



ADMINISTRATIVE REPORT

Report Date: February 27, 2017
Contact: Sarah Hicks
Contact No.: 604.873.7546
RTS No.: 11816
VanRIMS No.: 08-2000-20
Meeting Date: May 17, 2017

TO: Standing Committee on City Finance and Services

FROM: General Manager of Development, Buildings and Licensing

SUBJECT: 1759 West Broadway - Northland Properties Corp.
Liquor Primary Licence and Outdoor Patio Application
Liquor Establishment Class 2 - Lounge

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 Northland Properties Corporation (Bar One) for a new Liquor Primary Licence (Liquor Establishment Class 2 - Lounge) with a 40 person patio via the conversion of a portion of the existing Food Primary licence (Restaurant Class 1) located at 1759 West Broadway subject to:

- i. A maximum interior capacity of 84 persons and 40 person patio;
- ii. Hours of operation, 9 am to midnight, Sunday to Thursday, and 9 am to 1 am, Friday and Saturday (no change from current hours);
- iii. The outdoor patio ceasing all liquor service and vacated by 11 pm nightly (no change from current hours);
- iv. No music or entertainment permitted on the patio;
- v. A time-limited Development Permit;
- vi. A Licence Agreement with an initial one-year term for the patio;
- vii. An acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- viii. Food service to be provided while the establishment is operating as well as on the patio when open;
- ix. Signing a Good Neighbour Agreement with the City prior to business licence issuance; and
- x. The amending of the existing Food Primary licence #301410 and the Restaurant Class 1 business licence #17-143481 at the time of issuance of the Liquor Primary licence.

REPORT SUMMARY

Northland Properties Corporation (Bar One) is requesting a Council resolution endorsing their application for a new 84 person Liquor Primary licence (Lounge) and 40 person patio via the conversion of a portion of the existing Food Primary (Restaurant Class 1) licence located at 1759 West Broadway (Denny's).

Staff is recommending approval of this application subject to the conditions outlined in the recommendation noting that it is consistent with Council's liquor policy for size and location. There is little change expected with respect to how this establishment will operate and food service will remain a component of the business which will provide a mitigating factor to liquor service and consumption. There will be no change to the current operating hours which are 9 am to midnight, Sunday to Thursday, and 9 am to 1 am, Friday and Saturday. 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.

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 2 Liquor Primary establishment shall be located within 500 meters of another Class 2 establishment. This policy only pertains to liquor primary establishments and not food primary establishments (restaurants).

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.

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

The applicant, Northland Properties Corporation is requesting a Council resolution endorsing their application to convert a portion of their existing restaurant (Denny's) to an 84 person Liquor Primary (Liquor Establishment Class 2 - Lounge) licence with a 40 person patio located at 1759 West Broadway via the conversion of the existing Food Primary (Restaurant Class 1) licence (refer to Appendix A). The remaining 84 seats and 39 patio seats will continue to operate under the existing restaurant (Food Primary). There will be no change to the current operating hours which are 9 am to midnight, Sunday to Thursday, and 9 am to 1 am, Friday and Saturday. The outdoor patio hours are 9 am to 11 pm, seven days a week.

The applicant has owned and managed the establishment as a restaurant since May 2011. The operator intends to continue to offer full food service in a lounge environment catering to area residents. There is no enforcement history or complaints received with the operator of this establishment.

Strategic Analysis

Results of Neighbourhood Notification

A neighbourhood notification was conducted by circulating approximately 433 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. One response was received in support of the application.

Location of Establishment

The establishment is located within the C-3A Zoning District and the predominant land uses in the immediate vicinity are commercial and some residential uses. For the purpose of Liquor Policy, the establishment is considered to be located in the Non-Downtown Primarily Mixed-use area. The current approved use of this site is Restaurant Class 1. The surrounding area is a mixture of residential, retail, restaurant, office, church, and other commercial uses (refer to Appendix B).

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

There are no social or recreational facilities within close proximity to the establishment that could create a potential conflict with the proposed application.

There are no Class 2 Liquor Establishments within a 500 metre radius of the proposed site which meets Council policy for size and location for new establishments. Within the notification area of approximately 200 metres from the subject site, there is one Class 1 Liquor Establishment and one Class 3 Liquor Establishment which hold Liquor Primary licences.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 84 persons and 40 persons on the outdoor patio (see Appendix A).

There will be no change to the current operating hours which are 9 am to midnight, Sunday to Thursday, and 9 am to 1 am, Friday and Saturday. The closing hours fall under the allowable hours of liquor service for Standard Hours for this Non-Downtown Primarily Mixed-Use area. The 40 person outdoor patio will operate until 11 pm nightly. No entertainment or music will be permitted on the patio and food and beverage service will be provided.

Noise

The proposal for a Liquor Primary 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, 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 By-Law. This should aid in mitigating potential negative community impacts due to noise.

