

Report Date: November 12, 2013
Contact: Tom Hammel
Contact No.: 604.873.7545
RTS No.: 10301
VanRIMS No.: 08-2000-20
Meeting Date: December 4, 2013

TO: Standing Committee on Planning, Transportation and Environment

FROM: Deputy Chief Licence Inspector

SUBJECT: 2321 Main Street - The Fox (Junebug Enterprises Incorporated)
Liquor Primary Liquor Licence Application
Cabaret/Live Performance Venue

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by The Fox for a new 262 person Liquor Primary licence (Liquor Establishment Class 3 - Cabaret/Live Performance Venue) at 2321 Main Street (old Fox Theatre site) subject to:

- i. A maximum total capacity of 262 persons (main floor-190 persons/mezzanine - 72 persons);
- ii. Main floor will only be used in conjunction with pre-booked events;
- iii. 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;
- iv. A Time-limited Development Permit;
- v. Signing a Good Neighbour Agreement with the City prior to business licence issuance; and
- vi. An acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements.

REPORT SUMMARY

Junebug Enterprises Inc. is requesting a Council resolution endorsing their application for a new 262 person Liquor Primary liquor licence at 2321 Main Street. Should Council accept the recommendations in this report, the proposed "cabaret/live performance venue" will have the main floor only operate in conjunction with events and the mezzanine will operate as a lounge even when there is no performance/entertainment on the main floor.

This application meets current Council policy regarding size, location and hours of operation.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

City role in liquor licence applications - The Liquor Control and Licensing Branch of the Provincial Government has senior authority in approving liquor license applications. Their regulations require local governments to provide a Council resolution on any liquor primary licence application unless the local government decides to opt out of the application review process. Council policy has been to provide comments on these applications.

Hours of service - policy for this Non-Downtown Primarily Mixed-Use area are:

Standard hours of liquor service:

- 11 am to 12 am, Sunday to Thursday
- 11 am to 1 am, Friday and Saturday

Extended hours of liquor service:

- 9 am to 1 am, Sunday to Thursday
- 9 am to 2 am, Friday and Saturday

Size and location of new establishments (Council July 14, 2005) - Council Policy states that no Class 3 venue shall be located within 500 meters of another Class 3 venue.

Live Performance Venues - The Cultural Facilities Plan identified dedicated performance space under 250 seats is a priority, in order to ensure ongoing incubation of emerging artistic organizations.

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

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

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

REPORT

Background/Context

Staff are currently conducting a city wide liquor policy and entertainment review. While that work is going on, specific applications are being carefully reviewed to ensure compliance with existing policies, neighbourhood compatibility and that a concentration of liquor establishments isn't being created.

The applicant (Junebug Enterprises Inc.) is requesting a Council resolution endorsing their application for a 262 persons Liquor Primary liquor licence (Liquor Establishment Class 3 - Cabaret/Live Performance Venue) with extended hours of operation between 3 pm to 1 am, Sunday to Thursday and 3 pm to 2 am, Friday and Saturday.

The applicant intends on operating a "cabaret/live performance venue" which will focus on live and non-live events such as concerts, theatrical events, dance, comedy, DJ and individual performances with beverage service(refer to Appendix B). The applicant is requesting liquor service throughout the establishment (main floor - 190 persons and mezzanine - 72 persons). The main floor will only operate in conjunction with events and the mezzanine will operate as

a lounge even when there is no performance/entertainment on the main floor. The main floor also has space for dancing during events. The operators have many years of experience in dealing with “live performance venues” such as the Rickshaw and the Waldorf.

The proposed location for this establishment is in the old Fox Theatre site which operated as an adult entertainment theatre since 1986. The building is currently undergoing renovations in order to accommodate the proposed cabaret/live performance venue.

Strategic Analysis

Staff support the proposed application based on the following analysis.

Results of the Neighbourhood Notification

A neighbourhood notification advising of the application for a 262 person Liquor Primary liquor establishment was conducted by circulating approximately 450 notices in the survey area (refer to Appendix A). A site sign was erected advising the community 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 154 responses were received in response to the application.

