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**TO:** CITY MANAGER **DATE:** 2006 March 27

**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 46000.20  
*Reference* *LLA #06-01*

**SUBJECT: LIQUOR LICENCE APPLICATION #06-01  
PROPOSED PATRON PARTICIPATION ENTERTAINMENT IN FOOD  
PRIMARY ESTABLISHMENT  
ROMANOFF'S RESTAURANT  
2830 BAINBRIDGE AVENUE (SEE ATTACHED SKETCH)**

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

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**RECOMMENDATIONS:**

1. **THAT** Council advance the request for patron participation entertainment within the subject restaurant to the necessary public input process, based on the conclusions stated in Section 3.1 of this report, and with the next report to Council to provide the results of the public input process and a recommendation on the liquor licence application.
2. **THAT** a copy of this report be forwarded to the General Manager, Liquor Control and Licensing Branch (LCLB), P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8 and to the applicant, Rick Erdman, H.O.S.T. Consulting Ltd., 2975 Ash Street, Abbotsford, BC V2S 4G5.

**REPORT****1.0 BACKGROUND INFORMATION:**

- 1.1 On 2003 May 5 Council adopted the recommendations in a report on Processing Procedure and Criteria for Liquor Licence Applications, including approving the processing procedure and criteria for local government consideration of applications for patron participation entertainment in new or existing food primary licensed establishments. This application is being processed in accordance with the adopted procedures.
- 1.2 Over the last several years, restaurants have operated at this location under the names; B.B. Belton's, The Stinking Rose Italian Restaurant, Rain and now, Romanoff's Restaurant, which opened in February 2006. In February 1997, Council resolved to

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support a request for an entertainment area within The Stinking Rose Italian Restaurant with the operating hours of 5:00 p.m. to 10:00 p.m. Sunday through Thursday and 5:00 p.m. to 12:00 p.m. on Fridays and Saturdays. The application was for dancing accompanied by piano music. Patron participation entertainment was provided generally without any difficulty while the restaurant ran as the Stinking Rose and was included in the operation of the Rain Restaurant. Rain, however, was operated more as a liquor primary licensed facility at times and numerous complaints were received regarding the restaurant. The building has been vacant for some time again and the liquor licence has expired, thus requiring the new owner to seek a new food primary liquor licence, with a patron participation entertainment endorsement.

## 2.0 GENERAL DISCUSSION:

- 2.1 The applicant is seeking local government support for patron participation entertainment in the subject 150 seat food primary licensed restaurant. The type of entertainment proposed is eastern European music and dancing. The music will consist of a saxophone player, a keyboard player and a singer. At times, there will also be a violin player going table to table. The restaurant appears to be a higher-end establishment, with a menu and décor oriented toward a more mature clientele. The restaurant is currently open and licensed to sell liquor from 9:00 a.m. to 12:00 midnight, seven days per week. While the applicant has stated that it is unlikely that patron participation entertainment would usually be offered on weekdays, the application was submitted for entertainment from 7:00 p.m. to 12:00 midnight, 7 days per week. The applicant is also requesting permission to extend liquor sales to 1:00 a.m. in order to facilitate the orderly exiting of patrons after the entertainment ends. In those cases where a request for an extension of liquor sales is past 2:00 a.m. or the request is for liquor sales past 12:00 midnight and is combined with either an outdoor patio or patron participation entertainment, the City of Burnaby provides a local government resolution.
- 2.2 The subject restaurant is part of a small low-scale commercial development, with a stand alone building occupied by the restaurant. A gas station and a low-density townhouse development are located across Bainbridge Avenue to the west, with another low-density townhouse development to the east. The remainder of the commercial development on the property is south of the restaurant, while there is a private driveway to the townhouses and the commercial development, and brush and single-family dwellings beyond to the north.
- 2.3 Three factors which local government are required by the Provincial government to comment on relative to applications for patron participation entertainment in a food primary licensed facility are: potential noise, community impact, and whether the

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amendment may result in the restaurant operating improperly as a liquor primary establishment. Input was sought from pertinent City Departments and the Burnaby RCMP on this application.

2.3.1 Noise: The Engineering Department, Environmental Services Division has not expressed concerns regarding this application largely due to the style of the restaurant. The new operator has placed a prominent neighbourhood “right to quiet” advisory sign in the lobby. In order to confine the noise within the building, a requirement that the doors and windows remain closed during all entertainment is recommended to be a condition of City support for this application. The operation of the restaurant shall comply with the requirements of the Burnaby Noise or Sound Abatement Bylaw 1979.

2.3.2 Community Impact: The community impact of patron participation entertainment in licensed restaurants can be significantly influenced by the nature of the establishment, the type of clientele and the manner in which the restaurant is managed. It is not considered likely that Romanoff's Restaurant will have a negative impact on the community by incorporating dine and dance into their operation. Conversely, the restaurant should provide a welcome addition to the culinary / entertainment experiences available in Burnaby.

2.3.3 Improper Operation as Liquor Primary Establishment: While there is always the possibility of a licensed restaurant with entertainment attempting to operate as a liquor primary establishment, major factors which influence this possibility include the nature of the restaurant and its clientele, and the hours of liquor sales. In this case, the restaurant and its clientele are not considered likely to contribute to the establishment operating like a liquor primary establishment. Although there have been no concerns expressed regarding this application in general, permitting this liquor licence establishment to have patron participation entertainment until 12:00 midnight and to sell liquor until 1:00 a.m. may make the circumstances more conducive for the establishment to operate more as liquor primary establishment late in the evening, well past the time dinner has been served.

