



ADMINISTRATIVE REPORT

Report Date: July 4, 2011  
Contact: Lucia Cumerlato  
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VanRIMS No.: 08-2000-20  
Meeting Date: July 28, 2011

TO: Standing Committee on City Services and Budgets

FROM: Chief Licence Inspector

SUBJECT: 928 Main Street - 928 Main St. Holdings Ltd. (American Hotel)  
Liquor Primary Liquor Licence for an Increase in Person Capacity (Liquor Establishment Class 3-Pub) and New Outdoor Sidewalk Patio

**RECOMMENDATION**

THAT Council, having considered the opinion of area residents and business operators of the community as determined by neighbourhood notification, site sign, the proximity of residential developments, noise impacts and relevant city policy as outlined in the Administrative Report dated July 4, 2011, entitled "928 Main Street - 928 Main St. Holdings Ltd. (American Hotel) Liquor Primary Liquor Licence for an Increase in Person Capacity (Liquor Establishment Class 3-Pub) and New Outdoor Sidewalk Patio", endorse the application by 928 Main St. Holdings Ltd. for an increase in patron capacity for the Liquor Primary Liquor Licence (Licence #023342) from 193 interior seats to 253 interior seats (Liquor Establishment Class 3) and for a new 19 person Liquor Primary outdoor sidewalk patio at the American Hotel located at 928 Main Street, subject to:

- i. A maximum interior capacity of 253 persons;
- ii. Standard hours of operation for the first six months are limited to 11 am to 12 am, Sunday to Thursday; and 11 am to 1 am, Friday and Saturday; after which time the Extended hours of operation may be considered which are limited to 9 am to 1 am, Sunday to Thursday; and 9 am to 2 am, Friday and Saturday;
- iii. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- iv. A Time-limited Development Permit;
- v. A maximum patio capacity of 19 persons;
- vi. The patio ceasing all liquor service and vacated by 9:30 pm for the first 12 months;
- vii. No music permitted on the patio;

- viii. A Licence Agreement with an initial one-year term for the patio;
- ix. Food service while the patio is open; and
- x. Signing a Good Neighbour Agreement with the City prior to the issuance of the revised business licence.

### ***GENERAL MANAGER'S COMMENTS***

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

### ***COUNCIL POLICY***

Council Policy requires that amendments to existing Liquor Primary licences be subject to public consultation and Good Neighbour Agreements.

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.

Outdoor patios on public property (City streets) are permitted through licence agreements subject to meeting Council-approved guidelines, including the requirement that the business be licensed as a limited service food establishment or restaurant.

Outdoor patios on private property adjacent to liquor primary establishments require amendments to existing Liquor Primary liquor licences that are subject to a Time-Limited Development Permit, Good Neighbour Agreement, 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, 928 Main St. Holdings Ltd., is requesting a Council resolution endorsing their application for an increase in patron capacity to their existing Liquor Primary liquor licence from 193 persons to 253 persons (Liquor Establishment Class 3) and for a new 19 person Liquor Primary outdoor sidewalk patio. The hours of operation for the first six months will be the

standard hours of operation permitted in this area which are 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday.

## ***BACKGROUND***

### ***Site History***

The American Hotel is a 3-storey building which is not on the heritage registry. It is located at 928 Main Street in the False Creek District (FC-1), on the east side of Main Street between Prior and National Streets. In June 2010, the applicant, 928 Main St. Holdings Ltd. purchased this building which has been closed since 2006. The second and third floors formerly served as a residential hotel with 39 rooms. The ground floor is a 193-seat pub, which has been closed since 2004. The Liquor Primary Liquor Licence (Licence #023342) has been in dormancy since 2004.

The applicant has renovated the existing 39 rooms to include bathrooms and create three more rooms for a total of 42 rooms by making use of the wide hallway space. Nearly every unit (38) will include bathrooms and there will continue to be common bathrooms for those rooms that do not have bathrooms (two rooms on each floor). The owner also proposed to re-open the pub as part of the overall renovation and reinvestment in the building. Like many buildings constructed in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, the American Hotel required upgrades. The applicant carried out major renovations to the building and the addition of bathrooms to most of the units to improve livability.