The results of the notification are summarized as follows:

	Within 800' radius of subject site	Outside 800' radius of subject site	No contact information	Total
Support	63	85	2	150
Opposed	3		1	4

Respondents opposing the application are most concerned with increased nuisance issues for the community including; noise, drunkenness, disturbances with patrons leaving the establishment and lack of parking in the area. Concerns were also expressed that the proposed hours of operation were not appropriate for the area.

Letters of support were received from the Executive Director of the Mount Pleasant Business Improvement Society, Artistic Director of the Vancouver Folk Music Festival and Libby Davies, MP of Vancouver East (refer to Appendix C).

Location of Establishment

The subject site is located in C-3A Zoning District and for the purposes of liquor policy, it is considered to be located in the Non-Downtown Primarily Mixed-Use Area. The surrounding area is a mixture of residential, retail, office, restaurants, and other commercial uses (refer to Appendix A).

Proximity to other social or recreational facilities and to other Liquor Primary Establishments

The Mount Pleasant Community Centre is located at 1 Kingsway but does not pose a conflict with the proposal for liquor primary seats.

There are numerous restaurants located within the 800' radius of the subject site but no Liquor Primary establishments.

There are no Liquor Establishment Class 3 located within 500 meters of the subject site therefore, this application meets Council Policy for distancing requirements.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 262 persons.

The hours of operation requested for the Liquor Primary liquor licence are 3 pm to 1 am, Sunday to Thursday and 3 pm to 2 am, Friday and Saturday which falls under the Extended Hours permitted for this area.

Noise

An acoustical report certifying that the establishment meets Noise Control By-law requirements will be required and this should mitigate negative impacts due to noise. The applicant has also carried out some acoustic upgrading to the building.

Impact on the Community

The proposed cabaret/live performance venue is located in a primarily mixed-use area which is comprised of commercial uses and residential developments. Staff do not anticipate any community impacts with this establishment. The applicant's track record shows that they are strong advocates for "live performance". The Fox is seen as an important new cultural hub for live performance and event space with the goal of promoting affordable, independent local theatre and live performance as well as showcasing alternative artists from around the world. The applicant feels that they will create and fill a demand for live performance space.

A Time-limited Development Permit and Good Neighbour Agreement should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

The Police Department has reviewed the application and have no concerns about this application. The Cultural Services Department also supports this application.

Furthermore, this application complies with Council's liquor policy for Venue Size and Hours of Liquor Service and Council policy for live performance venues and the direction the city is headed with respect to providing more live performance venues.

Implications/Related Issues/Risk (if applicable)

