



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: June 8, 2007
Author: Paul Teichroeb
Phone No.: 604.873.7545
RTS No.: 06785
VanRIMS No.: 11-4600-22
Meeting Date: June 28, 2007

TO: Standing Committee on Planning and Environment

FROM: Chief Licence Inspector

SUBJECT: 888 Burrard Street Unit 103 - 0679372 BC Ltd
Liquor Primary Liquor Licence

RECOMMENDATION

THAT Council, having considered the opinion of area residents and business operators of the community as determined by neighbourhood notifications, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in the Administrative Report dated June 8, 2007, entitled "888 Burrard Street Unit 103 - 0679372 BC Ltd - Liquor Primary Liquor Licence", endorse the application by 0679372 BC Ltd for a Liquor Primary liquor licence (Liquor Establishment Class 1) in Unit 103 at 888 Burrard Street subject to:

- i. A maximum total capacity of 50 persons (indoor);
- ii. A Time-limited Development Permit;
- iii. Hours of operation limited to 11:00 a.m. to 2:00 a.m., Monday to Saturday, and 9:00 a.m. to midnight on Sunday;
- iv. The surrendering of the existing Food Primary liquor licence at the time of issuance of the Liquor Primary liquor licence;
- v. A signed Good Neighbour Agreement prior to business licence issuance; and
- vi. Adherence to clean air practices.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS the foregoing.

COUNCIL POLICY

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

On May 16, 2006, Council enacted amendments to the Business Premises Regulation of Hours By-law that implements the Hours of Liquor Service Policy for Liquor Primary establishments into by-law regulation.

On July 14, 2005, Council approved amendments to the Licence By-law to provide new definitions for businesses in which the primary function is the sale and consumption of alcohol on the premises (Standard Hours Liquor Establishment Classes 1 - 7) and endorsed policy and guidelines relating to their size and location.

On November 14, 2004, Council adopted the Hours of Liquor Service Policy that established a new model for regulating hours of liquor service for Liquor Primary establishments, based on an area approach and incorporating a two-tiered licensing system and impact reduction measures.

SUMMARY

0679372 BC Ltd (doing business as Khamoro Kafe), located in Unit 103 at 888 Burrard Street (corner of Burrard and Smithe Streets) is seeking a Council resolution endorsing their application for a 50 persons (indoor) total capacity Liquor Primary liquor licence (Liquor Establishment Class 1) which includes hours of licensing of 11:00 a.m. to 2:00 a.m., Monday to Saturday, and 11:00 a.m. to 12:00 a.m. on Sunday.

The request from 0679372 BC Ltd is consistent with Council's liquor policy for the area. The establishment is an existing Restaurant Class 1 currently with a Food Primary liquor licence. The applicant seeks to replace the Food Primary liquor licence with a new Liquor Primary liquor licence and will continue to provide food service. The proposed establishment is a small local pub-style facility with a modest food menu and is designed to appeal to tourists, business travellers, local visitors, working professionals, and neighbourhood residents looking for dining options in the area. Any proposal to change the use from Restaurant to Neighbourhood Public House will require a Development Permit as well as an occupant load calculation submission to the Fire Department.

Response to the public consultation was limited. Of the 1,500 notices circulated, a total of 15 responses were received from area residents (7 in support and 6 in opposition) including 1 petition in support of the application.

Liquor establishments of this size generally do not generate complaints or negative issues with the surrounding residents and business operators. As a result, staff is supporting this application.

PURPOSE

0679372 BC Ltd is seeking Council resolution endorsing their application for 50 persons (indoor) total capacity Liquor Primary liquor licence (Liquor Establishment Class 1) in Unit 103 at 888 Burrard Street.

BACKGROUND

Site History

The proposed location of this Liquor Primary liquor licence is in an existing Restaurant Class 1 situated in the Downtown - Primarily Mixed-Use Area. The applicant has been operating at this location since 2004 and caters primarily to tourists, business travellers, local visitors, working professionals and area residents. No complaints have been received related to the management of this business.

