



ADMINISTRATIVE REPORT

Report Date: April 5, 2017
Contact: Sarah Hicks
Contact No.: 604.873.7546
RTS No.: 11862
VanRIMS No.: 08-2000-20
Meeting Date: May 3, 2017

TO: Standing Committee on Policy and Strategic Priorities

FROM: General Manager - Development, Buildings and Licensing

SUBJECT: 2401 Point Grey Road - Kitsilano Yacht Club
Liquor Primary Club Licence and Outdoor Patio Application
Liquor Establishment Class 7 - Private Club

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, endorse the request by Kitsilano Yacht Club for a 95 person Liquor Primary Club licence (Liquor Establishment Class 7 - Private Club) with a 35 person outdoor patio located at 2401 Point Grey Road subject to:

- i. A maximum total capacity of 95 persons inside and 35 persons outside;
- ii. Hours of operation limited to 11 am to 12 midnight, Sunday to Thursday; 11 am to 1 am, Friday and Saturday;
- iii. The outdoor patio ceasing all liquor service and vacated by 11 pm, seven days a week;
- iv. No music or entertainment permitted on the patio;
- v. A time-limited Development Permit;
- vi. An acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- vii. Food service to be provided while the establishment is operating as well as on the patio when open; and
- viii. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

REPORT SUMMARY

The Kitsilano Yacht Club (KYC), which was founded in 1934 and incorporated under the Societies Act in 1936, is requesting a Council resolution endorsing their application for a new 95 person Liquor Primary Club licence with a 35 person outdoor patio (Liquor Establishment Class 7 - Private Club) located at 2401 Point Grey Road.

Staff is recommending approval of this application subject to the conditions outlined in the Recommendation. Kitsilano Yacht Club has long been part of the community and there will be little change with respect to how this establishment will operate. The KYC will continue to focus on fostering amateur yachting and boat handling skills on English Bay and liquor service will be a secondary component. The KYC currently obtains Special Event Permits from the Liquor Control and Licensing Branch for events that offer liquor service and have indicated that there is no intention to increase the number of events.

Given the KYC's long history at this location and the fact that the liquor licence would be for members and guests only, staff support this application. The requirement for a time-limited Development Permit, an acoustic report certifying that the establishment meets Noise Bylaw requirements and a Good Neighbour Agreement will also ensure the premise operates in a manner conducive to the surrounding area.

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 licence 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.

Approval process/requirements - Council policy requires new Liquor Primary licences and changes to existing Liquor Primary licences be subject to a time-limited Development Permit, Good Neighbour Agreement and public consultation.

Hours of service - policy for this Non-Downtown Primarily Residential 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 Class 7 venues (Private Clubs) be allowed in all areas where "Club" is a permitted land use.

Sidewalk patios adjacent to liquor establishments - On April 17, 2007, Council approved policy and guidelines that allow Liquor Primary establishments to have sidewalk patios on both public and private property subject to:

- Food service being available to the patio;
- A food preparation area large enough to safely handle the capacity increase;
- Closing time of no later than 11 pm;
- Outdoor seating limited to 20% of total seating capacity; and
- Public consultation.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Development, Buildings and Licensing recommends approval of the foregoing.

REPORT

Background/Context

Kitsilano Yacht Club was founded in 1934 and incorporated under the Societies Act in 1936 to foster amateur yachting and boat handling skills on English Bay. The group constructed the existing facility at the current location and also maintains and operates the facility. Currently there are 262 active members and a membership is required. The club is not open to the general public.

KYC is requesting a Council Resolution for their application for a new 95 person Liquor Primary Club licence with a 35 person outdoor patio (Liquor Primary Class 7 - Private Club) located at 2401 Point Grey Road (refer to Appendix A) for members and their guests only, with operating hours of 11 am to 11 pm, seven days a week. The outdoor patio hours will close at 11 pm, seven days a week. No entertainment is permitted on the patio and food and beverage service will be provided.

Currently, events that are held in the facility are required to close by 11 pm per KYC internal regulations. The club is applying for the allowable Standard Hours of operation in this Non-Downtown Primarily Residential use area which are 11 am to midnight, Sunday to Thursday and 11 am to 1 am, Friday and Saturday. However, there is no intention to keep the facility open past 11 pm nightly. Any events that would exceed the 11 pm close will require prior written approval of the Vancouver Park Board.

The applicant will be applying for two endorsements:

1. Allow unaccompanied minors in the licensed area until 10 pm for recreational purposes on a day to day basis when liquor service is not provided.
2. Allow minors, accompanied by a parent or guardian, to enter the licensed area until 10 pm when liquor and meal service is available.