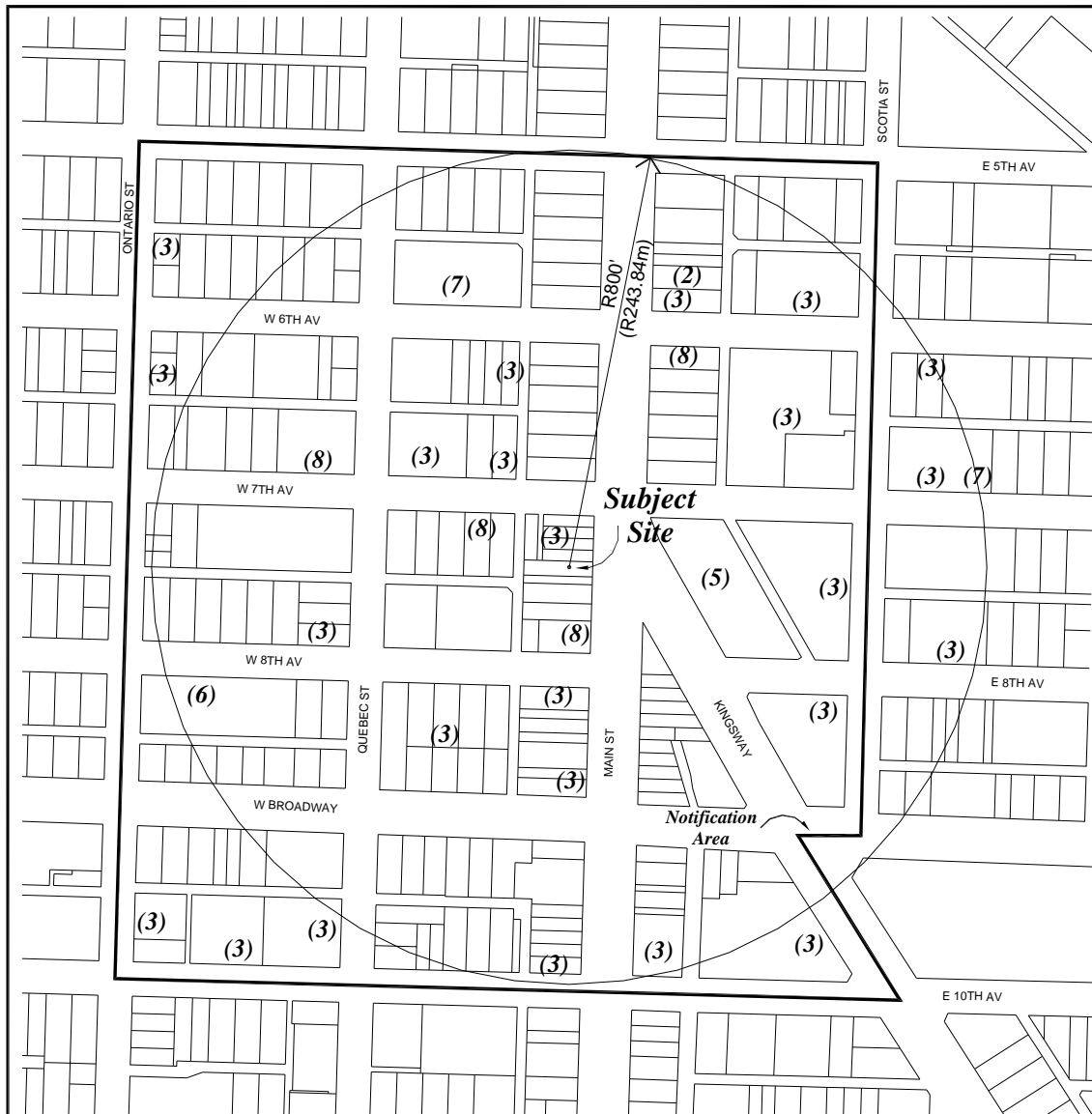
Financial

There are no financial implications.

CONCLUSION

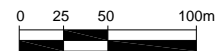
Staff recommend Council endorse the applicant's request for a Liquor Primary liquor licence for their cabaret/live performance venue, subject to the limiting conditions. Staff experience generally shows that liquor service in these venues is an amenity for patrons and not the primary focus of the business. The liquor license is needed to provide revenue to support the live performance function of the venue. The applicants commitment to supporting arts and cultural programs is of benefit along with providing their venue to local community groups. The Fox is an important cultural venue in the city and we welcome and encourage live performance and ongoing cultural use. The application meets current Council policy regarding liquor establishments.

