



ADMINISTRATIVE REPORT

Report Date: July 7, 2011
Contact: Lucia Cumerlato
Contact No.: 604.871.6988
RTS No.: 09201
VanRIMS No.: 08-2000-20
Meeting Date: July 28, 2011

TO: Standing Committee on City Services and Budgets

FROM: Chief Licence Inspector

SUBJECT: 1050 Granville Street - Fulop Investment Corp. and L.E. Management Ltd.
Relocation of Liquor Primary Liquor Licence Application

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notification, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report dated July 7, 2011, entitled "1050 Granville Street - Fulop Investment Corp. and L.E. Management Ltd., Relocation of Liquor Primary Liquor Licence Application", endorse the request by Fulop Investment Corp. and L.E. Management Ltd. to relocate their existing Liquor Primary liquor licence (Liquor Establishment Class 3 - Neighbourhood Pub) and for the addition of a 22 person outdoor sidewalk patio from 1336 Granville Street to 1050 Granville Street, subject to:

- i. A maximum total capacity of 273 persons inside and 22 outdoor patio;
- ii. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- iii. Signing a Good Neighbour Agreement with the City prior to business licence issuance;
- iv. A Time-limited Development Permit;
- v. The patio ceasing all liquor service and vacated by 11 pm;
- vi. No entertainment permitted on the patio;
- vii. A Licence Agreement with an initial one year term for the patio; and
- viii. Food service to be provided during operating hours, seven days a week.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Council policy requires new Liquor Primary liquor licences and relocation of Liquor Primary liquor licences be subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

On April 17, 2007, Council approved policy and guidelines that Liquor Primary liquor establishments be permitted to have sidewalk patios on public property subject to the current Council-approved sidewalk patio guidelines for restaurants and subject to additional restrictions which would apply to liquor primary patios on both public and private property. These restrictions included food service (Provincial Food Premises Operating permit from Vancouver Coastal Health), including consideration as to whether the food preparation area is large enough to safely handle the 20% increase, closing time of no later than 11 pm, outdoor seating limited to 20% of total seating capacity, no sidewalk patios adjacent to liquor establishments in the 700, 800 and 900 blocks of Granville Street and public consultation.

On May 16, 2006, Council enacted amendments to the Business Premises Regulation of Hours By-law that implements the Hours of Liquor Service policy for the city bars into by-law regulation.

On July 14, 2005, Council approved policy and guidelines relating to the size and location for new liquor establishments or for capacity increases to existing liquor establishments.

On November 18, 2004, Council adopted the Hours of Liquor Service Policy that established a new model for regulating hours of liquor service for Liquor Primary establishments, based on an area approach and incorporating a two-tiered licensing system and impact reduction measures.

PURPOSE

The applicant, Fulop Investment Corp. and L.E. Management Ltd., is requesting a Council resolution endorsing their application to relocate their Liquor Primary liquor licence (#001549) from 1336 Granville Street to 1050 Granville Street and for the addition of a new 22 person outdoor sidewalk patio.

BACKGROUND

Site History

The proposed location at 1050 Granville Street is in an existing Restaurant Class 1 establishment with an outdoor sidewalk patio in the Downtown Primarily Mixed-use area. The restaurant recently ceased operation and the applicant, Fulop Investment Corp. and L.E. Management Ltd., is requesting to relocate their existing Liquor Primary liquor licence to this location due to the demolition and development of the site at 1336 Granville Street.

Application

The applicant is requesting a Council resolution endorsing their application to relocate their Liquor Primary liquor licence from 1336 Granville Street to 1050 Granville Street. The licensed capacity will remain unchanged at 273 persons (Liquor Establishment Class 3) and will be dispersed over a ground level and mezzanine level with licensed hours of 11 am to 2 am, Sunday to Thursday and 11 am to 3 am, Friday and Saturday (refer to Appendix B). The applicant contends that food service shall be an integral part of the business.

The applicant is also requesting the addition of a 22 person outdoor sidewalk patio to be located directly in front of the establishment on Granville Street. The operating hours of the outdoor sidewalk patio will be 11 am to 11 pm, seven days a week. The addition of the outdoor sidewalk patio will provide a more visible street presence and would be a positive contribution to create more daytime activity along Granville Street.

