

CITY OF VANCOUVER

ADMINISTRATIVE REPORT



Report Date: February 25, 2008
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Meeting Date: March 13, 2008

TO: Standing Committee on City Services and Budgets

FROM: Chief License Inspector

SUBJECT: 918 Granville Street - 0692591 BC Ltd,
Liquor Primary Liquor License

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 February 25, 2008, entitled "918 Granville Street - 0692591 BC Ltd, Liquor Primary Liquor License", does NOT endorse the application by 0692591 BC Ltd for a Liquor Primary liquor license (Liquor Establishment Class 6) at 918 Granville Street.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS the foregoing.

COUNCIL POLICY

On January 30, 2001, Council endorsed policy for the Entertainment District (700 to 1000 block Granville Street) to not grant favourable consideration to future applications in the Granville Street Theatre Row Entertainment District until the current supported applications are either open and operating or withdrawn, the community and city resource impacts of the new establishments are evaluated and staff report these findings to Council with recommendations for the Entertainment District.

SUMMARY

This application is for a 1029 seat Liquor Primary liquor license for the Vogue Theatre at 918 Granville Street. The applicants have purchased the building and intend to restore and renovate the theatre with heritage designation and retention of the main stage. The operation would include a variety of types of entertainment along with full food service.

The positive aspects of this application include the restoration of the theatre, retention of a live venue facility and the possible use by non-profit arts groups.

The concerns centre on adding over 1000 new Liquor Primary seats to the Granville Entertainment District when there is already serious street disorder issues resulting in a negative impact on the area and Police resources stretched to the maximum.

For the above noted reasons, staff is recommending that this application not be endorsed by Council.

PURPOSE

0692591 BC Ltd is requesting a Council resolution endorsing their application for a 1029 seat Liquor Primary liquor license (Liquor Establishment Class 6) at 918 Granville Street.

BACKGROUND

Site History

This site held a previous Liquor Primary liquor license for 680 seats since 1992 which expired when the new owners (the applicant) took possession of the building in January 2006. Staff note that the previous liquor license had conditions that limited the availability and service of liquor on the premise to the lobby area and liquor could only be sold in conjunction with performances for a limited period of time. Staff had few issues with the operation of the previous Vogue Theatre liquor license under those restrictions. Generally, the few problems that did occur over the years were directly related to the type of act and the clientele attending the show.

Application

This application was ready to go before Council in the spring of 2007 but the applicant had requested a deferral in order to have more time to possibly purchase seats from a problem establishment or provide further benefits given staff concerns related to the problems on Granville Street.

The applicant has now advised staff to proceed with the application and is proposing to establish a 1029 seat Liquor Primary liquor license (Liquor Establishment Class 6) that will cater to an older clientele. They have been unable to purchase existing seats and the Provincial liquor application is nearing expiry. They intend to build a "high end" eating and drinking establishment and will retain the theatre stage and operate the venue from time to time as a live venue. The applicant is also proposing a significant renovation and restoration of the interior and exterior of the existing building with the intent of designating the building as Heritage.

The applicant advises that kitchen facilities and related service areas will be added in the building's cellar. The applicant also intends to renovate the current main lobby area into a restaurant/coffee shop that would be operated during the day to maintain pedestrian interest and street activity for that portion of street frontage. At this time, the applicant has not included any liquor license for relocation as part of their application.

It should be noted that the applicant has a positive track record operating similar successful venues in other cities in the past. They have operated the Hospitality Inn in Port Alberni and the Piccadilly Hotel, the Inverness Hotel and the Bombay Bicycle Club in Vancouver.

In Whistler, since 1981 they have operated the 500 seat Longhorn Saloon and Buffalo Bills for 11 years. They have a new 666 seat establishment in London Ontario and are about to open a 1300 seat venue in Hamilton.

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. The liquor license capacity for a new establishment is based on the building capacity for the premise as determined by the local authority. Any new liquor license application is subject to local government support.

Area Surrounding Premises

The subject premise is located in the Downtown (DD) District. The surrounding area is a mixture of retail, restaurants, hotels, neighbourhood pubs, cabarets, retail and other commercial uses (refer to Appendix A).