This property had a history of poor management and non-compliance with Provincial Legislation and Municipal Bylaws. In 2006, the tenants were illegally evicted and the owner closed the building. The City asked the owner to re-tenant the building however, it was never re-tenanted.

The existing Housing Agreement is for 6 rooms rented at \$400/month for 10 years. Rent includes cable and wifi. The staff report for the Single Room Accommodation was endorsed by Council at the September 23, 2010 at the Planning and Environment Committee meeting. This is the link to the SRA report [vancouver.ca/ctyclerk/20100923/documents/penv3-SRAPermitfor928MainStreet-AmericanHotel.pdf](http://vancouver.ca/ctyclerk/20100923/documents/penv3-SRAPermitfor928MainStreet-AmericanHotel.pdf).

### ***Application***

The applicant is requesting a Council resolution endorsing their application to increase the person capacity of their existing Liquor Primary liquor licence from 193 persons to 253 persons (Liquor Establishment Class 3 - Pub) and for a new 19 person Liquor Primary outdoor sidewalk patio.

The operators (operating under a third party agreement) are local musicians, food fanatics and entertainment enthusiasts who, as locals, see a need in Vancouver for mid-sized entertainment venues and classy, yet affordable, restaurants. Most of all they are excited about what this venue will bring to the community and surrounding area which will comprise of the following:

- A Social Club hosting a variety of different entertainment formats, including:
  - Live music (local & international)
  - Dance
  - Cabaret

- Arts
- Variety show (comedy, film, dance)
- A Restaurant
  - Izakaya inspired, evenings and brunch on weekends.

The applicant has implemented a recycling program which is supported by their neighbours, PHS Station Street Community at 1005 Station Street ([http://app.vancouver.ca/NonMarketHousing\\_Net/ProjectDetails.aspx?IndexNum=457](http://app.vancouver.ca/NonMarketHousing_Net/ProjectDetails.aspx?IndexNum=457)). PHS utilizes the funds gained from this program to provide additional benefits to the tenants of their social housing.

In addition to their recycling program, the applicant is working with the tenants of the SRO in the building to provide cleaning services around the perimeter of their building in exchange for meals.

The hours of operation for the first six month would be limited to the standard hours of operation for this Non-Downtown Primarily Residential area which are 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday. Furthermore, if certain criteria are satisfied, the operator can apply to extend their hours of liquor service to 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday after six months of operation. The outdoor sidewalk patio would close at 9:30 pm, nightly for the first 12 months after which time staff may consider a later closing time between 10 pm and 11 pm.

The applicant is requesting to expand the seating capacity which will allow an increase of the overall capacity for this pub by 60 persons. The proposal also requests to establish a 19 person Liquor Primary outdoor patio at this location with licenced hours from 11 am to 9:30 pm (for the first 12 months); seven days a week (see Appendix B). The patio will be located at the rear of the pub on the sidewalk facing Station Street and access to and from the patio will be through the existing pub. Access to the pub will be from Main Street. Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

#### ***Liquor Control and Licensing Branch (LCLB) Regulations and Policies***

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

#### ***Area Surrounding Premises***

The subject site is located in the False Creek District (FC-1) Zoning District and for the purposes of liquor policy, it is considered to be located in the Non-Downtown Primarily Residential area. The surrounding area is a mixture of retail, office, neighbourhood pubs, restaurants, hotels, parks, residential (non profit, market and non-market) and other commercial uses (refer to Appendix A).

There are two Liquor Establishment Class 3 (479 total seats) within a 500' radius of the subject site. Also, there are approximately two licensed restaurants within the area which hold Food Primary liquor licences.

### ***RESULTS OF NOTIFICATION***

A neighbourhood notification was conducted by circulating 300 notices in the survey area (see Appendix A). Two site signs were erected on the site (one on the Main Street side of the building and one on the Station Street side) advising the area residents and businesses of the application and where to send concerns or comments. Staff allowed three weeks for the community to respond with concerns or support for the application.

A total of 30 responses were received in opposition of the application which included 23 emails and seven letters from within the notification area. The majority of the responses received in opposition to the application are from a nearby strata building.