* * * * *

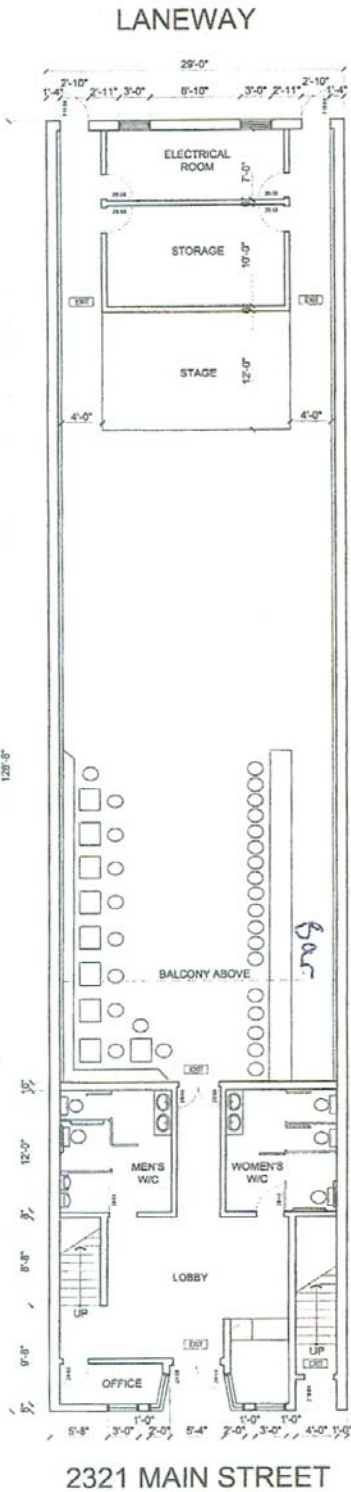


LEGEND

- (1) Cabarets, Neighbourhood Pubs & Lounges - {N/A}
- (2) Government or Private Liquor Stores - {Brassneck Brewery - 2148 Main St}
- (3) Residential buildings
- (4) Parks - {N/A}
- (5) Community Centre - {Mount Pleasant Community Centre - 1 Kingsway}
- (6) Health Centre - {Vancouver Coastal Health - Raven Song Community Health Centre - 2450 Ontario St}
- (7) Churches - {Church of God - 123 E 6th Av}, {Trinity United Church - 317 E Broadway}
- (8) Schools - {Sarah McLachlan School of Music - 138 E 7th Av}, {Arts Umbrella - 77 E 7th Av}, {Jean Lyons School of Music - 77 E 7th Av}, {Vancouver College of Counsellor Training - 206 E 6th Av}, {Goh Ballet Academy Canada - 2345 Main St}

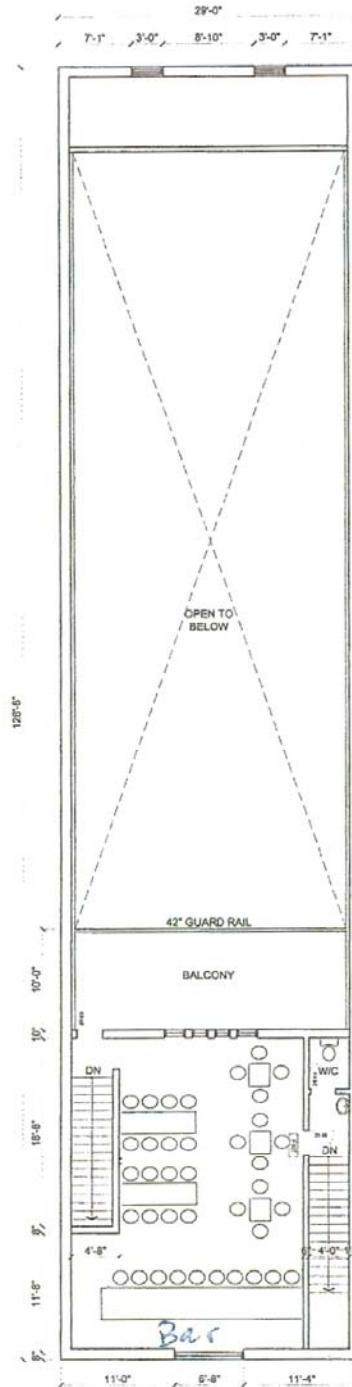


<p>LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3 - Cabaret/Live Performance Venue) 2321 Main Street - Fox</p>	<p>map: 1 of 1</p>	
<p>City of Vancouver - Licenses & Inspections</p>	<p>date: 2013-11-07</p>	



2321 MAIN STREET

1 Main Floor Plan
1/8" = 1'-0"



2 Upper Floor Plan
1/8" = 1'-0"

- 2.) DINING AND CAFETERIA SPACE
- 3.) NON FIXED SEATS AND TABLES
- 4.) NON FIXED SEATS
- 5.) STANDING SPACE
- 6.) OTHER USES

FOR 1.) LICENSED BEVERAGE ESTABLISHMENTS... 22 PERSONS

190 Gross Sq Ft THEATER

72 UPSTAIRS LOUNGE

MAXIMUM OCCUPANT LOAD

REVIEWED AND ACCEPTED
PURSUANT TO
THE B.C. FIRE SERVICES ACT
AND THE VEHICLE FIRE BY-LAW
PART 07 9M17
Per: *[Signature]*
ACM / Licensed Fire Inspector
THIS IS NOT A PERMIT



House of Commons
Canada

Libby Davies, MP
Vancouver East

November 1, 2013

Dear Lucia Cumerlato (Liquor Licence Coordinator-City of Vancouver),

As the MP for Vancouver East, I am writing this letter to show support for the new FOX theatre owners and their application for a Liquor-Primary Licence to open a venue that incorporates music, art and entertainment.