Currently, the KYC Executive Committee appoints individual volunteer members of the Executive Committee and fleet representatives to be responsible to apply for Special Event Permits (SEP) from the Liquor Control and Licensing Branch for events that involve liquor

service. During the summer season, the club holds Thursday night racing and weekend regattas and offers dinner with wine and/or beer service afterwards for their participating members. As well, on occasion, KYC members will book the clubhouse for special private events such as weddings. On average, the KYC applies for approximately 80 SEPs annually. Each of these events require a separate SEP for liquor service in which the process to obtain an individual permit can be time consuming and expensive. Under current provincial regulations, an organization is only allowed to apply for three SEPs per month and all alcohol must be removed from the premises after the end of each event. Due to the number of events the KYC holds, they would not meet the provincial requirements for SEPs.

Kitsilano Yacht Club has no intention to increase the number of events currently held at their facility. Liquor service will be offered to members on race and regatta days and at pre-booked member events.

At the Park Board Committee meeting on March 27, 2017, the Park Board approved the following:

“THAT the Vancouver Park Board approve an application by the Kitsilano Yacht Club to the Liquor Control Board to obtain a Liquor Primary Club Licence”.

Strategic Analysis

Staff support the proposed application based on the following analysis.

Council Policy

Council Policy allows for Liquor Establishment Class 7 venues (Private Clubs) be allowed in all areas where “Club” is a permitted land use.

The proposed patio is not 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. For this application, policy would allow for a 19 person patio whereas the applicant is requesting approval for a 35 person patio. However, staff supports the request for the 35 person patio as the patio will be used seasonally and only during events. As well, the requirement for a time-limited Development Permit and the 11 pm closing should also address any potential problems.

Results of Neighbourhood Notification

A neighbourhood notification was conducted by circulating approximately 303 notices in the survey area (refer to Appendix B). 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 60 responses were received in response to the application.

The results of the notification are summarized as follows:

	Within 1000' radius of subject site	Outside 1000' radius of subject site	No contact information	Total
Support	33	11	-	44
Opposed	12	1	3	16

Out of the 33 support letters received from within the notification area, 12 were form letters of support.

Respondents opposing the application are most concerned with nuisance issues for the community including; increased noise nuisances from music amplification and from members leaving the club as well as increased traffic and lack of parking for the area. Respondents also felt that the proposed hours (11 am to 12 midnight, Sunday to Thursday and 11 am to 1 am, Friday and Saturday) were not appropriate as the club is located in close proximity to a residential neighbourhood and with many stating that the club should be restricted to close by 11 pm nightly.

The applicant had distributed a letter of intent (see Appendix C) regarding the application to the surrounding neighbourhood and in response to the initial feedback, organized a meeting with residents of the community. Twelve members of the community attended and expressed concerns with noise and the hours of operation.

An open house, which was advertised on the site sign and the postcard notification, was also organized by the applicant and was held after the initial meeting. A total of 13 people attended with most being in support of the application.

As a result of both discussions, the club agreed that there would be no amplified music after 11 pm and that the facility will close at 11 pm nightly. This agreement seemed to satisfy the neighbours who had expressed concerns with the application.

Location of Establishment

The subject site is located in the RS-1 Zoning District and for the purposes of liquor policy, it is considered to be located in the Non-Downtown Primarily Residential Use area. Council Policy allows for Liquor Establishment Class 7 venues (Private Clubs) be allowed in all areas where "Club" is a permitted land use.

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

Within a 1000' radius of the notification, the surrounding area is mainly residential with single family homes, duplexes, townhomes and apartment buildings (refer to Appendix B). There are no Liquor Primary establishments located within the notification area.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 95 persons and 35 persons on the outdoor patio (see Appendix A).

The applicant is requesting hours of operation of 11 am to 12 midnight, Sunday to Thursday and 11 am to 1 am Friday and Saturday which falls under the allowable hours of liquor service for Standard Hours for this Non-Downtown Primarily Residential area. But as a result of the public meetings held with residents of the community, the facility has agreed to close the club at 11 pm nightly. As well, any variance to the 11 pm close will require prior written approval of the Vancouver Park Board.

The 35 person outdoor patio will also operate until 11 pm, seven days a week. No entertainment or music will be permitted on the patio and food and beverage service will be provided. Liquor service will only be offered during events for members and their guests. The clubhouse is not open to the general public.

Noise

The proposal for a Liquor Primary Club licence and outdoor patio at this location will require a time-limited Development Permit. The review process for this type of approval will involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, an on-site loading strategy, social and policing impacts and noise control.

