

Supports Item No. 1  
P&E Committee Agenda  
January 19, 2006



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: January 3, 2006  
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CC File No.: 11-4600-50  
Meeting Date: January 19, 2006

TO: Standing Committee on Planning and Environment

FROM: Chief License Inspector

SUBJECT: 608 West Pender Street (515 Seymour Street) - Clarence Hotel Ltd.,  
Liquor Primary Liquor License Application for an Increase in Patron  
Capacity

**RECOMMENDATION**

THAT Council, having considered the opinions of area residents and business operators notified by an on-site sign and flyers, the proximity of residential developments, noise impacts and relevant city policy as outlined in this report titled 608 West Pender Street (515 Seymour Street) - Clarence Hotel Ltd., Liquor Primary Liquor License Application for an Increase in Patron Capacity, dated January 3, 2006, endorse the request by Clarence Hotel Ltd. for an increase in patron capacity for the Liquor Primary Liquor License (License #001748) from 120 seats to 150 seats at The Clarence Hotel, 608 West Pender Street (515 Seymour Street), subject to:

- i. Adhering to clean air practices;
- ii. Signing a Good Neighbour Agreement with the City; and
- iii. A Time-limited Development Permit.

**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 licenses be subject to public consultation and Good Neighbour Agreements.

## **PURPOSE**

The applicant, Clarence Hotel Ltd., is requesting a Council resolution endorsing their application for an increase in patron capacity to their existing Liquor Primary liquor license from 120 seats to 150 seats via the conversion of 30 seats from the existing Food Primary liquor license at The Clarence Hotel located at 608 West Pender Street (515 Seymour Street).

## **BACKGROUND**

Clarence Hotel Ltd. has been operating at this location since 1996. There are currently a Food Primary and Liquor Primary (License #171534 and #001748, respectively) that function as "Malone's Bar & Grill". A secondary area of the Food Primary liquor license functions independently adjacent to the Hotel Lobby (dba "Eats Café"). The conversion of the "Eats Café" food primary seats to liquor primary seats is the subject of this report. By converting the Food Primary seats into Liquor Primary seats, the applicant feels they will be better able to manage the 2 areas.

The applicant has indicated that this approval is a precursor to other renovations contemplated in the establishment. A building permit has been issued for alterations in the existing pub and restaurant space that would relocate the existing service bar to the Restaurant side of the Malone's operation. The operator has been advised that should those alterations result in an increased occupant load, then Liquor Control and Licensing Branch regulations will require the operator to obtain another Council resolution for the capacity increase. The applicant has stated they are aware of this regulation but are confident that the proposed renovations will not result in an overall increase in capacity.

### **Area Surrounding Premises**

The subject premises are located in the Downtown (DD) Zoning District. The surrounding area is primarily office towers and a mixture of hotels, restaurants, retail and other commercial uses.

In addition to this application's 120 licensed seats the table below details the other Liquor Primary liquor licenses with in the 1000' radius of the subject site.

Type of Liquor Establishment	Number of Establishments	Total # of Seats
Liquor Establishment Class 1 (65 seats or less)	1	50
Liquor Establishment Class 2 (66 to 150 seats)	3	388
Liquor Establishment Class 3 (151 to 300 seats)	6	1263
Liquor Establishment Class 4 (301 to 500 seats)	2	755
Liquor Establishment Class 7 (Private Club)	4	846
<b>Total (within 1000' radius)</b>	<b>16</b>	<b>3302</b>

Also within the 1000 ft. survey area are 1 Liquor Retail Store, 1 Specialty Wine Store and approximately 29 licensed restaurants.

## DISCUSSION

### Policy Issues

The capacity increase does not result in a change to the establishment's business license class (i.e.: the business remains a Liquor Establishment - Class 2). Therefore, the distancing policy between similar establishments does not become a factor for consideration.