### 3.0 CONCLUSION:

3.1 In light of the apparent low-key nature of the proposed patron participation entertainment and the general nature of the restaurant, this application for dining and dancing in Romanoff's Restaurant is supported, subject to all exterior doors and windows being kept closed during the entertainment. However, based on the potential for the restaurant to

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function more as a liquor primary licensed facility late in the evening, it is recommended that this application be advanced based on the entertainment ceasing at 11:30 p.m. and that the extension of sale of liquor to 1:00 a.m. not be supported. It is not believed that allowing the sale of liquor to be extended by one hour is necessary to facilitate the orderly exiting of patrons. Under the recommended scenario, patrons have ample time to complete their meal and enjoy the entertainment up to 11:30 p.m., but will not be served liquor after 12:00 midnight.

- 3.2 The LCLB requires that public input be gathered by the local government as part of the local government resolution. In light of the minimal concerns about this application and based on the recommendations of the RCMP and Engineering Department, Environmental Services Division, it is recommended that the applicant be required to post signs on the building advising the general public of the proposed change to the liquor licence and providing information on sending any comments on the application to this Department. A further report would then be submitted to Council outlining the results of the public input process and providing Council with a final recommendation on the liquor licence application.

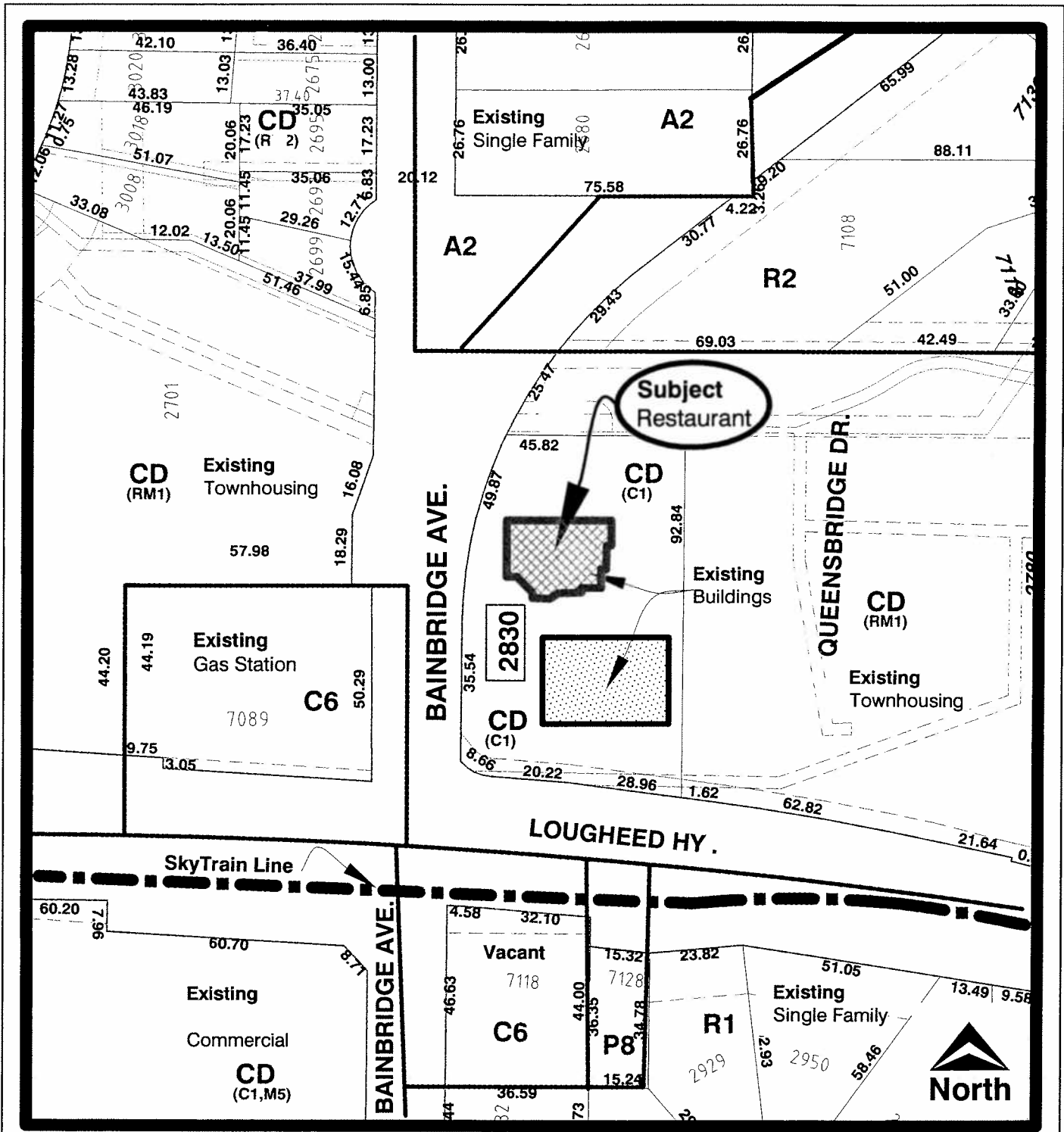


J.S. Belhouse  
DIRECTOR PLANNING AND BUILDING

BW:gk  
Attach

cc: City Clerk  
RCMP, Burnaby Detachment  
Environmental Services, Engineering Department

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**Planning and Building Department**

Scale: 1 = 1500

Drawn By: J.P.C.

Date: March 2006

**Liquor Licence Application # 06 --1**  
 2830 Bainbridge Ave.

Sketch # 1