The applicant will be required to submit and adhere to an acoustic report which stipulates the sound levels permitted inside the establishment in order to comply with the Noise Control Bylaw. This should aid in mitigating potential negative community impacts due to noise.

Impact on the Community

There are very few issues/complaints with liquor licences in establishments of this type (Private Clubs). Kitsilano Yacht Club has operated at this location since approximately 1934 and there has been no enforcement history associated with this establishment. The Vancouver Police Department has reviewed the application and have no concerns with this application.

The time-limited Development Permit will provide ongoing reviews to ensure the land use/business remains compatible with the surrounding community. In addition, the Good Neighbour Agreement will set out the City expectations that the business needs to be responsive in dealing with any issues and responsible for creating a positive relationship with the community.

Implications/Related Issues/Risk (if applicable)

Financial

There are no financial implications.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a new 95 person Liquor Primary Club licence with a 35 person outdoor patio subject to the conditions outlined in the Recommendation.

Kitsilano Yacht Club has been a long standing member of the community and there will be little change with the club's operations as the establishment will continue to focus on fostering amateur yachting and boat handling skills on English Bay and liquor service will be a secondary component. Liquor licence will be offered to members and guests only during special events with restricted operating hours until 11 pm. The requirement for a time-limited Development Permit, an acoustic report certifying that the establishment meets Noise Bylaw requirements and a Good Neighbour Agreement will also ensure the premise operates in a manner conducive to the surrounding area.

