

Report Date: December 7, 2015
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RTS No.: 11208
VanRIMS No.: 08-2000-20
Meeting Date: February 3, 2016

TO: Standing Committee on City Finance and Services

FROM: Deputy Chief Licence Inspector

SUBJECT: 452 SW Marine Drive - Cineplex Entertainment Limited Partnership
Liquor Primary Licence Application
Liquor Establishment Class 5 - Cineplex VIP - Movie Theatre

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, site signs, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by Cineplex Entertainment Limited Partnership (Cineplex VIP) for a 556 person Liquor Primary liquor licence (Liquor Establishment Class 5 - Movie Theatre) at 452 SW Marine Drive subject to:

- i. A maximum combined capacity of 556 persons (includes lobby lounge, patio and three auditoriums);
- ii. Hours of operation limited to 10 am to 1 am, seven days a week;
- iii. Liquor service is limited to one hour prior to, during and one hour after a film or broadcast;
- iv. Liquor to be served in conjunction with ticketed films or broadcasts;
- v. A Time-limited Development Permit;
- vi. Minors will not be permitted in the VIP theatres; and
- vii. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

REPORT SUMMARY

Cineplex Entertainment Limited Partnership (Cineplex VIP) is requesting a Council resolution endorsing their application for a new Liquor Primary liquor licence for their new movie theatre of 360 fixed seats (dispersed amongst three auditoriums), a patio of 44 seats and a lobby lounge of 152 persons (Liquor Establishment Class 5 - Movie Theatre) located at 452 SW Marine Drive (Marine Gateway).

Cineplex Cinemas is a new movie theatre (with 11 auditoriums) offering feature films. The theatre complex is located in the Marine Gateway development which was completed in November 2015. The applicant would like to provide liquor service in three of the auditoriums, a patio and in the theatre lobby lounge located on the 6th floor. Access to the VIP lobby and VIP theatres is restricted to adults 19+ and no minors are permitted. Liquor will be

served in conjunction with ticketed films or broadcasts only. As part of the theatre operations, they are planning to operate a bar/concession service within the lobby area and food service will be provided. Liquor service will be limited to one hour before, during and one hour after a film or broadcast. The applicant currently operates two other licensed theatres in Coquitlam and Abbotsford. They recently received approval to license the Fifth Avenue Cinemas in Vancouver.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

City role in liquor licence applications - The Liquor Control and Licensing Branch of the Provincial Government has the mandate to approve 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 Commercial/Industrial use area are standard hours of liquor service:

- 11 am to 2 am, seven days a week

Size and location of new establishments (Council July 14, 2005) - Council Policy states that no Class 5 venue shall be located within 750 meters of another Class 5 venue.

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

The applicant (Cineplex Entertainment Limited Partnership) is requesting a Council resolution endorsing their application for a 556 persons Liquor Primary liquor licence (Liquor Establishment Class 5 - Movie Theatre) with standard hours of operation between 10 am to 1 am, seven days a week. Liquor to be served in conjunction with ticketed films or broadcasts only. Liquor service will be an amenity to patrons attending a film or broadcast. Minors will not be permitted in the three VIP theatres, Lobby Lounge and patio as these areas will be licensed.

Cineplex VIP is a new movie theatre (with 11 auditoriums, three of which will be licensed) offering feature films. The theatre complex is located in the Marine Gateway development which was completed in November 2015. The applicant would like to provide liquor service in three of the auditoriums, a patio and in the theatre lobby lounge located on the 6th floor (refer to Appendix B). As part of the theatre operations, they are planning to operate a bar/concession service within the lobby area and food service will be provided. Liquor service will be limited to one hour before, during and one hour after a film or broadcast. The applicant currently operates two other licensed theatres in Coquitlam and Abbotsford. They recently received approval to license the Fifth Avenue Cinemas in Vancouver.

Strategic Analysis

Staff support the proposed application based on the following analysis.

Results of the Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary application was conducted by circulating approximately 300 notices in the survey area (refer to Appendix A). Three site signs were 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. No responses were received in response to the application.

Letters of support were received from the President/CEO of British Columbia Restaurant and Foodservices Association, President of BC Motion Picture Theatre Association and Executive Director of the Movie Theatre Association of Canada.

Location of Establishment

The subject site is zoned CD-1 (Bylaw #10432) and the space is approved as a theatre. For the purposes of liquor policy, it is considered to be located in the Non-Downtown Primarily Commercial/Industrial use area. The surrounding area is a mixture of retail, office, health care office, residential and restaurant uses.

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

There are no social or recreational facilities in the immediate area that would create a potential conflict with the proposal for liquor primary seats.