The Liquor Primary liquor licence at 1336 Granville Street has existed as The Cecil Hotel since approximately 1988. The applicant has owned and operated the Liquor Primary liquor licence for approximately four years and also owns and operates the Yale Hotel located at 1300 Granville Street for approximately 25 years. Due to the demolition and development of the site at 1336 Granville Street, the applicant is requesting to relocate a few blocks away to 1050 Granville Street. The operation at the new location will be completely different than the style of operation which was at The Cecil Hotel. The applicant intends to provide food and beverage service in a New Orleans jazz "French Quarter" inspired environment. There will be a full kitchen in the establishment to support a full menu to be paired with the wines and liquor.

The City of Vancouver hours of service policy for this Primarily Mixed-use area allows for Standard Hours of liquor service from 11 am to 1 am, Sunday to Thursday and 11 am to 2 am Friday and Saturday. If certain criteria are satisfied, the operator can extend their hours of liquor service to their proposed hours of 11 am to 2 am, Sunday to Thursday and 11 am to 3 am, Friday and Saturday.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

Branch regulations allow liquor service between the hours of 9 am to 4 am seven days a week for Liquor Primary licences. The liquor licence capacity for a new establishment is based on the building capacity for the premise as determined by the local authority. Any amendments/changes to a liquor licence application is subject to local government support. The LCLB has no specific policy for patios.

Area Surrounding Premises

The subject premise is located in the K2 sub-area of the Downtown (DD) Zoning District and for the purposes of liquor policy it is considered to be located in the Downtown Primarily Mixed-use area. The surrounding area is a mixture of retail, restaurants, hotels, neighbourhood pubs, cabarets, non-profit centres and other commercial uses (refer to Appendix A).

There is one Liquor Establishment Class 2 (92 seats), six Liquor Establishment Class 3 (1265 seats), one Liquor Establishment Class 4 (405 seats), one Liquor Retail Store (654 Nelson Street) and approximately 18 licensed restaurants within 500' radius of the subject site.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 500 notices in the survey area. A site sign was erected advising the community of the application and where to send concerns or comments.

One response was received in opposition from an area resident within the notification area. The respondent expressed concern that there are enough liquor establishments within the vicinity which already generate excessive noise for area residents.

DISCUSSION

Policy Issues

The subject site is located in the Downtown Primarily Mixed-use area. Council Policy states that preference will be granted to applications relocating equivalent Liquor Primary liquor licence seats from an undesirable location within the City. The existing seats are located in the "Downtown South" area of Granville Street which is currently becoming a primarily residential area. Council Policy supports relocating existing seats from an area which is no longer compatible with the surrounding community.

The 1000 block of Granville Street has been designated as a transition area from the Entertainment District and Liquor Primary establishments are a permitted use. Although the proposed Liquor Establishment Class 3 venue does not meet Council policy for venue size and location as there are four other Liquor Establishment Class 3 establishments within 100 metres of the proposed relocation, the applicant will be relocating the equivalent number of licensed seats to the proposed location located approximately 3 blocks away.

Hours of Operation

The applicant is requesting hours of operation which are 11 am to 2 am, Sunday to Thursday and 11 am to 3 am, Friday and Saturday. These hours will remain unchanged from their existing licence and are within the extended hours permitted in the Downtown-Primarily Mixed Use Area. The applicant is aware that the Extended Hours Liquor Establishment Class of business licence is contingent on continued compliance with additional bylaw regulations.

Affirmative Proposal Aspects

- The applicant will be required to submit an Acoustical report certifying that the establishment meets Noise Control By-law requirements;
- The establishment is relocating an existing Liquor Primary liquor licence within the same area with no increase in the number of liquor seats;
- Council policy is to support relocation of Liquor Primary establishments out of the area of Downtown Eastside and areas of the City with a history of land use incompatibility issues and relocating equivalent Liquor Primary liquor licence seats from an undesirable location within the City of Vancouver;
- The outdoor sidewalk patio will provide a more visible street presence and would be a positive contribution to create more daytime activity along Granville Street
- The fact that food service shall remain a component of the business will provide a mitigating factor to the liquor service and consumption;
- The proposed operator has demonstrated the ability to operate his other business in a responsible manner; and
- The time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Negative Proposal Aspects

Approval of the establishment may result in increased street noise and other related nuisance behaviour for area residents and business operators. Strong management and sound operational practices should limit this type of activity from having a negative impact on the surrounding community.

COMMENTS

The Police Department has reviewed and supports the proposed relocation of the same number of liquor seats that were located in the Cecil Hotel several blocks to the south. This brings the seats into the GED Closure Area which is patrolled by the LIMA Foot patrol. The proposed sidewalk patio seating is also supported provided the patio closes at 2300 hrs and the railings are removed. The premise already has a large kitchen which will remain operative.