In 2004, 0679372 BC Ltd applied for and obtained from the Liquor Control and Licensing Branch approval for a Food Primary liquor licence with a capacity of 12 persons (patio) and 38 persons (inside).

The outdoor patio area currently licensed under the existing Food Primary liquor licence is not included in this proposal and the applicant will surrender the Food Primary liquor licence upon approval of this application.

Application

The applicant is requesting a Council resolution endorsing their application for a 50 persons (indoor) total capacity Liquor Primary liquor licence (Liquor Establishment Class 1) with hours of licensing between 11:00 a.m. to 2:00 a.m., Monday to Saturday and 11:00 a.m. to 12:00 a.m. on Sunday. This approval would result in the cancellation of the existing Food Primary liquor licence, which has hours of licensing from 11:00 a.m. to 1:00 a.m., Monday to Saturday, and 11:00 a.m. to 12:00 a.m. on Sunday. The applicant proposes to continue focussing on clientele ages 25 and up, which include tourists, business professionals and area residents. The applicant notes that many of the existing clientele wish to occasionally stop for a drink without food service which could be accommodated by a Liquor Primary liquor licence.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

Branch regulations allow the licensing of liquor establishments with a Liquor Primary liquor licence and liquor service between the hours of 9:00 a.m. to 4:00 a.m., seven days a week. The liquor licence capacity for a new establishment is based on the building capacity for the premise as determined by the local authority. Any new liquor licence application is subject to local government support.

Area Surrounding Premises

The subject site is located in the Downtown (DD) - sub-area H Zoning District. The surrounding area is a mixture of hotel, office and retail commercial, and residential uses. The nearest residential building is located within 100' from the subject site with nearby residential hi-rise developments currently under construction (refer to Appendix A). The site is in an area that is typically a hub of activity situated at the corner of Burrard and Smithe Streets. Liquor establishments closest to this site are located in the Law Courts Inn, Sutton

Place Hotel, and Wedgewood Hotel. Additionally, there are 13 restaurants in the area which hold Food Primary liquor licences. Other commercial uses include a movie theatre located directly across from the subject site at 800 Burrard Street.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 1,500 notices in the survey area (see Appendix A). A site sign was erected advising the community of the application and where to send concerns or comments. A total of 13 responses were received from residents within the notification area. The responses consisted of 6 comments in opposition (4 emails and 2 telephone calls), and 7 emails in support of the application. Patrons of the establishment also signed a petition in support containing over 100 signatures.

Concerns were expressed over the impact this type of establishment may have on the neighbourhood such as increased noise levels, safety and nuisance issues for the area residents. It was also noted there are already enough liquor establishments in the area with respect to the Granville Street Entertainment District. Respondents in support of the application indicated how the establishment is a friendly, safe and comfortable environment where one can enjoy a lounge-style atmosphere.

DISCUSSION

POLICY

Venue size and location

The subject site is located in the Downtown - Primarily Mixed-Use Area. New Liquor Establishments of the smaller type (Class 1) within the Downtown District would not be restricted by location, but must maintain a 50 metre distancing requirement from another Liquor Establishment Class 1 venue. Since there are no Liquor Establishments in this class within 50 metres of the site, the proposed establishment complies with Council's policy for venue size and location.

Hours of Operation

The applicant is requesting hours of operation within the parameters of the Extended Hours of Operation permitted in the Downtown - Primarily Mixed-Use Area. Maximum permitted extended hours for the area are 9:00 a.m. to 2 a.m., Sunday to Thursday, and 9:00 a.m. to 3:00 a.m., Friday and Saturday. The applicant has requested 11:00 a.m. to 2:00 a.m., Monday to Saturday, and 11:00 a.m. to 12:00 a.m. on Sunday.