A total of 99 responses were received in support of the application which included 11 emails from within the notification area; 84 emails outside the notification area; and four emails with no contact information i.e. missing address.

It should be noted that over 87% of the notified residents and businesses within the area failed to indicate positive or negative support for the application.

Respondents opposing the application are most concerned with the effects of allowing the extended hours which may cause noise issues, the close proximity to residential buildings, noise associated with patrons smoking outside the establishment, noise associated with outdoor line-ups, noise/disturbances when patrons are leaving the establishment and increased nuisance issues for the community. Some respondents also expressed concern with the patio hours and would support the patio if the hours were reduced from 11 pm to 10 pm. There was a general feeling that there are already enough liquor establishments in the area.

In addition to the neighbourhood notification and site sign, a public information meeting was organized by the applicant and was held on May 25, 2011 (refer to Appendix C). Approximately 45-50 people attended the meeting including city staff. Four responses were received as a result of the public information meeting in opposition and 24 responses were received in support.

The majority of people attending the public information meeting were residents living in close proximity to the establishment. A presentation was made by the applicant with a question and answer period at the end. The majority of people present felt that they would support the extended hours and 11 pm closing time for the patio once the establishment had gone through a six month probationary period at which time an assessment of the operation would be made.

### ***DISCUSSION***

#### ***Policy Issues***

The subject site is located in the Non-Downtown Primarily Residential area. The distancing policy between similar establishments is not a factor for this application since the distancing policy only applies to new liquor primary establishments. The proposed patio is consistent with Council's policy for outdoor patios with respect to the permitted seating capacity. The

policy states that outdoor seating for patios is limited to 20% of total seating capacity of the liquor primary establishment.

Staff are generally not concerned with this size of the capacity increase request due to the significant upgrades which have been carried out to this building. Staff have no significant issues with the proposed outdoor sidewalk patio due to its size and provided that the patio is closed and vacated by 9:30 pm each night for the first 12 months of operation. The License Agreement with an initial one year term and a 9:30 pm closing time, seven days a week should address any potential problems. The applicant has stated that all access to the establishment will be from Main Street and not Station Street in order to minimize any noise impacts to the neighbouring residential buildings.

### *Hours of Operation*

The hours of operation are within the parameters of the standard hours permitted in the Non-Downtown Primarily Residential area. The applicant has requested that once the six month trial period has elapsed, that staff consider granting them the Extended hours of operation if no issues/concerns have been received. The applicant is aware that the Extended Hours Liquor Establishment Class of business license is contingent on continued compliance with additional bylaw regulations. The outdoor sidewalk patio would close at 9:30 pm, nightly for the first 12 months of operation.

### *Positive Application Attributes*

- The applicant will be required to submit an Acoustical report certifying that the establishment meets Noise Control By-law requirements;
- Food service to be provided during operating hours, 7 days a week;
- The liquor licence capacity for this establishment is based on the building capacity for the premise which has been determined by the Vancouver Fire Department;
- The patio will close at 9:30 pm in order to minimize noise concerns;
- Door staff will be employed to control any outside noise disturbances; and
- The application complies with Council's liquor policy for hours of liquor service and patio size.

The applicant will be required to obtain a Time-limited Development Permit as per Council policy for liquor establishments. This will provide adequate controls to ensure the land use or business operations remain compatible with the surrounding community.

### *Negative Application Attributes*

Staff feel that the capacity increase should not create additional noise and nuisances issues for the surrounding area. Strong management and sound operational practices should limit this type of activity from having a negative impact on the surrounding community.

### *FINANCIAL IMPLICATIONS*

There are no financial implications.

### *COMMENTS*

*The Police Department* has no comments. Support is considered for the small number of seats on the patio and to the early patio closure as agreed to by the operators.

*The Development Services Department* has reviewed this application and while an increase in the number of seats for this existing Liquor Primary does not impact the "approved use" at this location, in the event that a favorable decision is rendered for the applicant, a new Development Permit identifying Council recommended conditions would be issued to reflect these conditions where required.

*The Vancouver Fire Department* has reviewed the application and note that an occupant load was approved and issued on January 10, 2011 under FI408426 for a maximum occupant load of 253 persons (interior) and 19 patio seats.