* * * * *

MAXIMUM OCCUPANT LOAD

- 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

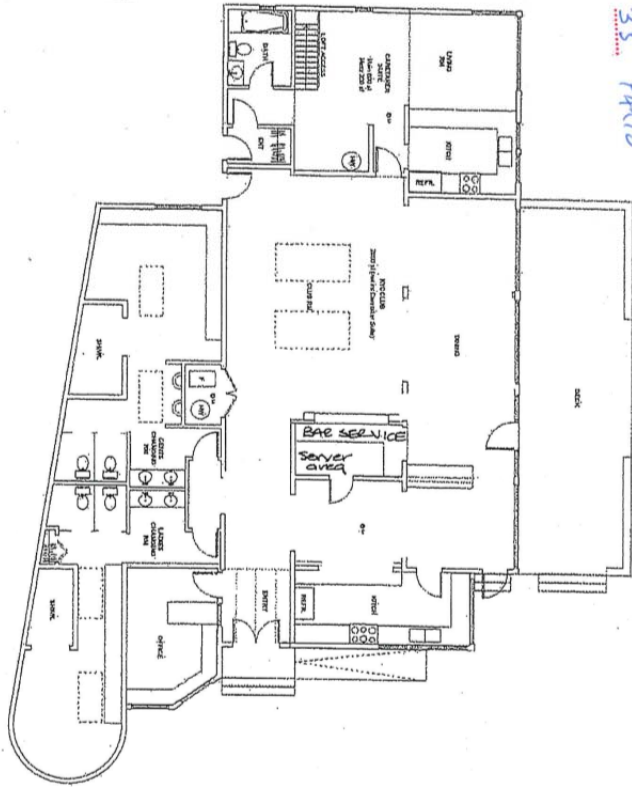
PERSONS

95 INTERIOR

35 PARKING

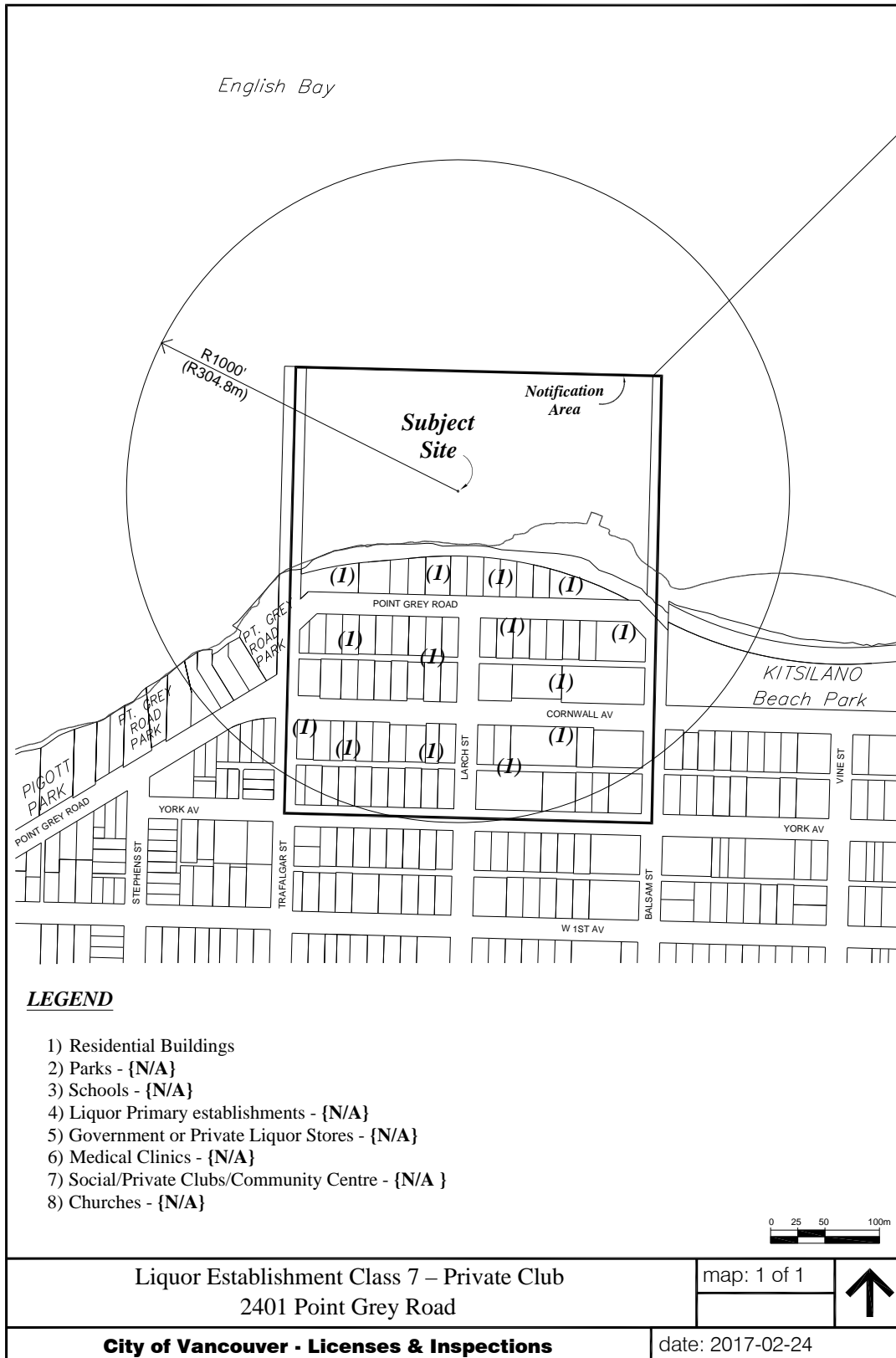
REMOVED AND ACCEPTED
PURSUANT TO
THE B.C. FIRE SERVICES ACT
AND THE VANCOUVER FIRE BY-LAW
MAR 22 2017
Per: [Signature]
AOM / Deputy Chief, Fire Prevention
THIS IS NOT A PERMIT

Item	Code	Description	Value
1.0	1.0	Interior	95
2.0	2.0	Parking	35
3.0	3.0	Other	0
4.0	4.0	Other	0
5.0	5.0	Other	0
6.0	6.0	Other	0
7.0	7.0	Other	0
8.0	8.0	Other	0
9.0	9.0	Other	0
10.0	10.0	Other	0
11.0	11.0	Other	0
12.0	12.0	Other	0
13.0	13.0	Other	0
14.0	14.0	Other	0
15.0	15.0	Other	0
16.0	16.0	Other	0
17.0	17.0	Other	0
18.0	18.0	Other	0
19.0	19.0	Other	0
20.0	20.0	Other	0
21.0	21.0	Other	0
22.0	22.0	Other	0
23.0	23.0	Other	0
24.0	24.0	Other	0
25.0	25.0	Other	0
26.0	26.0	Other	0
27.0	27.0	Other	0
28.0	28.0	Other	0
29.0	29.0	Other	0
30.0	30.0	Other	0
31.0	31.0	Other	0
32.0	32.0	Other	0
33.0	33.0	Other	0
34.0	34.0	Other	0
35.0	35.0	Other	0
36.0	36.0	Other	0
37.0	37.0	Other	0
38.0	38.0	Other	0
39.0	39.0	Other	0
40.0	40.0	Other	0
41.0	41.0	Other	0
42.0	42.0	Other	0
43.0	43.0	Other	0
44.0	44.0	Other	0
45.0	45.0	Other	0
46.0	46.0	Other	0
47.0	47.0	Other	0
48.0	48.0	Other	0
49.0	49.0	Other	0
50.0	50.0	Other	0