There are 2 Liquor Establishment Class 1 (109 seats), 5 Liquor Establishment Class 2 (649 seats), 10 Liquor Establishment Class 3 (2208 seats), 3 Liquor Establishment Class 4 (1183 seats), 1 Liquor Establishment Class 5 (900 seats), 1 Liquor Establishment Class 7 (325 seats), 2 venues (1360 seats) within the 1000' radius of the subject site (6734 total liquor seats). Also, 1 Liquor Retail Store (Beer and Wine), 1 Specialty Wine Store and approximately 40 licensed restaurants within the area.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 1657 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. Seven emails (one from within the notification area; one from outside the notification area but from within the Downtown core and 5 with no attached address); 1 letter, from outside of Downtown but within Vancouver; two telephone calls (no attached address) were all received in support of the application. One letter from within the notification area and one telephone call were received opposing the request.

Most respondents in support praised the applicant for past projects and felt that the proposed application would benefit the area. Those opposing the request were most concerned about increased noise and nuisances to the area; the possible loss of a heritage building; as well as the concern of losing a theatre and live music performance space. There was also a feeling that there are already enough liquor licenses in the area.

A public information meeting was held on November 7, 2006 and was attended by 13 area residents as well as the applicant. Comments made at the meeting included the concern for not retaining the site as a live performance theatre and the possibility of transforming the site into another cabaret on Granville Street and the concern for losing a heritage building.

Interest Groups

The Downtown Vancouver Business Improvement Association (DVBIA) support the application on the condition that the venue operate primarily as an entertainment complex for live musical performances, movie premieres, special events (i.e. wine tastings, speakers) and that a specified number of dates per year be set aside for use by the local non-profit arts community (i.e. Film Festival, Comedy Festival); that the Vogue Theatre be designated a heritage building and that the integrity of the building, both exterior and interior be respected, including the dimensions of the stage; and that the venue has a daytime use at street level. The DVBIA does not support another nightclub on Granville Street that caters to a younger demographic and that will be a further drain on police resources.

DISCUSSION

Policy

This application contravenes Council's existing policy based on the number of Liquor Primary premises and seats in the Entertainment District. The changes in provincial regulations (2002) that increased seating capacity without Local Government approval resulted in almost double the total seats anticipated for the 900 block Granville Street. The Entertainment District has more seats and liquor licenses than originally intended which has resulted in serious policing concerns related to street disorder and reduced public safety particularly on Friday and Saturday nights.

Affirmative Proposal Aspects

- The applicant is proposing to restore the interior and exterior of the building and to obtain Heritage designation;
- The applicant has a positive track record with the operation of other entertainment facilities;
- Retention of the entertainment venue for live acts is positive for the city; and
- A community use agreement to allow occasional use of the facility by community groups would assist in supporting the arts community

Negative Proposal Aspects

- Will mean another 1000+ seats on Granville Street without the ability to regulate clientele;
- Will only exacerbate significant policing issues on street particularly at closing time;
- No existing seats being relocated from another problem location;
- Cannot effectively regulate/require the food service business to operate during the day; and
- The city has no authority to regulate ownership of the venue or the format of the operation which could result in significant changes if the license was sold in the future

If Council considers support of this request, the following conditions need to be considered:

Possible conditions of endorsement:

1. Relocation of seats (seat for seat or suitable percentage)
2. Community Use agreement
3. Legal Agreement guaranteeing the daytime operation of the street level coffee shop
4. Heritage restoration & designation
5. Time-limited Development Permit with perhaps approval of land-use (Restaurant Class 2 by day to 9:00 pm and Cabaret by night)
6. All other standard conditions.

As noted above, there are a number of positive aspects related to this application. There are also a number of negative issues which focus on the enforcement issues and impacts on Granville Street which outweigh the possible attributes.

COMMENTS

The Police Department has reviewed and does not support the application. The addition of 1029 liquor seats to the Granville Street Entertainment Zone is not acceptable due to the current issues that are taking place and the amount of resources that the Police Department is required to allocate to deal with the present public disorder incidents in the area. The Granville Entertainment Zone is presently well over what the allowable liquor seat capacity should be and the addition of 1029 seats will only aggravate the situation.