*The Engineering Service Department* has reviewed the application and support the proposed patio layout with the following conditions:

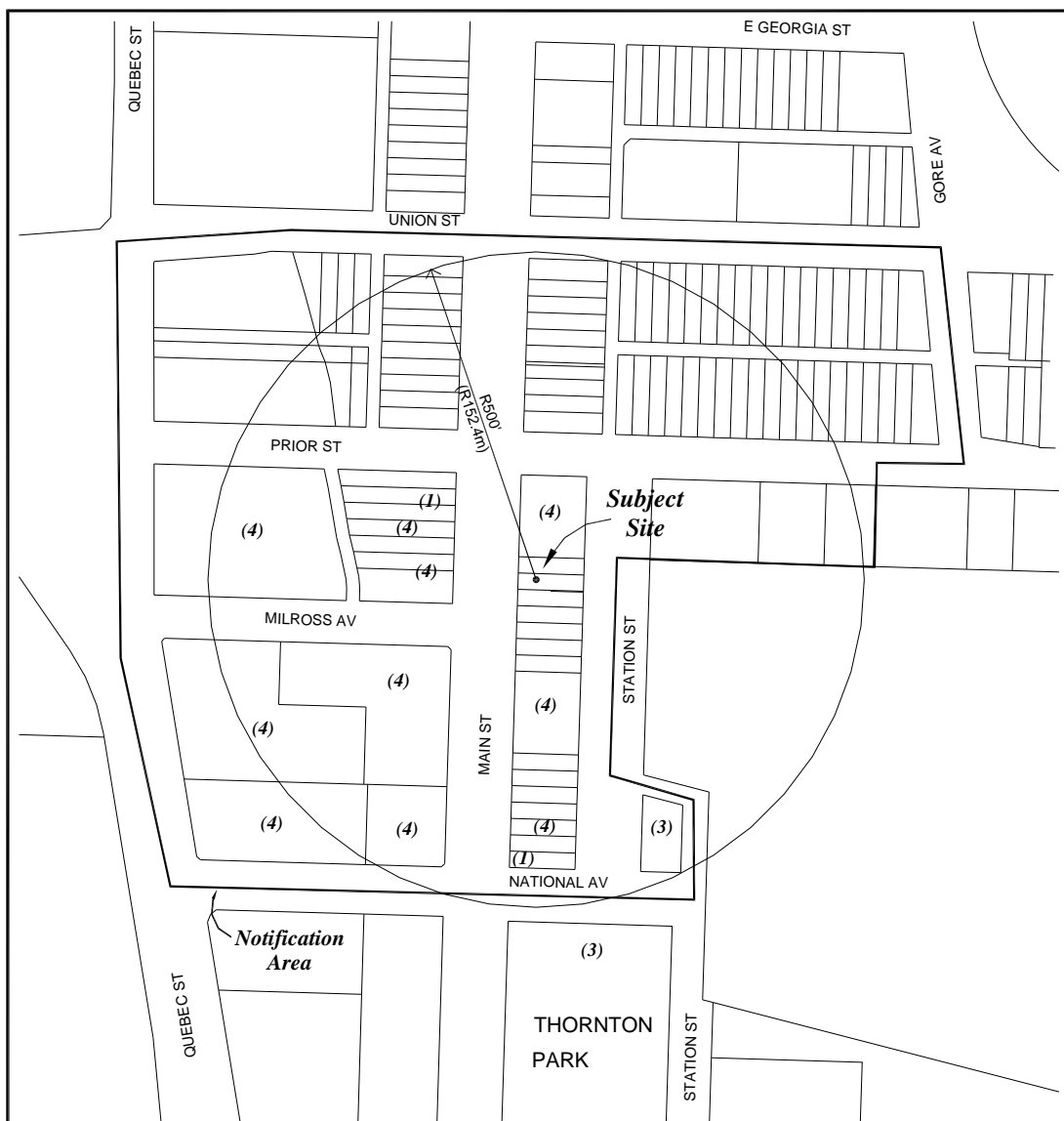
- the sidewalk surface (location of the proposed patio) must be improved; and
- the patio width area to be reduced to 13'5"(from PL to back of the walk) from original proposed area of 17', to provide more space for pedestrian traffic.

