

TO: CITY MANAGER

2001 March 06

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **LIQUOR LICENCE APPLICATION #01-2**
Designated Food Optional Area in Class "B" Restaurant
Milestone's - 4420 Lougheed Highway (see *attached* Sketch #1)

LIQUOR LICENCE APPLICATION #01-3
Designated Food Optional Areas in Class "B" Restaurant
T.G. I. Friday's - E8 - 4700 Kingsway (see *attached* Sketch #2)

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

RECOMMENDATIONS:

1. **THAT** Council resolve to approve the request for a Designated Food Optional (DFO) area within Milestone's, with the operating hours of 11:00 a.m. to 12:00 midnight from Monday to Saturday and 11:00 a.m. to 11:00 p.m. on Sunday, and that a copy of this report and Council's resolution be forwarded to Rhona Stursberg, Spectra Group of Great Restaurants, 2nd Floor, 1880 W. 1st Avene, Vancouver, B.C., V6J 1G5
2. **THAT** Council resolve to approve the request for two Designated Food Optional (DFO) areas within T.G.I. Friday's, 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, and that a copy of this report and Council's resolution be forwarded to Sarah Paupst, Good Times Entertainment, E8 - 4700 Kingsway, Burnaby, B.C., V5H 4M1.
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.

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:

2.1 Milestone's:

Milestone's occupies the northern portion of a low-rise commercial building on the southeast corner of Lougheed Highway and Rosser Avenue. A printing company and a stamp business are located in the southern portion of the subject building. To the south across the subject building's parking lot is a low-rise warehouse building. To the west across Rosser Avenue is a low-rise commercial building, while immediately east of the restaurant is a car dealer. A mixed use high-rise commercial development, a vacant lot with a temporary structure, and a car dealer, are located across Lougheed Highway and the Skytrain guideway to the north.

The applicant for Milestone's is proposing to have a DFO area of 18 seats — 10% of its maximum 180 seat capacity — located within the western portion of the restaurant. There is no patron participation entertainment in the restaurant. The operating hours of the restaurant are 11:00 a.m. to 12:00 midnight from Monday to Saturday and 11:00 a.m. to 11:00 p.m. on Sunday.

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 in Milestone's.

2.2 T.G.I. Friday's:

T.G.I. Friday's is located on the second storey of the new three-storey commercial development located within the renamed Metropolis shopping centre. The subject restaurant

City Manager

Re: LLA #01-2 (Milestone's); LLA #01-3 (T.G.I.Friday's)

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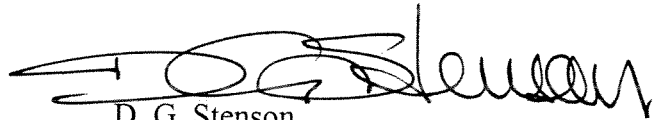
is located on the north side of the development facing the parking lot on Kingsway. The restaurant's neighbouring units, to the southwest and northwest, are occupied by retail stores. Older low-rise commercial buildings and an older three-storey mixed-use building are located to the north across Kingsway.

The applicant for T.G.I. Friday is proposing to have two DFO areas of 10 seats each — 20 seats being the maximum number of DFO area seats possible in this 300 seat capacity restaurant. One proposed DFO area is located within the southern portion of the restaurant near, but not adjacent to, the internal mall corridor. The second proposed DFO area is located on the restaurant's patio which is located at the western edge of the restaurant adjacent to the mall's parking lot below. There is no interface with other retail units from the patio and it is not anticipated that the DFO area on the patio would have a negative impact. Furthermore, the ambient noise of Kingsway and of other commercial activity in the area would likely exceed any possible impact from the DFO patio area. There is no patron participation entertainment in the restaurant. 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.

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 areas at T.G.I. Friday's.