The Licensee has operated establishments for decades in the City and has a proven reputation. He is an active member of Bar Watch and will continue to participate in the program addressing public safety and compliance.

The Development Services Department has reviewed the application and note that this site falls within sub-area K2 of the Downtown District (DD). The current approved use of the building is Restaurant Class 1.

The proposal for a "Neighbourhood Pub" (Liquor Primary) use at this location in addition to outdoor patio seating in conjunction with this proposed use constitutes a change of use under the zoning and will require a development permit application. The review process for this type of approval would involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, social and policing impacts and noise control. As well, this application would be reviewed in accordance with the provisions of the Neighbourhood Public House Guidelines adopted by City Council.

The Vancouver Fire Department has reviewed this application and has no objection or concerns with this application at this time.

The Social Development Department has reviewed this application and support this application for the relocation of the same number of liquor seats from 1300 block Granville Street to 1000 block of the Entertainment District. Staff has no concern about the proposal sidewalk patio seating since the building is in the Entertainment District which is intended to be a lively area. However, we would like to point out that there are significant number of residents living in the two block radius. Noises and social impacts should be strictly monitored.

The Central Area Planning Department has reviewed this application and support the proposed relocation because it is relocating the same number of liquor seats that were located in the Cecil Hotel several blocks to the south. The proposed sidewalk patio seating is also supported. Staff note that there is a kitchen located in the building and prefer any additional licensed premises on Granville also serve food as well as liquor. Staff continue to have reservations about increases in the number of businesses locating on Granville that are focused on the sale of liquor. Ideally, Granville Street should be emerging as a street where people shop, enjoy a meal or a drink and have broad range of live entertainment choices that include live music, theatre, comedy and dance as well as music by "d.j's." This would also ensure that a broad range of residents, downtown employees and visitors would be drawn to the street.

Another important objective for Granville Street is that there be a minimum number of blank façade. Neighbouring businesses and shops suffer when liquor primary establishments chose to be closed during the day reducing the amount of pedestrian traffic and customers on a

block. Staff understand from the applicant that it is their intent to be open for lunch, the afternoon and the evening.

There will be an increasing number of residents living on the blocks south of Nelson Street and on adjacent blocks. However, given the unique status of Granville Street as one of the downtown's major streets and one of its most vibrant, it can be anticipated by the residents that there will be levels of noise and activity during the day and at night, generally not found on most of Vancouver's commercial streets.

The Engineering Service Department has reviewed the application and is supporting the liquor primary sidewalk patio at this location with the following conditions:

1. The current flex parking to be removed in order to provide more space for pedestrian traffic;
2. The railing must be retractable;
3. The railing tables and chairs to be removed from the sidewalk after patio operating hours; and
4. A Licence Agreement with an initial one year term.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Person capacity and hours of operation: as outlined above.

Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market.

Traffic, noise, parking and zoning: Staff have considered traffic, noise, parking and zoning matters and have no concerns at this time. The traffic and zoning matters will be considered further as part of the Development Permit process.

