which has non-opening windows overlooking the parking lot below. The proposed DFO area is in the northwest corner of the mezzanine restaurant and consists of the 10 seats along the existing service bar area and the 10 nearby seats at three tables along the windows. The restaurant space functions as an internal component of the facility; there is no general public access to the outside.

While there is entertainment in the subject facility, the entertainment is separate from the restaurant and, in particular, is well separated from the proposed DFO area. The applicant has also confirmed that, though the Playdium facility as a whole is frequented by large numbers of minors, the mezzanine restaurant tends to be more of an adult "retreat" area and that a "no ID, no service" policy regarding liquor service is strictly enforced.

The operating hours of the restaurant are 11:00 a.m. to 1:00 a.m. from Monday to Saturday and 11:00 a.m. to 12:00 midnight on Sunday while the operating hours of the entertainment facility are 10:00 a.m. to 12:00 midnight from Sunday to Thursday, and 10:00 a.m. to 2:00 a.m. on Friday and Saturday.

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 Department has expressed any objections to the proposed DFO area at Playdium.

3.0 CONCLUSION:

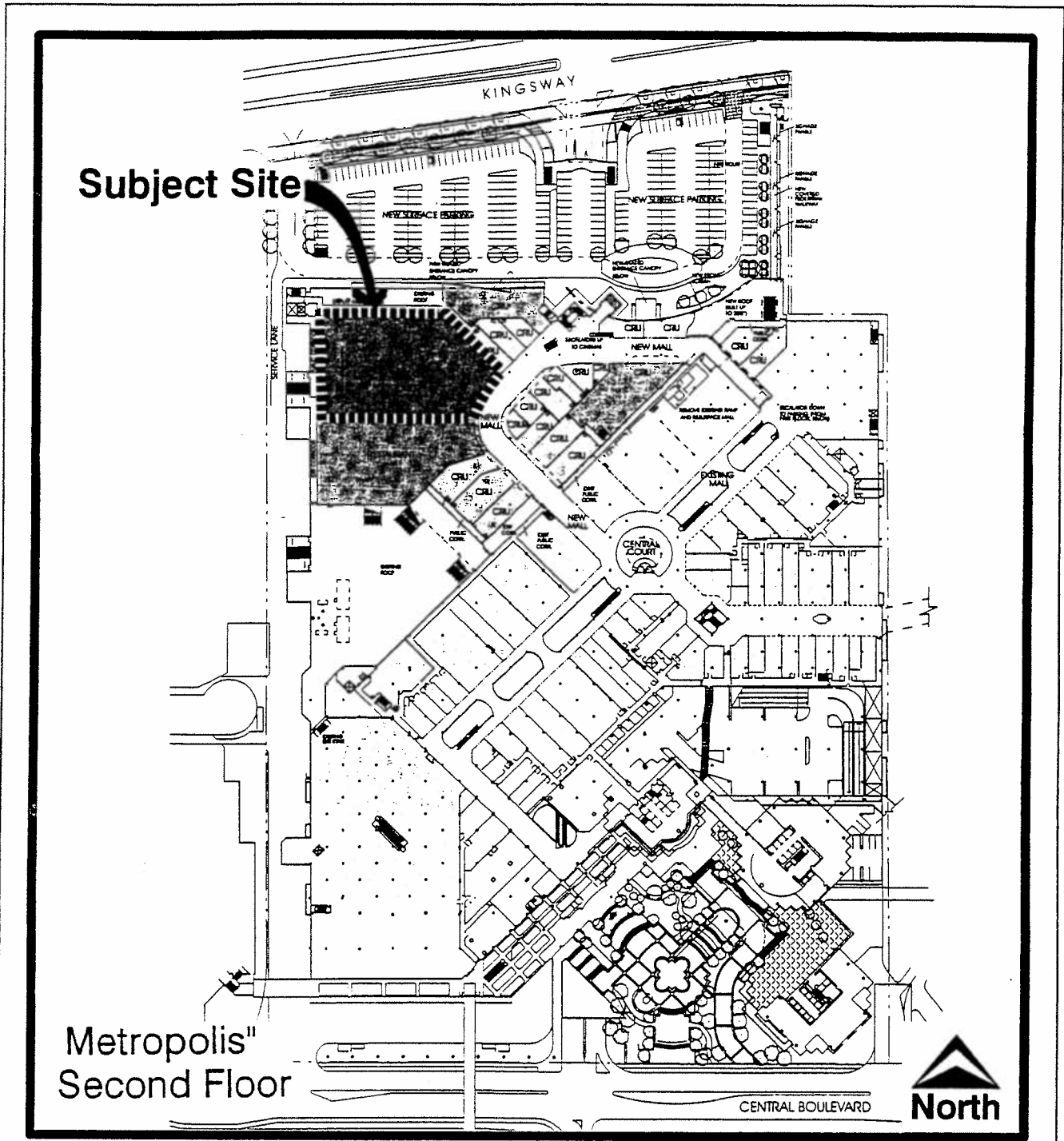
In light of the lack of objections to the application for a DFO area in Playdium, the Planning and Building Department considers it unlikely that there would be any potential community impact from the proposal and supports Playdium's application. This department's support, however, is contingent upon the continuation of functional separation of arcade and video game machines from the proposed DFO area.



J. S. Belhouse
Director Planning and Building

LS:gk
Attach.

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



Metropolis"
Second Floor



Planning And Building Department

Scale: N.T.S.

Drawn By: J.P.C.

Date: August 2001

Liquor Licence Application # 01--08

" Playdium" 4700 Kingsway

Sketch # 1