

CITY OF VANCOUVER

ADMINISTRATIVE REPORT



Report Date: June 20, 2007
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VanRIMS No.: 11-4600-23
Meeting Date: July 26, 2007

TO: Standing Committee on Planning and Environment

FROM: Chief License Inspector

SUBJECT: 1489 East Hastings Street - Waldorf Hotel Ltd. & Zagora Holdings Ltd.
Liquor Primary Liquor License for Outdoor Patio Seating

RECOMMENDATION

THAT Council, having considered the opinion of area residents and business operators of the community as determined by neighbourhood notification, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in the Administrative Report dated June 20, 2007, entitled "1489 East Hastings Street, Waldorf Hotel Ltd. & Zagora Holdings Ltd., Liquor Primary Liquor License for Outdoor Patio Seating", endorse the application by Waldorf Hotel Ltd. & Zagora Holdings Ltd., for a Liquor Primary patio (on City property) at the Waldorf Hotel, 1489 East Hastings Street subject to:

- i. A maximum capacity of 38 persons;
- ii. The signing of a Good Neighbour Agreement with the City;
- iii. The patio ceasing all liquor service and vacated by 11:00 p.m.;
- iv. No music permitted on the patio;
- v. A license agreement with an initial one-year term; and
- vi. Food service while the patio is open.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services and the General Manager of Engineering Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Outdoor patios on **public property (City streets)** are permitted through license agreements subject to meeting Council-approved guidelines, including the requirement that the business be licensed as a limited service food establishment or restaurant.

Outdoor patios on **private property adjacent to liquor primary establishments** require amendments to existing Liquor Primary liquor licenses that are subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

New Council policy requires amendments to existing Liquor Primary liquor licenses to be subject to Food service (Provincial Food Premises Operating permit from Vancouver Coastal Health), including consideration as to whether the food preparation area is large enough to safely handle the 20% increase, closing time of no later than 11:00 p.m., outdoor seating limited to 20% of total seating capacity, no sidewalk patios adjacent to liquor establishments in the 700, 800 and 900 blocks of Granville, and public consultation.

PURPOSE

Waldorf Hotel Ltd. & Zagora Holdings Ltd. is requesting a Council resolution endorsing their application for a 38 seat Liquor Primary Outdoor Patio on City property at 1489 East Hastings Street.

BACKGROUND

This applicant had previously put forward an application for an outdoor patio at this location. As the patio was on City property, the application could not be considered due to the existing policy prohibiting liquor primary patios on City property. Council requested staff to review this policy which resulted in a change to allow applications adjacent to liquor primary establishments. This is the first application to be made under the amended policy.

Site History

The applicant has been operating at this location since 1985. They hold numerous business licenses at this location which include a Hotel (30 sleeping units), Retail Liquor Store, Restaurant Class 1 with Dining Lounge, Liquor Establishment Class 2 (90 seats), and Liquor Establishment Class 3 (233 seats).

This application is for the Liquor Establishment Class 3 which has a capacity of 233 seats. This application would allow the establishment to serve liquor on the outdoor patio.

Application

The applicant is requesting a Council resolution endorsing their application for a 38 (person) seat Liquor Primary Outdoor Patio at 1489 East Hastings Street with hours of operation of 11:00 a.m. to 1:00 a.m., Monday to Saturday and 11:00 a.m. to 12:00 a.m. on Sunday to match interior hours of operation. These requested hours go beyond the new policy restricting closing time to 11:00 p.m.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

Branch regulations allow liquor service between the hours of 9:00 a.m. to 4:00 a.m. seven days a week for Liquor Primary Licenses. All changes/amendments to the liquor license hours of service are subject to local government support. The LCLB has no specific policy for patios.

Area Surrounding Premises

The subject site is located in the MC-2 Zoning District. The surrounding area is primarily manufacturing with some industrial uses. There is a Korean Community Centre located at 1320 East Hastings Street which is licensed as a "Hall" and two residences located within a 500' radius of the subject site.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 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. No responses were received regarding the application.

DISCUSSION

There is no enforcement history related to the Waldorf Hotel as it appears to be a well run facility. Staff generally supports outdoor patio areas subject to comments from the neighbourhood. In this case, there are no concerns or comments from the surrounding neighbourhood.

Staff has no significant issues with the proposed patio provided the patio is closed and vacated by 11:00 p.m. each night. The license agreement with an initial one year term and 11:00 p.m. closing time should address any potential problems.

COMMENTS

The Engineering Service Department has reviewed the application and have no objection to the application.

The Central Area Planning Department has reviewed the application and notes that not much detail is known about this application, presumably to add a sidewalk patio would be supported.

The Police Department has reviewed the application and has no comment at this time.

Vancouver Coastal Health has reviewed the application and notes that proposed smoking by-law amendments may prohibit smoking on outdoor patios.

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

The Fire Department has reviewed the application and notes the applicant must update their Fire Department occupant load application to show the new patio. Fire has no further concerns as long as the patio structure does not impede any Fire Department connection.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Given the proposed patio location, the license agreement subject to terms, and staff's recommended 11:00 p.m. closing time, staff do not anticipate any significant impacts from the operation of this patio. Therefore, staff are RECOMMENDING Council endorse the applicant's request for a 38 person Liquor Primary patio located at 1489 East Hastings Street.

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