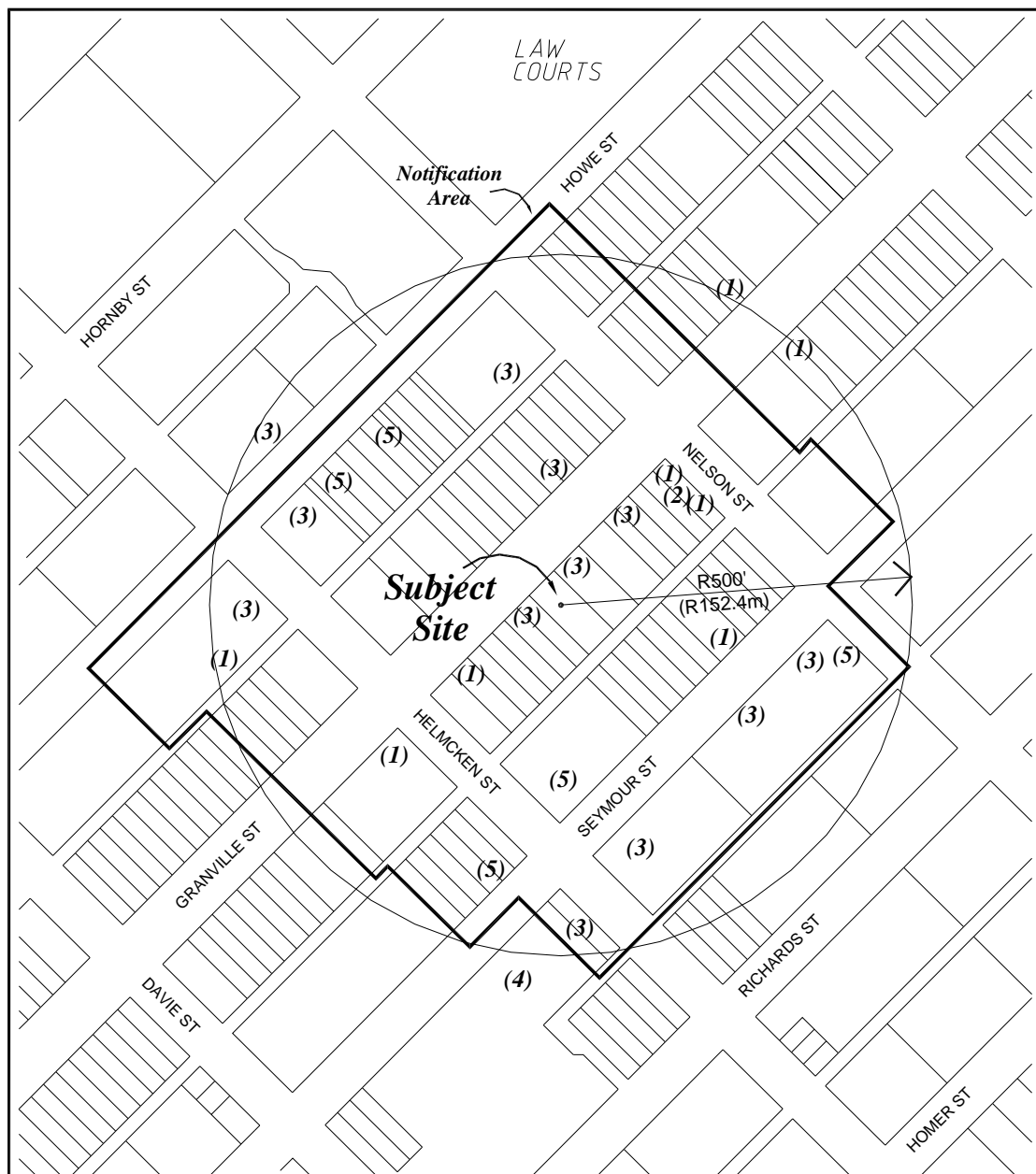
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

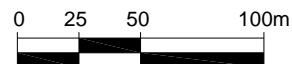
Staff are recommending Council endorse the applicant's request to relocate their existing Liquor Primary liquor licence to 1050 Granville Street and for a new 22 person outdoor sidewalk patio subject to the conditions outlined in the Recommendation. As the number of liquor seats will remain unchanged, Council Policy states that preference will be granted to applications relocating equivalent Liquor Primary liquor licence seats from an undesirable location within the City. As well, the addition of the outdoor sidewalk patio will provide a more visible street presence and would be a positive contribution to create more daytime activity along Granville Street. Finally, the requirement for a time-limited Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area.