The Development Services Department has reviewed the application and note that the site is zoned Downtown District (DD) sub area K1. The existing space is approved as theatre (Cultural and Recreation Use). The proposal would be classified as a service use and is conditionally allowed in this zone. However, the change will require Development Permit approval. Any such proposal will require a Development Permit application. As part of the review processing staff would include assessment of the anticipated impacts on nearby sites, review for compliance with the Zoning and Development By-law including all applicable policies and guidelines.

The Vancouver Coastal Health has reviewed the application and support the application on the provision that the premises shall comply with the provisions of the Health Bylaw No. 9535. The applicant shall take note that any premises that offers sale of prepared food to the public shall set aside for the preparation of food a floor area of 0.28 square metres (three square feet) for each chair provided for the accommodation of customers.

The Housing Centre has reviewed and does not support the application.

The Social Planning Department has no comments at this time.

The Heritage Planning Department has reviewed and note that the building is an 'A' listed structure on the Vancouver Heritage Register and is listed as a national heritage site of Canada. Neither of these two distinctions ultimately protects the building or the interiors from demolition or change. While maintaining a viable theatre use would be the preferred solution for the site, finding any use that perpetuates the preservation of the building would be in line with Council's Heritage Policies. With that in mind, planning staff would be open to considering alternate uses that retained the building and the bulk of the interior features that have been noted as having heritage merit. Having said that, as with all heritage buildings,

there is a negotiated aspect of securing the retention of a building while finding a viable use to perpetuate its existence. In this case, the overriding issues regarding liquor licensing take precedence over the desire to see the building and the interior volume protected through designation.

The Central Area Planning Department does not support the proposed Liquor Primary liquor license in this location. There are already more Liquor Primary liquor licenses on this block than first envisaged in the Theatre Row (Granville Street) Liquor Licensing Policy. There was a limit suggested of three Liquor Primary liquor licenses per block. Presently, there are five Liquor Primary liquor licenses on this block. A sixth license, particularly of the proposed size, will pose great challenges for maintaining order on the street. Other uses which respect the heritage character of the building should be considered.

The Cultural Affairs Department has reviewed the application and recommends the following:

1. a community use agreement to preserve and make available at nominal rent to the Vancouver non-profit arts community a minimum number of days/year, in particular for major festival use such as the Jazz and Film Festivals;
2. no structural changes to the interior spaces that might jeopardize opportunities for the theatre to return to a performance space sometime in the future; and
3. within the heritage restoration program, aspects of the facility (interior and exterior) that relate to its history of use as a theatre, documented and preserved.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