*The Social Development Department* has reviewed the application and note that the Council approved Downtown Eastside Housing Plan direction to use Housing Agreements to ensure good management, rent limits, and security of SRO buildings in relation to requests to change existing liquor licenses has not been achieved in this application. The current Housing Agreement on this site is a result of a Single Room Accommodation (SRA) Permit that was approved by Council on September 23, 2010. This Housing Agreement, which secures six (6) rooms at \$400/month for 10 years, will remain unchanged and the increased benefits from the additional seats will not be applied towards increasing affordability in the housing units at 928 Main Street (American Hotel).

*The Central Area Planning Department* has reviewed the application and we are in support of the current application to increase interior seating capacity and add a sidewalk patio.

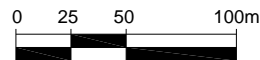
### **CONCLUSION**

Staff are generally not concerned with this size of the capacity increase request and given the proposed patio location, the size, the License Agreement subject to terms, and staff's recommended 9:30 pm closing time, staff do not anticipate any significant impacts from the operation of the patio. This application meets current Council policy regarding patio size and interior occupant load. 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. The 12 month earlier closing time for the patio will provide an evaluation period for staff, Vancouver Police Department and the operator. Staff are therefore RECOMMENDING Council endorse the applicant's request for an increase in person capacity to their existing Liquor Primary liquor licence located at 928 Main Street from 193 persons to 253 persons (Liquor Establishment Class 3) and for a new 19 person Liquor Primary outdoor sidewalk patio subject to the conditions outlined in the Recommendation. Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption.



**LEGEND**

- (1) Neighbourhood Pubs & Hotels with Pubs/Lounges - {Ivanhoe Hotel - 1038 Main St.}, {Cobalt Hotel - 917 Main St.},
- (2) Government or Private Liquor Stores - {N/A}
- (3) Parks
- (4) Social Housing/Residential Strata Buildings/Hotels
- (5) Schools - {N/A}
- (6) Churches - {N/A}
- (7) Other Social facilities - {N/A}