* * * * *

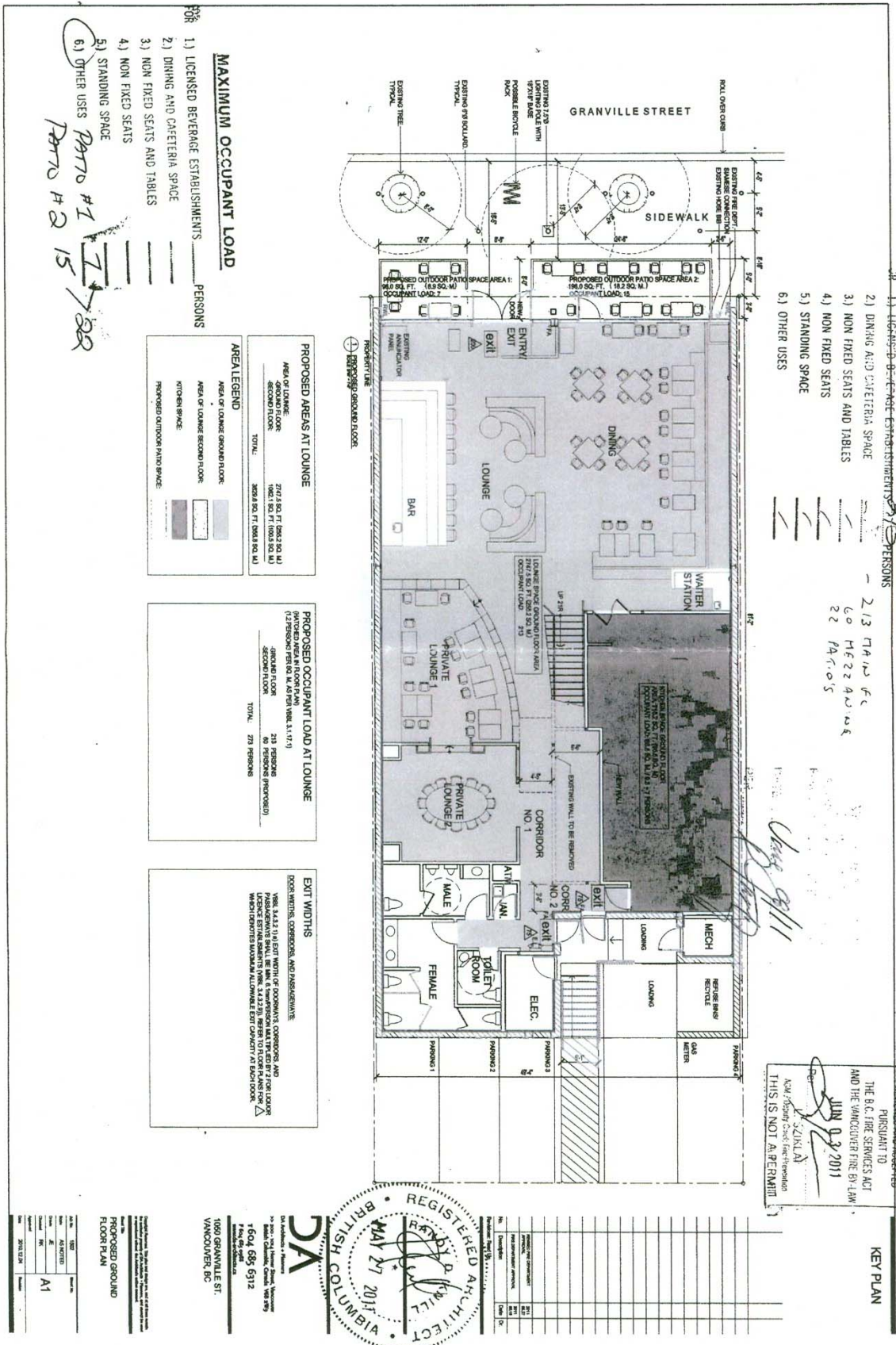


LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {The Helm}, {Republic}, {Caprice}, {The Cellar}, {Doolin's Irish Pub}, {Joseph Richard's}, {Chateau Granville}, {Penthouse}
- (2) Government or Private Liquor Stores - {Dakota Wine Store}
- (3) Residential buildings/ Hotels/Social Housing
- (4) Parks
- (5) Other social facilities
- (6) Churches - {N/A}
- (7) Schools - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3) 1050 Granville Street	map: 1 of 1	
City of Vancouver - Licenses & Inspections	date: 2011-07-06	



- MAXIMUM OCCUPANT LOAD**
- 1) LICENSED BEVERAGE ESTABLISHMENTS
 - 2) DINING AND CAFETERIA SPACE
 - 3) NON FIXED SEATS AND TABLES
 - 4) NON FIXED SEATS
 - 5) STANDING SPACE
 - 6) OTHER USES

PROPOSED AREAS AT LOUNGE

AREA OF LOUNGE	FLOOR	AREA (SQ. FT.)	AREA (SQ. M.)
PROPOSED OUTDOOR PATIO SPACE	GROUND FLOOR	2767.1 SQ. FT. (256.3 SQ. M.)	256.3 SQ. M.
PROPOSED OUTDOOR PATIO SPACE	SECOND FLOOR	1061.5 SQ. FT. (100.5 SQ. M.)	100.5 SQ. M.
TOTAL:		3828.6 SQ. FT. (356.8 SQ. M.)	356.8 SQ. M.