I am delighted to welcome this kind of development into our neighbourhood. I stand behind the transformative vision of those involved to turn a space that was formerly a pornographic movie theatre into a cultural venue, of which there is a shortage in East Vancouver.

Further, I feel that the operators of this development did a fantastic job running their previous venue, the Waldorf. To show my support of this venue, I signed an online petition that was put out in the past to save the Waldorf. The loss of the Waldorf was a significant one for Vancouver's creative community. The owners put a lot of effort into dynamic and unique events at the Waldorf that the city does not have otherwise, and were able to transform an old hotel into a cultural hub that benefitted our city.

I think that this new development will bring new light and life to the community, particularly with the recent closure of so many valuable arts and community spaces in the city of Vancouver, such as the Waldorf. This development is what is needed to fill that space.

Yours Sincerely,

A handwritten signature in black ink that reads "Libby Davies".

Libby Davies, MP
Vancouver East



MOUNT PLEASANT
BUSINESS IMPROVEMENT AREA

MOUNT PLEASANT COMMERCIAL IMPROVEMENT SOCIETY
301-3102 MAIN STREET, VANCOUVER, BC V5T 3G7
T: 604.874.9816 F: 604.874.9316 E: CONNECT@MPBIA.CA
WWW.MOUNTPLEASANTBIA.COM

October 1, 2013

City of Vancouver
453 West 12th Avenue
Vancouver, BC
V5Y 1V4

Attention: Planning Department

Dear Sirs:

Re: MOUNT PLEASANT BIA SUPPORT FOR THE FOX THEATRE CONVERSION

This is a letter of support for the conversion of the Fox Theatre at 2321 Main Street into a multi-use live music, theatre and dance venue, inclusive of the issuance of a liquor primary license.

We believe this will be a definite asset to our business community, adding another entertainment venue to the increasing vibrant landscape that is Main Street. Neighbouring businesses that we have spoken with are supportive of the concept and see it as a significant improvement over the prior use.

Mr. Duprey has operated the popular Rumpus Room at Main and 11th since 2011. This is a fun and trendy addition to our long list of eateries and has been well supported by the community.

Please do not hesitate to contact the undersigned or our Executive Director, Lynn Warwick, if you require additional feedback.

Best regards,

John Boychuk, President

Mount Pleasant Commercial Improvement Society



Suite 100 - 2425 Quebec Street
Vancouver, BC V5T 4L6
t: (604) 602-9798 | f: (604) 602-9790
www.thefestival.bc.ca | info@thefestival.bc.ca

October 18th, 2013

Lucia Cumerlato
Liquor Licence Co-ordinator – City of Vancouver
City Hall – East Wing – 2nd Floor
2675 Yukon Street, V5Y 3P9

Dear Lucia Cumerlato,

I am writing in support of the new Fox Theatre owners and their application for Liquor-Primary and Business Licences to open a multi-purpose venue on Main Street.

The Vancouver arts community was very disappointed to lose the Waldorf Hotel as a cultural and entertainment hub, and we are very happy to learn the previous owners are part of the restoration of the Fox Theatre. The Vancouver Folk Music Festival Society is very excited to welcome a much-needed cultural and multi-purpose venue in our neighbourhood.

As well as thirty-six festivals and counting, the VFMF Society produces many concerts and other events throughout the year. We are always trying to build on what we do, but find a continuous struggle to secure proper venues in Vancouver. We know that the venues themselves have a hard time as well, which is why we are asking you to grant The Fox Theatre the Liquor-Primary and Business Licences that they have applied for.

The Vancouver Folk Music Festival hopes to present shows at the Fox Theatre in the future and we hope that you will approve their application so that the theatre will be able to sustain itself as a community and cultural venue for many years to come.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Tanaka".

Linda Tanaka
Artistic Director
Vancouver Folk Music Festival