### Positive Application Attributes

The applicant contends the approval will facilitate the operator resolving the issues they are having with minors in the existing restaurant (Food Primary) space. The applicant also states that approval of this space would assist in the remodelling of the existing Liquor Primary space by allowing the proposed new bar area to service the existing space during the renovation. Staff have advised the applicant that if the renovation of the existing space results in an increased capacity, then it would be necessary to obtain a separate Council resolution. The applicant is aware that the issuance of the Development and Building permit does not imply staff or Council support for subsequent Liquor License applications to increase the seating capacity.

### Negative Application Attributes

An increase in seating capacity may result in added noise and nuisance issues for the surrounding community. However, given the small increase relative to the number of seats in the area, Staff do not feel the additional noise and nuisances will be significant.

Staff are also concerned with the proposed physical layout, 2 licensed areas separated by an unlicensed hotel lobby. Staff note that given the nature of the bar's operation, it may be logistically difficult or require additional bar staff to control the area to comply with the Liquor Control and Licensing Branch regulations to not permit alcohol in an unlicensed area.

LCLB regulations do not allow patrons to carry alcohol from one licensed area to another through an un-licensed space. This regulation is designed to address issues of:

- i. Exposure of alcohol to minors in an uncontrolled area; and
- ii. Licensee control within the establishment.

Special dispensation can be granted by the LCLB to permit bar servers to pass through an unlicensed area.

### **Enforcement History**

There do not appear to be any outstanding enforcement issues associated with this liquor licensed establishment at this time. However, staff note that an outstanding enforcement issue was resolved recently, after the applicant was advised that in these reports it is staff's standard practice to include comments on enforcement issues.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **RESULTS OF NOTIFICATION**

A neighbourhood notification was conducted by circulating 1500 notices in the survey area (see Appendix A). A site sign was also erected advising the community of the application and where to send concerns or comments. One email response and one fax response were submitted in favour of the application and one phone call was received in opposition of the application. The response not in support of the application operates a nearby business and is concerned that social problems will arise with respect to increase noise and garbage.

### **COMMENTS**

The **Police Department** has reviewed the application and has no concerns with this request.

The **Development Services Department** has reviewed the application and note that the site is zoned Downtown District (DD) sub area B. The existing building is approved as a restaurant with some Neighbourhood Public House use which is a conditionally allowable use within the DD District Schedule. Any proposal to expand the Neighbourhood Public House portion of this premise will require a Development Permit application. As part of the review processing, staff would include assessment of the anticipated impacts on nearby sites and for compliance with the Zoning and Development By-law.

The **Environmental Health Department** has reviewed and accepted the application subject to the following recommendations: any outstanding structural and maintenance deficiencies as described in the premise's Environmental Health Inspection Reports resulting from inspections conducted by Vancouver Coastal Health shall be included with the renovations planned to coincide with expansion of the Liquor Primary liquor license and prior to renovations, detailed drawings of food storage, preparation and service areas, including the bar, are required for review by the Environmental Health Division for compliance with the City of Vancouver Health Bylaw No. 6580 and the Provincial Food Premises Regulation.

The Social Planning Department and Housing Department have no comments at this time.

The Vancouver Fire Department has reviewed the application and indicate a revised building Occupant Load Certificate may be required.

## CONCLUSION

Staff recommend that Council endorse the applicant's request for a capacity increase from 120 seats to 150 seats at 608 West Hastings (515 Seymour Street) subject to the conditions outlined in Recommendation A. Staff are generally not concerned with this size of the capacity increase request. Staff note logistical issues may arise which the operator must monitor to ensure the business complies with all regulations. However, staff feel these issues are manageable and the requirement for a Development Permit will ensure the space operates in a manner conducive to the surrounding area.

\* \* \* \* \*



**LEGEND**

- Cabarets, Hotels with Pub's / Lounges
- Schools & Social Agencies

LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2) 608 W Pender Street (515 Seymour Street)	map: 1 of 1	
<b>City of Vancouver - Licenses &amp; Inspections</b>		date: Dec. 12, 2005