PROPOSED OCCUPANT LOAD AT LOUNGE

AREA OF LOUNGE	FLOOR	AREA (SQ. FT.)	AREA (SQ. M.)	PERSONS
PROPOSED OUTDOOR PATIO SPACE	GROUND FLOOR	2767.1 SQ. FT. (256.3 SQ. M.)	256.3 SQ. M.	213 PERSONS
PROPOSED OUTDOOR PATIO SPACE	SECOND FLOOR	1061.5 SQ. FT. (100.5 SQ. M.)	100.5 SQ. M.	82 PERSONS
TOTAL:				295 PERSONS

EXIT WIDTHS

DOOR WIDTHS, CORRIDORS AND DISBURSERS:

MIN. 34.13 (10.41) METERS OF CORRIDOR WIDTHS AND DISBURSERS AND MIN. 34.13 (10.41) METERS OF CORRIDOR WIDTHS AND DISBURSERS WHICH SERVES AS A CORRIDOR WIDTH AT EACH DOOR.

KEY PLAN

REVIEWED AND ACCEPTED PURSUANT TO THE B.C. FIRE SERVICES ACT AND THE VANCOUVER FIRE BY-LAW

JUN 02 2011

FOR (Project Code) [redacted] THIS IS NOT A RETURN

REGISTERED ARCHITECT
BRITISH COLUMBIA
MAY 27 2011

1050 GRANVILLE ST.
VANCOUVER, BC

1604 685 9312

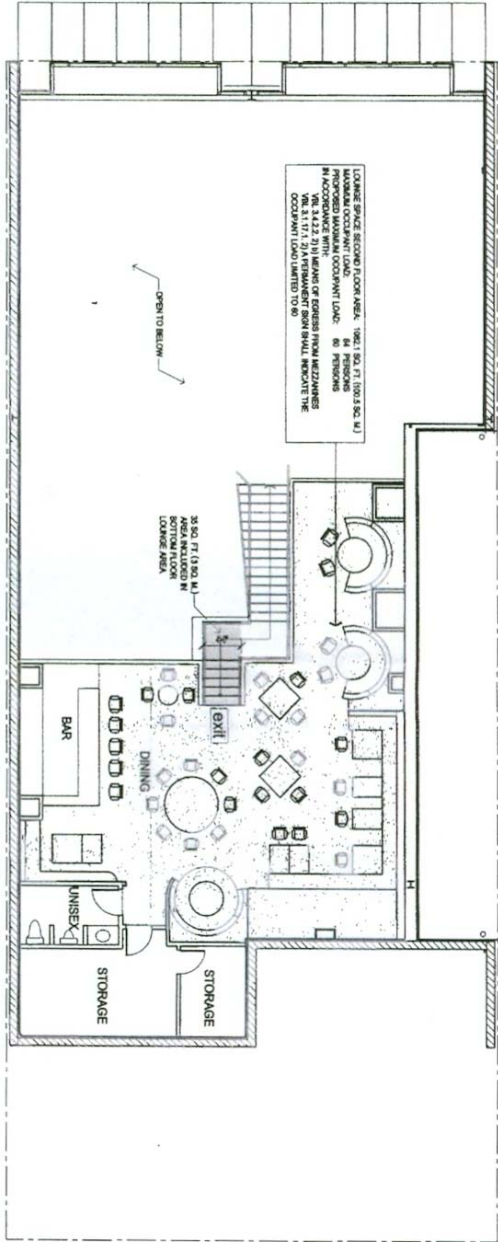
DA

PROPOSED GROUND FLOOR PLAN

Scale: 1/8" = 1'-0"

DATE: 2011.05.24

KEY PLAN



REVIEWED AND ACCEPTED
 PREPARED BY
 THE BC PROFESSIONAL ARCHITECTS ACT
 AND THE FIRE DEPARTMENT
 LIBE BY-LAW
 JUN 8 2011
 THIS IS NOT A PERMIT.

- FOR 1) LICENSED BEVERAGE ESTABLISHMENTS**
 2) DINING AND CAFETERIA SPACE
 3) NON FIXED SEATS AND TABLES
 4) NON FIXED SEATS
 5) STANDING SPACE
 6) OTHER USES



MAXIMUM OCCUPANT LOAD

60 PERSONS MEZZANINE

Permit No. 10017
 FEB 1 9 2011
 THIS IS NOT A PERMIT
 Permitted by: [Signature]
 Project: [Signature]

REGISTERED ARCHITECT
 HANBY O. HAYES
 MAY 21 2018
 BRITISH COLUMBIA
 REGISTERED ARCHITECT

DA
 1680 GRANVILLE ST.
 VANCOUVER, BC
 1-604-686-6912

PROPOSED SECOND FLOOR
 PROPOSED GROUND
 FLOOR PLAN

Permit No.	10017
Permit Title	A2
Project No.	2010-10017