3.0 Conclusion:

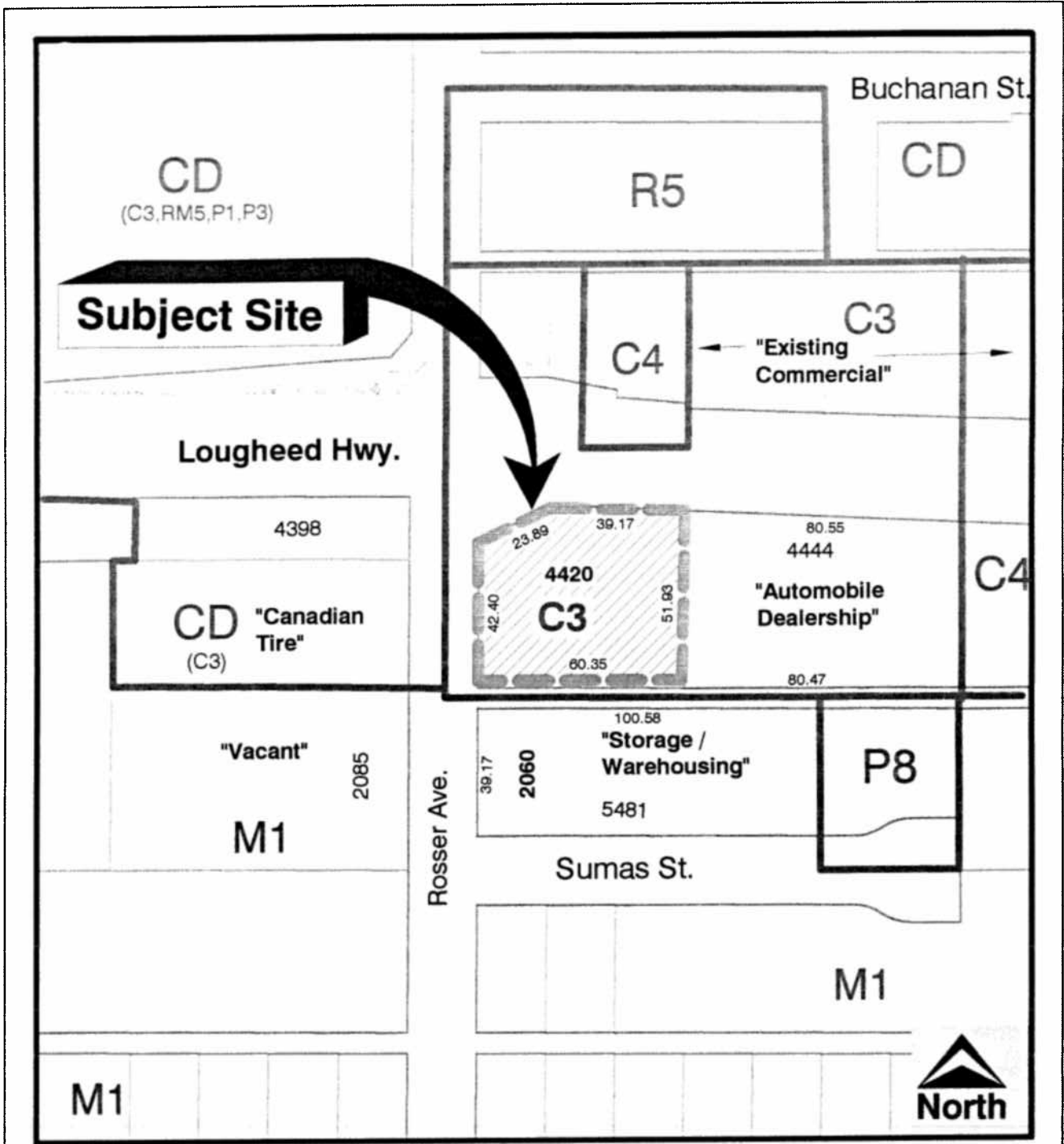
In light of the lack of objections to the application for a DFO area in Milestone's, the Planning and Building Department considers it unlikely that there would be any potential community impact from the proposal and supports Milestone's application. Similarly, in light of the lack of objections to the application for a DFO area at T.G.I. Friday's and given the location of the proposed DFO areas in relation to other land uses and activity, the Planning and Building Department considers it unlikely that there would be any potential community impact from the proposal and supports T.G.I. Friday's application.