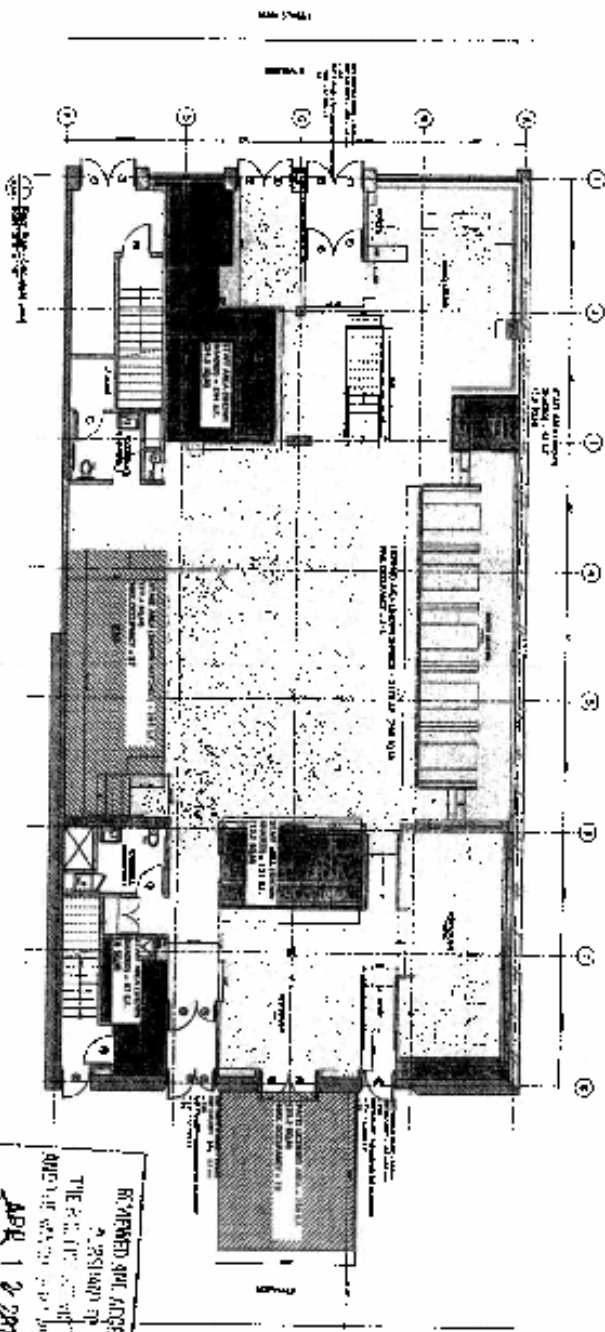


LIQUOR ESTABLISHMENT CLASS 3  
928 Main Street - American Hotel

map: 1 of 1







ITEM	DESCRIPTION	QUANTITY	UNIT
1	STAIRS	1	EA
2	ELEVATOR	1	EA
3	RESTROOMS	2	EA
4	STORAGE	1	EA
5	MECHANICAL	1	EA
6	ELECTRICAL	1	EA
7	PLUMBING	1	EA
8	PAINT	1	EA
9	GLASS	1	EA
10	IRONING	1	EA
11	STAIRS	1	EA
12	ELEVATOR	1	EA
13	RESTROOMS	2	EA
14	STORAGE	1	EA
15	MECHANICAL	1	EA
16	ELECTRICAL	1	EA
17	PLUMBING	1	EA
18	PAINT	1	EA
19	GLASS	1	EA
20	IRONING	1	EA

**MAXIMUM OCCUPANT LOAD**

- 1) DENSED DEVERAGE ESTABLISHMENTS
- 2) DRINKING AND CATERING SPACE
- 3) NON FIXED SEATS AND TABLES
- 4) NON FIXED SEATS
- 5) STANDING SPACE
- 6) OTHER USES

REVIEWED AND ACCEPTED  
 THE BUILDING OFFICIAL'S ACT  
 AND/OR OFFICIAL'S ACT  
 APR 12 2011  
 THIS IS NOT A PL. SHIRT

**EVOKE**

OL101



YOU ARE INVITED TO AN OPEN HOUSE

Wednesday May 25, 5pm-7pm

Presentation at 6pm

Electric Owl: 928 Main Street

Application for an Amendment to a Liquor Primary Liquor License (#023342)

Liquor Establishment Class 3- American Hotel: 928 Main Street

928 Main Street Holdings has applied to the City of Vancouver to endorse its request for an amendment to the existing Liquor Primary liquor license (Liquor Establishment Class 3- Pub) for a new outdoor sidewalk patio (on Station Street) and to increase the interior seating capacity at this site with the following characteristics:

Increase interior capacity from 193 seats to 253 seats

- Due to the extensive renovations and improvements to the building, the main floor is now capable of comfortably maintaining a 253 person occupant load as per City of Vancouver Fire Bylaw.
- In assessing occupant load the City of Vancouver accounts for accessibility, number of emergency exits and access to exits.
- The 253 person occupant load has been certified by the City of Vancouver Fire Department

Outdoor sidewalk patio capacity of 19 seats

- Proposed patio hours of operation: 11am-11pm
- An earlier closure time for the patio is being considered
- The intent of the patio is to supply additional greenery to Station Street and provide a comfortable outdoor brunch location on weekends
- There will be no entertainment permitted on the patio

Extended hours of operation: 9am to 1 am on weeknights and 2am on weekends

- The City of Vancouver extended hours bylaw permits liquor primary establishments in our location (NE False Creek) to operate during the following hours
  - 9am-1am during weekdays
  - 9am-2am during weekends
- Electric Owl will be open for food and beverage service only in the evenings
- We would like to open our cold beer & wine store at 9am. Other than brunch on weekends, the cold beer & wine store will be the only element of the business open at 9am on a regular basis.
- With the exception of emergencies, to prevent potential disturbances Electric Owl will not permit patron exit from the Station street side of the building after 11pm.

We are becoming part of the community and would like to introduce ourselves. If you have any questions or concerns about our new establishment please come to our open house next Wednesday May 25, 2011 from 5pm – 7pm to discuss them. The event is being held on-site at the Electric Owl: 928 Main Street. A City of Vancouver representative will be present and we are very much looking forward to your input.