Affirmative Proposal Aspects

Small liquor establishments of this size generally do not create significant negative issues for area residents and business operators. The application complies with Council's liquor policy for venue size and location, and hours of service.

Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption. Staff acknowledges that impacts will likely remain minimal from the current levels and that the new Liquor Establishment Class 1 business licence has significantly more operating regulations than the current Restaurant business.

The applicant will be required to obtain a Time-limited Development Permit as per Council policy for new liquor establishments. This will provide adequate controls to ensure the land use or business operations remain compatible with the surrounding community.

Negative Proposal Aspects

Approval of the establishment may result in increased street noise and other related nuisance issues for area residents and business operators. One concern is the proximity to the Granville Street Entertainment District, although this establishment would close one hour before the majority of venues on Granville Street.

COMMENTS

The Police Department has reviewed and have some concerns about a Liquor Primary License at this location. There is a sufficient variety of liquor primary and food primary premises in the area that presently cater to the market. Khamoro's caters to a good clientele of all ages including minors and families that cause no significant problems, when their focus is on liquor and no one under 19 is allowed entry this mix will change. This premise is small with only 38 seats indoors and is designed as a restaurant not a bar and overcrowding is a strong possibility. The rationale for this request is interesting as the applicant states that they can not sell more food than alcohol so they require a liquor primary. The applicant mentions other restaurants in the area, if this application is approved does that mean they can also become bars? Calls for police services is already high in the downtown area especially at night and generally liquor primary's due to their nature require more of our attention than food primary's. The Department can not support this request at this time.

The Development Services Department has reviewed and notes the site is zoned Downtown District (DD).

The existing space is approved as Restaurant Class (1). Neighbourhood Public House falls in a conditionally allowable use within the DD Official Development Plan; however, this change will require Development Permit approval.

Any proposal to change this portion of the premises to Neighbourhood Public House 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 the application and note there is the potential for music noise to be problematic during the later hours of operation typical of a liquor primary establishment as the interior seating area is contained by an exterior construction composed primarily of glass windows and two glass sliding doors. Interior music levels may require limitation to reduce potential impact on residents nearby and satisfy the requirements of the Noise Control By-law.

The Central Area Planning Department has reviewed and support the proposed liquor license at this location noting that it is located in an area of the central business district on a major street and due to its small size is likely to have a minor impact on nearby residences.

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

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Proximity of the establishment to other social or recreational and public buildings: Staff is not concerned about the proximity of this establishment to social, recreational or public buildings.

Person capacity and hours of operation: as outlined above.

Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

Traffic, noise, parking and zoning: Review, compliance and mitigation of these issues will be conducted during the Development Permit application process, provided Council supports the application and allows it to proceed to the permitting system.