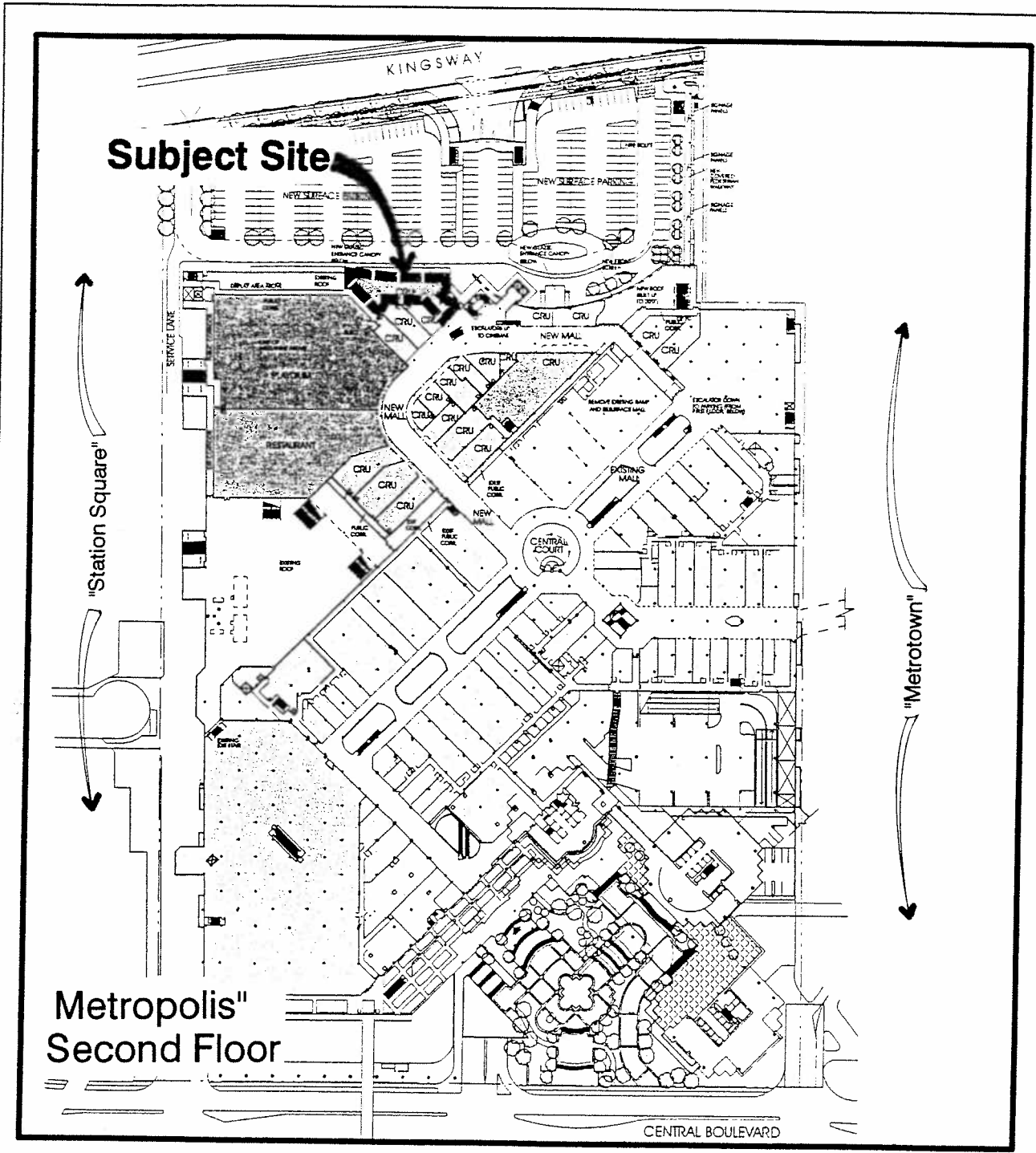
D. G. Stenson
Director Planning and Building

LS:hr
Atts.

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 = 2000		Liquor Licence Application # 01--2 4420 Lougheed Hwy. "Milestones"		
Drawn By: J.P.C.				Sketch # 1
Date: Feb. 2001				



Planning And Building Department

Scale: 1 = 1000

Drawn By: J.P.C.

Date: Feb. 2001

Liquor Licence Application # 01--2

4700 Kingsway (Unit 8 - T.G.I. Friday's)

Sketch # **2**