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

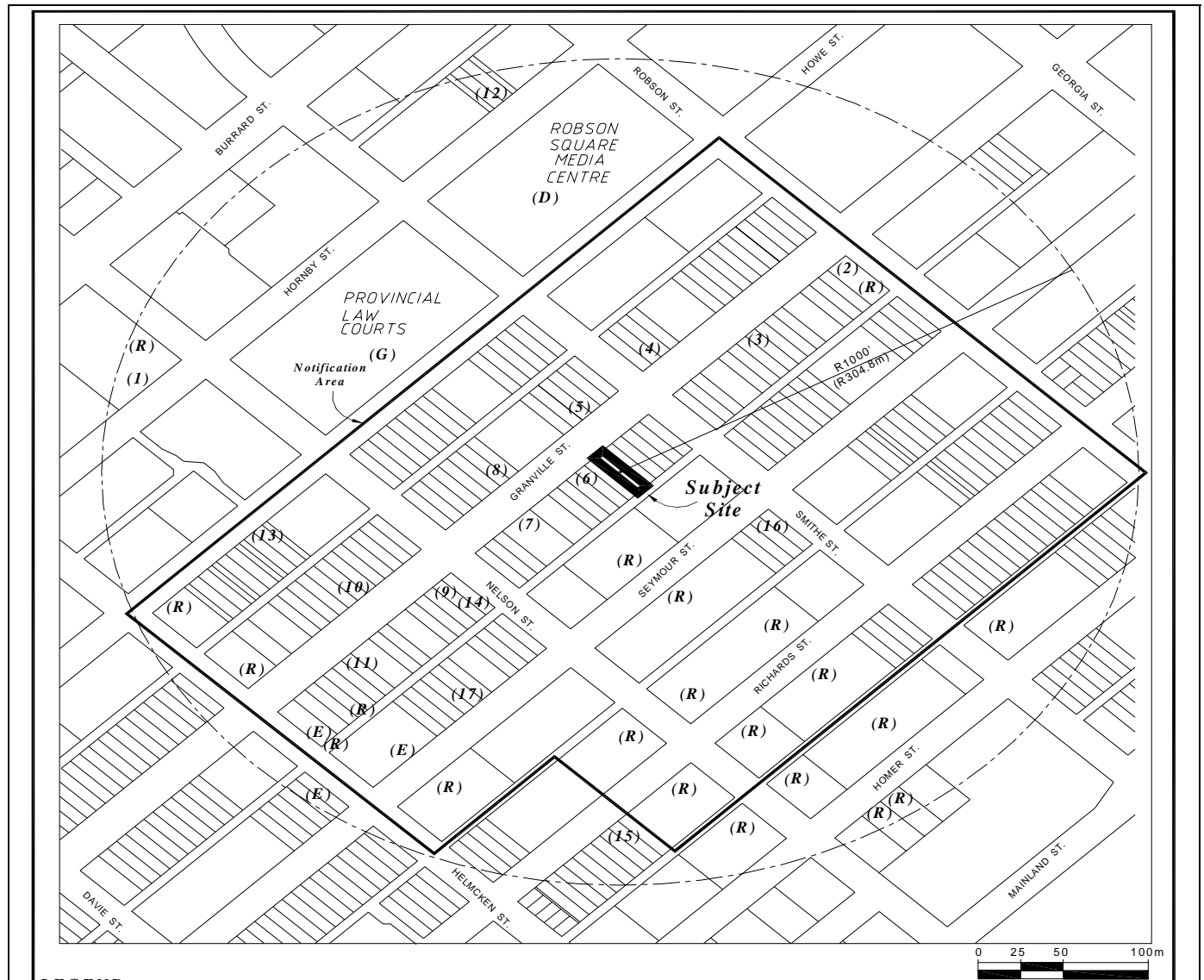
There are no financial implications.

CONCLUSION

This application for a Liquor Primary liquor license at 918 Granville Street has positive aspects related to the retention and renovation of the Vogue Theatre as a live venue facility for the occasional use by various non-profit arts groups. Unfortunately, the location in the middle of the Granville Entertainment District will exacerbate the problems in this area and further impact on the limited Police resources currently available to deal with issues. Therefore,

staff does not support this application and recommend council not endorse the Liquor Primary liquor license application at 918 Granville Street.

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LEGEND

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|-----------------------|----------------|-----------------|-------------|
| (A) N/A | (B) N/A | (C) N/A | (D) Schools |
| (E) Social Facilities | (G) Law Courts | (R) Residential | |
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- | | |
|---|--|
| (1) 1088 Burrard St. {Wall Centre-Several Bars & Lounges} | (10) 1025 Granville St. {The Royal Hotel} |
| (2) 800 Granville St. {The Lennox Pub} | (11) 1082 Granville St. {The Stone Temple} |
| (3) 828 Granville St. {Commodore, Bowling & Billiards} | (12) 845 Hornby St. {Bacchus, Res. & Lounge, Wedgwood Hotel} |
| (4) 881 Granville St. {The Plaza Club} | (13) 1060 Howe St. {Bosman's Hotel} |
| (5) 919 Granville St. {Tonic Bar} | (14) 654 Nelson St. {Doolins Pub} |
| (6) 932 Granville St. {Roxy} | (15) 1036 Richards St. {Richards on Richards} |
| (7) 958 Granville St. {Republica} | (16) 900 Seymour St. {Dufferin Pub} |
| (8) 965 Granville St. {Caprice, Lounge & Grill} | (17) 1019 Seymour St. {The Penthouse} |
| (9) 1006 Granville St. {The Cellar} | |

<p>LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2) 918 Granville Street</p>	<p>map: 1 of 1</p>	
<p>City of Vancouver - Licenses & Inspections</p>	<p>date: Dec. 19, 2006</p>	