Impact on the Community

Little is expected to change with the operation of the establishment as the operator intends to continue to offer full food service, which will provide a mitigating factor to the liquor service and consumption, in a lounge environment catering to area residents and the surrounding business community. The applicant is also applying for the Family Food Service Endorsement which will allow minors in the licensed area until 10 pm while accompanied by a parent or guardian when meal service is available for families.

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.

There have been no enforcement issues associated with this establishment and no complaints have been received related to the management of this business. The Vancouver Police Department have reviewed the application and have no concerns with this application at this time.

The proposed patio is not consistent with Council's policy for outdoor patios with respect to the permitted seating capacity. Policy states that outdoor seating for patios is limited to 20 percent of total seating capacity of the liquor primary establishment. For this application, policy would allow for a 17 person patio whereas the applicant is requesting approval for a 40 person patio due to the footprint of the existing patio area and their current approval of patio seats under the existing restaurant. Staff supports the request for the 40 person patio as the patio is existing, will be used seasonally and no complaints have been received with respect to the patio operation. As well, the time-limited Development Permit and the 11 pm closing time for the patio should also address any potential problems.

Implications/Related Issues/Risk (if applicable)

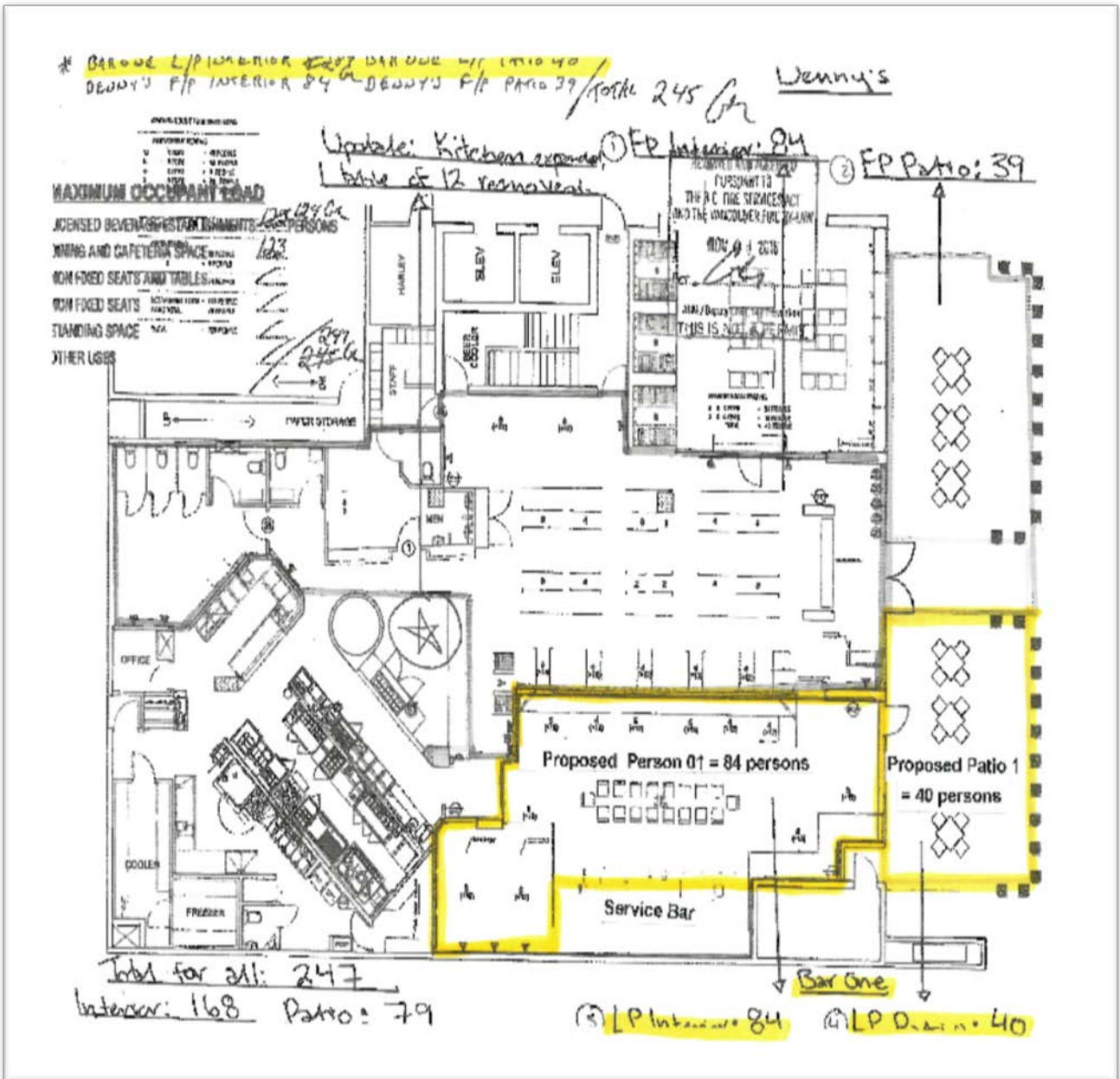
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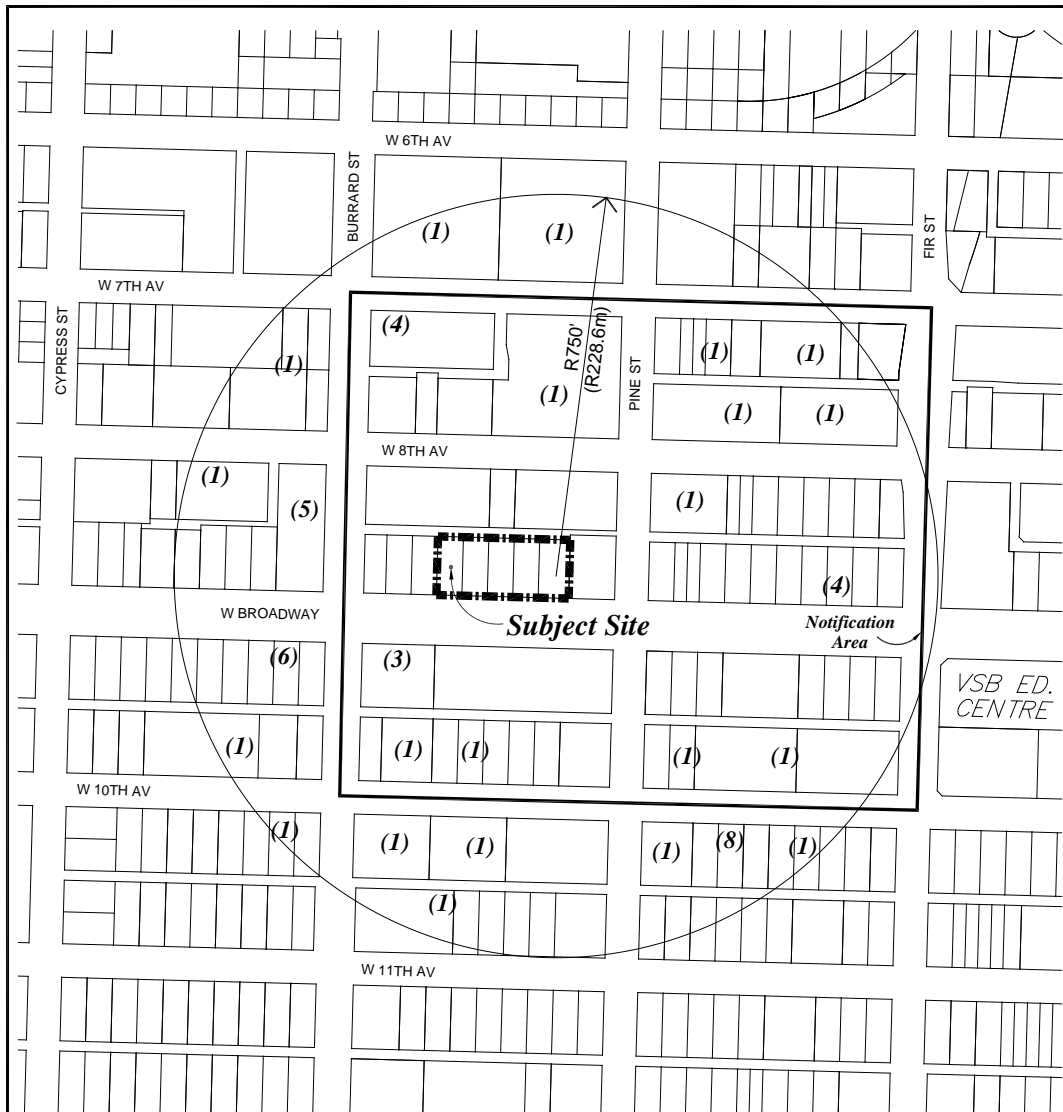
There are no financial implications.

CONCLUSION

Staff are recommending Council endorse the applicant's request for an 84 person Liquor Primary licence with a 40 person patio via the conversion of a portion of the existing Food Primary licence subject to the conditions outlined in the recommendation. The application meets current Council policy regarding size and distance from other establishments. The requirement for a Development Permit and Good Neighbour Agreement as well as submission of an acoustic report will ensure the premise operates in a manner conducive to the surrounding area. Food service will also remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

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LEGEND

- 1) Residential Buildings
- 2) Parks - {N/A}
- 3) Schools - {**Century International High School**}
- 4) Liquor Primary establishments - {**Carlos O'Bryan's Neighbourhood Pub**};
{**Storm Crow Alehouse**}
- 5) Government or Private Liquor Stores - {**Burrard Liquor Store**}
- 6) Medical Clinics - {**Broadway & Burrard Medical Clinic**}
- 7) Social/Private Clubs/Community Centre - {N/A }
- 8) Churches - {**Fairview Gospel Hall**}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2 - Lounge) 1759 West Broadway - Bar One	map: 1 of 1 
City of Vancouver - Licenses & Inspections	date: 2017-02-22