MATA

A-101



LEGEND

- 1) Residential Buildings
- 2) Parks - {N/A}
- 3) Schools - {N/A}
- 4) Liquor Primary establishments - {N/A}
- 5) Government or Private Liquor Stores - {N/A}
- 6) Medical Clinics - {N/A}
- 7) Social/Private Clubs/Community Centre - {N/A}
- 8) Churches - {N/A}

Liquor Establishment Class 7 – Private Club
2401 Point Grey Road

map: 1 of 1





Kitsilano Yacht Club
2401 Point Grey Road
Vancouver, BC
V6K 1A1

604.730.1646
manager@kitsilanoyachtclub.com

21 January, 2017

Dear Neighbours,

As you are probably aware, the Kitsilano Yacht Club is currently in the process of applying for a liquor license, under the Province of B.C. application category, "liquor primary, private club license".

The purpose of this letter is to inform our neighbours of the reasoning behind the club's decision to apply to acquire this license, and also to explain the club's operational intentions if it is ultimately successful in its application.

We would like to invite you to discuss the matter further in person with us, when we hold an Open House at our clubhouse on Thursday, February 2, 2017, from 5:00 pm to 7:00 pm.

We hope to allay any concerns that you may have as our neighbours, and we hope to engage your support for our application.

Kitsilano Yacht Club was established at its current location in 1934, and so we have been members of this community for over 80 years.

So the club's regular activities are well known to our neighbours, and we believe that we have an established track record of responding to our neighbours' concerns, if any of our activities have posed problems. We have always attempted to be good neighbours, and we intend to continue to do so.

We would like to assure our neighbours that from their perspective, they will not notice any negative changes if the club is approved for the liquor primary club license. If we are approved for that license, then the club does not intend to operate any differently than it has to date.

Over the course of the summer (from approximately the beginning of May until mid-September), we host Thursday-night racing and weekend regattas for our members. After the races, the club serves dinner to its members. Additionally, on various occasions, our members have booked the clubhouse for special private events, such as weddings.

Until now we have been serving alcohol at event meals by means of individually-granted "special occasion licences" (SOLs) which are date and time specific. Under the current provincial regulations, we are limited to apply for only a few SOLs within allotted calendar dates. The SOL regulations really do not fit with our regatta schedule, concentrated as it is between May and September. Moreover, the SOL process is a very expensive and time consuming task for the club, which we could avoid with a "liquor primary, private club" license instead.

By applying for a liquor primary club license, we can ensure that we are compliant with the current rules and



Kitsilano Yacht Club
2401 Point Grey Road
Vancouver, BC
V6K 1A1

604.730.1646
manager@kitsilanoyachtclub.com

regulations of the City and the Province in respect of serving alcohol, and we bring ourselves under the jurisdiction of the Provincial Liquor Inspectors.

We feel that with a liquor primary club license, we will be properly licensed for all our occasions where alcohol can be served. We would be able to provide a better service to our members, and the guests of our members.

We would like to assure you that if the application by the Kitsilano Yacht Club is successful, we will not be open to sell alcohol to the general public.

Furthermore, if the license application is successful, it is not the club's intention to serve alcohol 7 days per week under the standard hours allowed by the city. We will continue to operate as we always have.

We have placed a notice sign on Point Grey Road to inform our neighbours and the public, which is required by the Liquor Control & Licensing Branch and the City of Vancouver. For your convenience we have enclosed a copy of this notice. The wording on this sign has been provided to us by the City of Vancouver. You will note on the sign that the hours of operation we have applied for are as follows:

Sunday – Thursday: 11.00am – Midnight
Friday – Saturday: 11.00am – 1.00am

Please note that these hours are the standard scope of operating hours provided under the City of Vancouver bylaw. They represent a window within which any club may operate, if it has this type of license. Clubs are not required to be open for alcohol service during all these hours, and KYC will not be.

It was open to the club to apply for "extended operating hours" instead of "standard operating hours", but we had no intention of operating even at the full window of "standard operating hours", so we did not make that application.

In conclusion, we would like to remind you again that we will be hosting an Open House at the clubhouse on Thursday, February 2nd, from 5:00 – 7:00 pm, and we welcome you to come by to discuss any questions that you may have. We look forward to meeting our neighbours then, and we welcome your comments and feedback. Please do come and introduce yourself. In the interim, please contact us with any questions you may have.

A handwritten signature in blue ink, appearing to read "Brian Trainor".

Brian Trainor
KYC Commodore

A handwritten signature in blue ink, appearing to read "Colm Webb".

Colm Webb
KYC General Manager