

**TO:** CITY MANAGER

2003 MARCH 4

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** LIQUOR LICENCE APPLICATION # 03 -02  
**Entertainment Proposal for Food Primary Establishment  
WESTSIDE LIVE  
7611 EDMONDS STREET (See Attached Sketch)**

**PURPOSE:** To provide Council with a recommendation on the subject liquor licence application.

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**RECOMMENDATIONS:**

1. **THAT** Council resolve to not support the subject request for three karaoke box rooms within the subject liquor licence establishment.
  
2. **THAT** a copy of this report and Council's resolution be forwarded to the Liquor Control and Licensing Branch, 101 - 9180 King George Highway, Surrey, B.C. V3V 5V9; and the applicant, Soon Whee Lim, 7613 Edmonds Street, Burnaby, B.C. V3N 1B6.

**R E P O R T**

**1.0 BACKGROUND INFORMATION:**

1.1 On 2002 May 6 Council received a report on Liquor Licence Application # 01- 14, which involved a proposal to add two types of entertainment to the restaurant establishment - live music and a karaoke box room. At that time Council adopted the recommendation to approve the request for two types of entertainment in Westside Live Restaurant, with limitations on hours of the entertainment, conditional upon exterior windows and doors to be kept closed during the entertainment and provided that the Council adopted requirements are met regarding visibility and illumination with respect to karaoke box rooms.

It is noted that consideration was given to the geographic criteria for establishments with karaoke box rooms at that time. Support, however, was provided for the application despite the establishment's failure to meet certain relational criteria because: the applicant indicated at that time that the primary purpose for an entertainment component to his liquor licence was for live classical and jazz music – the single karaoke box room was considered incidental and thought to be used seldomly; and, it was believed that the relatively modest nature of the establishment would render it fairly benign in terms of its impact on the

surrounding community. Council was also informed at the time of the previous application of the restaurant's seating capacity being limited to 50 seats (the guidelines for karaoke box rooms suggest the establishment have at least 100 seats), and that the applicant was required to undertake a number of interior improvements which were supposed to ensure surveillance of the karaoke box room, in order to allay the concerns of staff and the RCMP with respect to the restaurant's relatively small size.

- 1.2 A Preliminary Plan Approval application was submitted to this Department for the construction of the karaoke box room, but was not completed by the applicant. The proprietor has, however, constructed three karaoke box rooms without the benefit of building permit or any other City approvals.

Arising out of compliance discussions with both Burnaby and the Liquor Control and Licensing Branch, the applicant has submitted a new liquor licence application.

## 2.0 GENERAL DISCUSSION:

- 2.1 The applicant is seeking local government support for the establishment of the three karaoke box rooms. Live entertainment is no longer proposed for this licence facility. The permitted hours of liquor sale are 11:00 a.m. to 1:00 a.m., 7 days per week, but the applicant states that the actual hours of operation are 7:30 p.m. to 12:00 midnight. The plans submitted in connection with this application indicate that the restaurant will have 42 seats, however the majority of the seats are intended to be within the karaoke box rooms.
- 2.2 On 1999 May 31 Council adopted guidelines for assessing karaoke box rooms in licensed restaurants. These guidelines are in addition to the physical requirements for karaoke box rooms in licensed restaurants and are to be utilized first to help determine if the application is generally supportable. The following is an evaluation of this application utilizing the adopted guidelines:

### a) Proximity to establishments with a drinking oriented liquor licence and to properties zoned for single and two family dwellings.

There is some concern that establishments with drinking oriented liquor licences located in close proximity to licensed restaurants with karaoke box rooms may exacerbate the potential for problems, both through potential for "crossover" patronage and through the creation of additional activity, which is related to a standard restaurant. It was also considered important that licensed restaurants with karaoke box rooms not be located in relatively quiet residential areas where there is less potential for casual surveillance. Accordingly, minimum distances of 200 metres (656 ft.) and 100 metres (328 ft.) between the licensed restaurant with karaoke box rooms and drinking oriented liquor

licence establishments and single family residential areas respectively were adopted as part of the guidelines.

- The subject site is only 70 metres (230 ft.) from the Oliver Twist Neighbourhood Pub/Licensee Retail Store and is approximately 100 metres from the single family residential area to the southwest. Therefore, the subject site does not meet either of these guidelines.

**b) Minimum Seating Capacity**

Concern had been expressed in earlier reports on this matter regarding smaller establishments being more susceptible to problems associated with karaoke entertainment, such as small restaurants with fewer clientele inadvertently having a more intimate “club” atmosphere that could foster certain types of illegal activity. It was therefore recommended that restaurants wishing to have karaoke box rooms have a minimum seating capacity of 100 seats.

- As noted, the restaurant only has a proposed seating capacity of 42, with most of the seats within the karaoke box rooms, thus raising concerns about the potential “club” atmosphere and potential illegal activity.

**c) Designated ‘drinking seats’**

The subject restaurant does not have designated ‘drinking seats’ (a lounge endorsement), therefore, this is not a concern.

2.3 The fact that the licensed restaurant has 42 seats of which the majority are located within the karaoke box rooms raises concerns regarding the primary nature of the business from a land use standpoint. With only a small number of the restaurant seats located in a separate ‘eating area’ and most of the space oriented toward the karaoke aspect of the business, the karaoke can be considered to be the principal land use rather than as a restaurant. While karaoke is permitted as a principal use in most commercial zoning districts, they have not been combined with a liquor licence in the past, which, if permitted, would raise significant concerns.

2.4 In response to this application, input was sought from pertinent city Departments, including the R.C.M.P., Burnaby Detachment. Environmental Services, Engineering Department advise that as the restaurant is close to a residential complex (New Vista seniors housing) that there exists the potential of residents being disturbed by noise from the karaoke box rooms, therefore, it is recommended that doors and windows be kept closed.

The Burnaby R.C.M.P. advise that they do not support this application and are very opposed to the granting of any further licences to this business. The R.C.M.P. expressed many concerns over this business, most of which were discussed at a non-compliance meeting between the proprietors, City staff, the R.C.M.P. and the liquor inspector for the Liquor Control and Licensing Branch. R.C.M.P. observations and concerns include:

- 1) Noise affecting the residences to the north, particularly in light of the fact that the proprietor indicated that they often leave the back door open for better ventilation.
- 2) The business has a doorbell installed at the front entry and the proprietor indicated she was in the habit of locking the door at night. Even though this contravenes the Liquor Control and Licensing Act, the proprietor would not agree in writing to keep the door open.
- 3) The sale of bottles of spirits to customers in contravention of the Liquor Control and Licensing Act.
- 4) One complaint of significant late night activity and intoxicated patrons in the parking area.
- 5) A general reluctance on behalf of the proprietor to make changes to the operation, despite the fact that many of the current business practices were in contravention of the liquor licence. This included concerns due to comments from the proprietor that the physical requirements for the construction of the karaoke box rooms would not be adhered to after approvals are given.

**3.0 CONCLUSION:**

In light of the establishment not meeting the adopted guidelines for assessing karaoke box rooms in terms of proximity to drinking oriented liquor licence establishments and single family residential areas and the minimum seating, concerns regarding whether the principal use is a restaurant, as well as the strong concerns of the R.C.M.P., it is recommended that Council not support the subject liquor licence application.



J. S. Belhouse  
Director Planning and Building

BW:gk  
Attachment

cc: R.C.M.P., Burnaby Detachment  
(Attn. Cst. Andrea Hills)  
Liquor Licence Inspector