Within a 750 meter radius of the subject site, there is one Liquor Establishment Class 7 (Private Club). There are no Liquor Establishment Class 5's located within 750 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 as follows (refer to Appendix B):

VIP Auditorium 1 = 126 persons

VIP Auditorium 2 = 117 persons

VIP Auditorium 3 = 117 persons

VIP Auditoria Total = 360 persons

VIP Lobby Lounge = 152 persons

VIP Patio = 44 persons

The hours of operation requested for the Liquor Primary liquor licence are 10 am to 1 am, seven days a week which are within the parameters of the Extended Hours permitted for opening in the Non-Downtown Primarily Commercial/Industrial Use Area. The Liquor Control

and Licensing Branch restricts liquor service in theatres to one hour before, during and one hour after a film or broadcast.

Noise

Staff have considered the impact for noise on the community and have no concerns at this time. Noise complaints associated with movie theatres are extremely rare.

Impact on the Community

Staff is generally in support of liquor licenses in theatre type venues. The Vogue Theatre, The Rio, Improv Theatre on Granville Island, Vancouver International Film Centre, Orpheum Annex, Fifth Avenue Cinemas and The Cultch liquor licenses allow liquor service in the seating area as well as in the lobby area in conjunction with performances.

The applicant currently operates movie theatres in Coquitlam and Abbotsford which hold liquor licenses. They recently received liquor licence approval for their theatre on Burrard Street (Fifth Avenue Cinemas). The Abbotsford Police Department has advised that they have no issues with the operation of the theatre in Abbotsford. They also noted that they have no record of attending any calls for liquor related matters at the theatre. A time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Implications/Related Issues/Risk

Financial

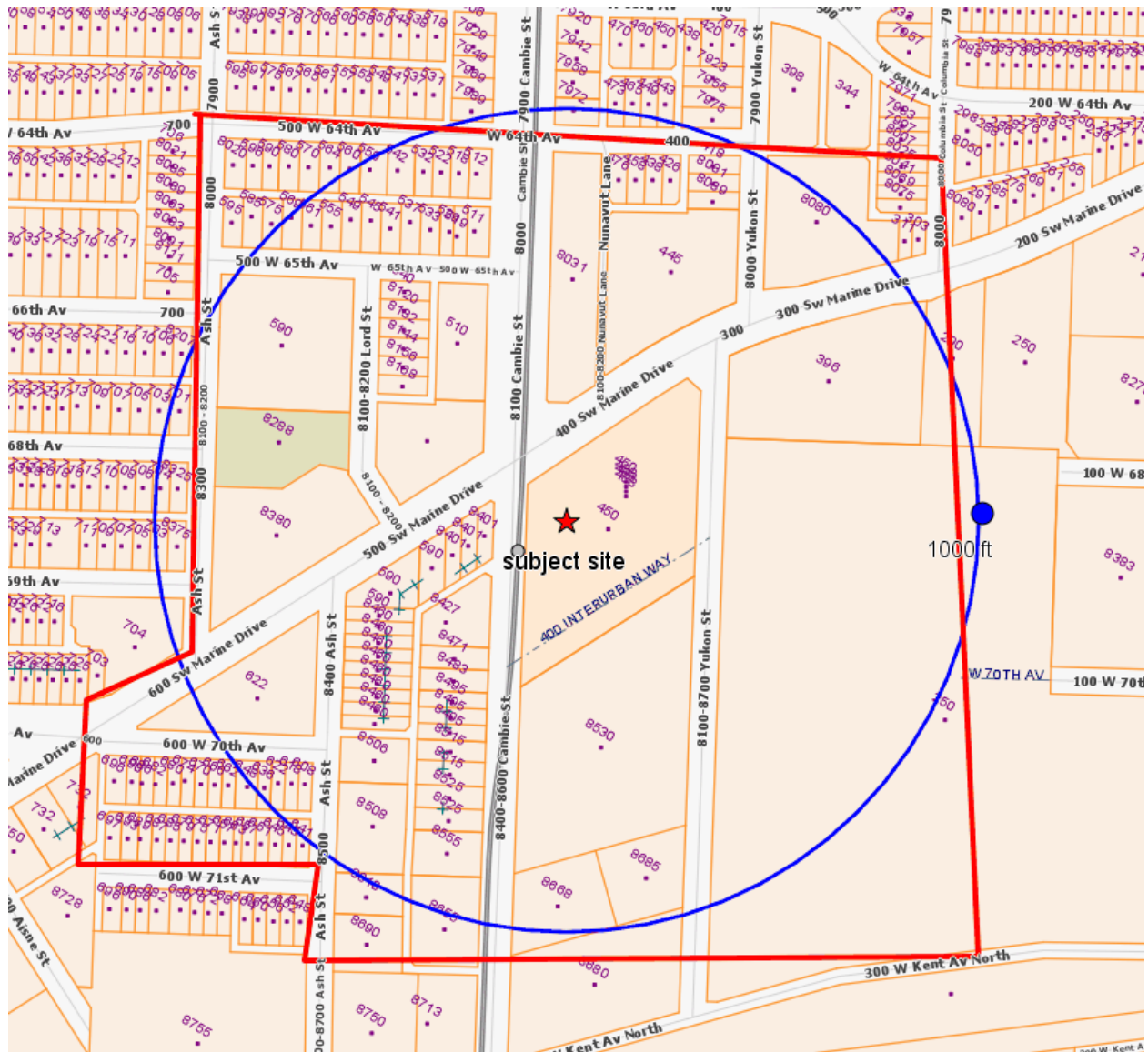
There are no financial implications.