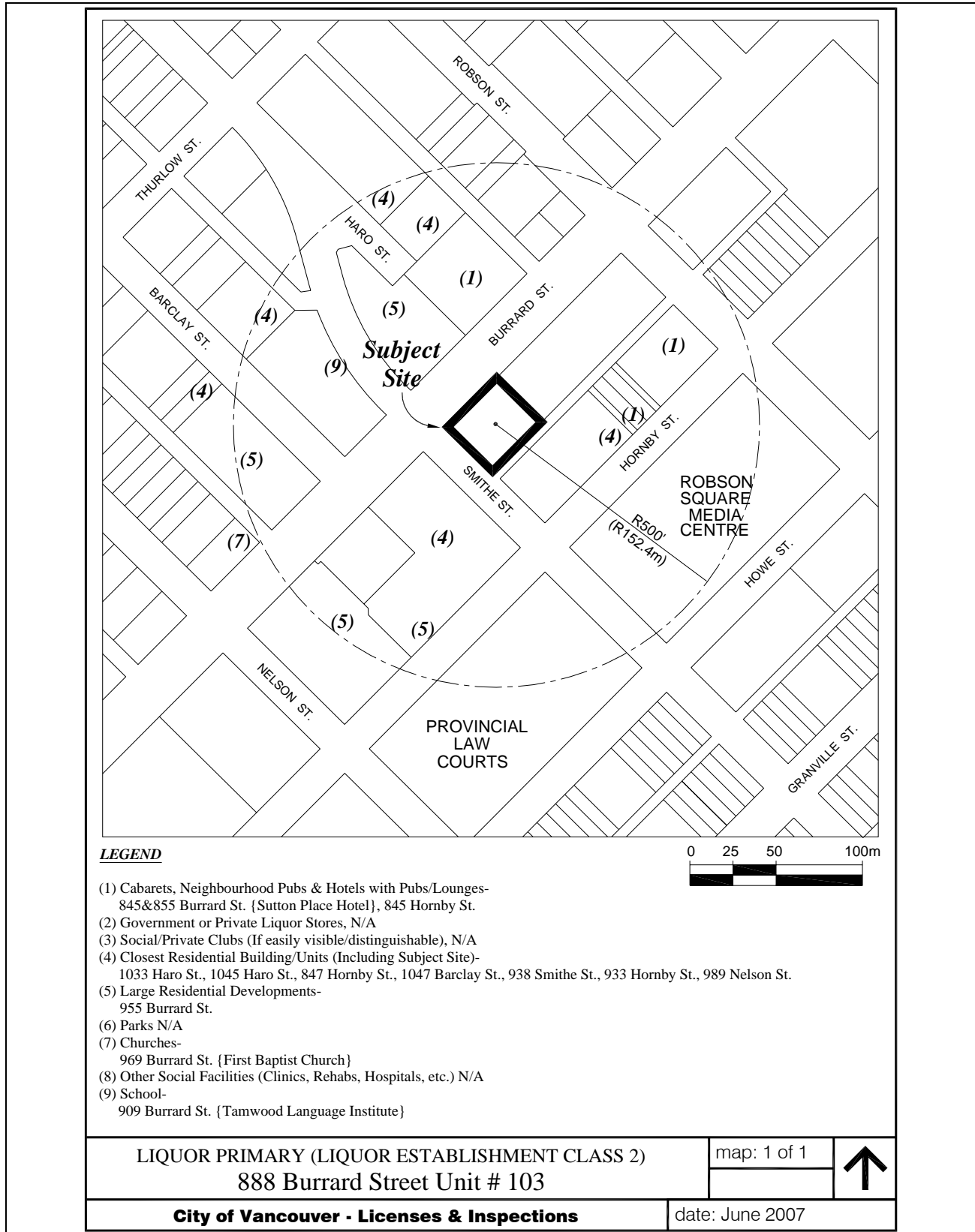
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Given the location, venue size, and hours of liquor service, staff does not anticipate any significant negative impact from the operation of this Liquor Primary liquor licence. Staff acknowledges the concerns of the area residents but notes that the conditions noted in the recommendation should adequately address concerns. Therefore, staff RECOMMEND Council endorse the applicant's request for 50 persons total capacity Liquor Primary liquor licence in Unit 103 at 888 Burrard Street.

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LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges-
845&855 Burrard St. {Sutton Place Hotel}, 845 Hornby St.
- (2) Government or Private Liquor Stores, N/A
- (3) Social/Private Clubs (If easily visible/distinguishable), N/A
- (4) Closest Residential Building/Units (Including Subject Site)-
1033 Haro St., 1045 Haro St., 847 Hornby St., 1047 Barclay St., 938 Smithe St., 933 Hornby St., 989 Nelson St.
- (5) Large Residential Developments-
955 Burrard St.
- (6) Parks N/A
- (7) Churches-
969 Burrard St. {First Baptist Church}
- (8) Other Social Facilities (Clinics, Rehabs, Hospitals, etc.) N/A
- (9) School-
909 Burrard St. {Tamwood Language Institute}

LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2)
888 Burrard Street Unit # 103

map: 1 of 1



City of Vancouver - Licenses & Inspections

date: June 2007