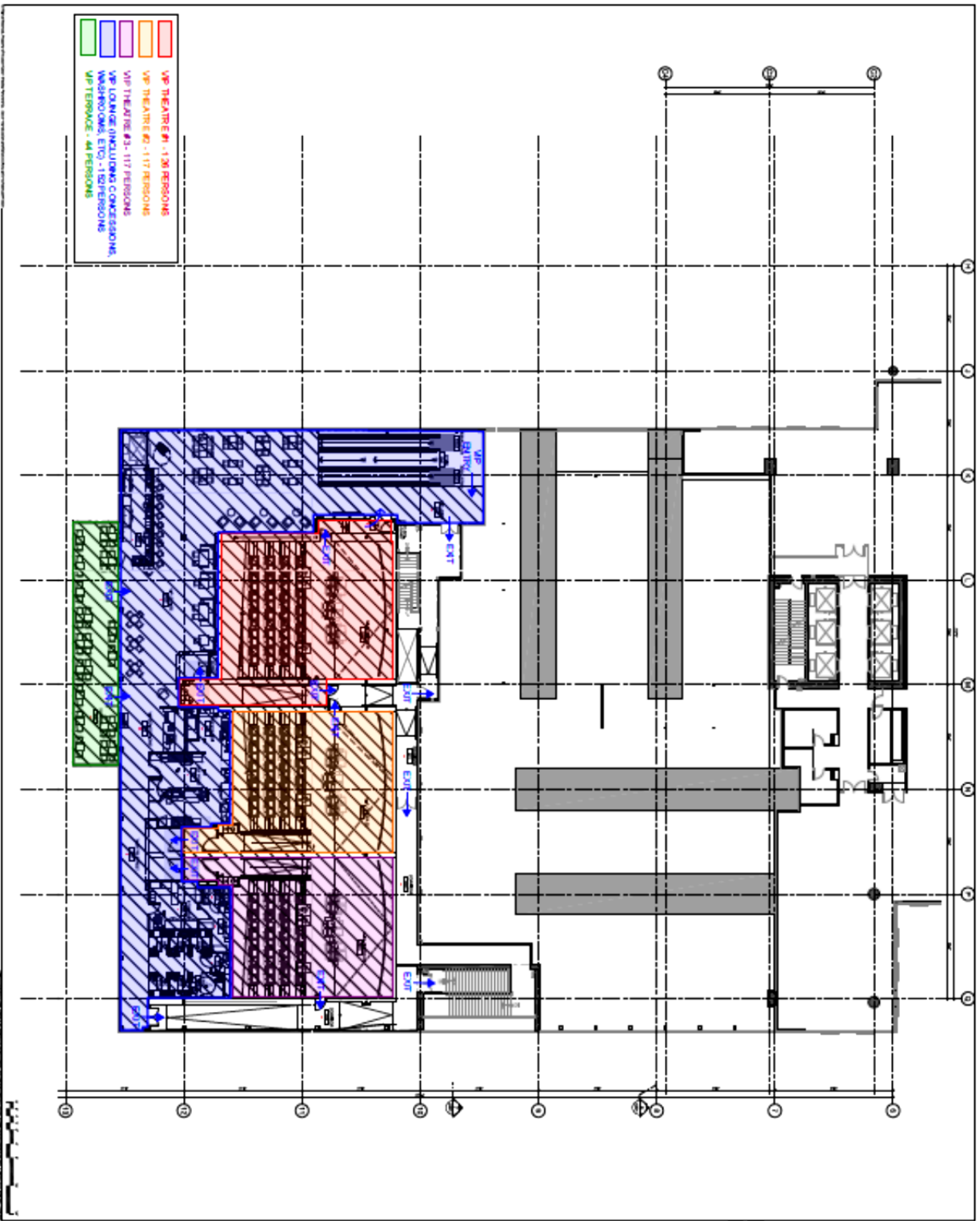
CONCLUSION

Staff recommend Council endorse the applicant's request for a Liquor Primary liquor licence for their movie theatre, subject to the conditions noted in this report. Staff's experience generally shows that liquor service in theatres is an amenity for patrons and not the primary focus of the business. As a result, staff receive few issues/complaints from community residents. Based on the results of the neighbourhood notification, residents are in support of the application.

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452 SW Marine Drive - Cineplex VIP





- VP THEATRE #1 - 126 PERSONS
- VP THEATRE #2 - 117 PERSONS
- VP THEATRE #3 - 117 PERSONS
- VP LOUNGE (INCLUDING CONCESSIONS, WASHROOMS, ETC) - 150 PERSONS
- VP TERRACE - 44 PERSONS

DATE: 2016
PROJECT: A216
SCALE: 1/8" = 1'-0"
DATE: 2016
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