



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: June 10, 2008
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VanRIMS No.: 08-2000-31
Meeting Date: June 26, 2008

TO: Standing Committee on Planning and Environment

FROM: Chief License Inspector

SUBJECT: 1273 Granville Street - Howe Holdings Ltd.,
Relocation of Liquor Primary Liquor License Application and an Increase in Patron Capacity

CONSIDERATION

- A. THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, noise impacts and relevant Council policy as outlined in this Administrative Report dated June 10, 2008, entitled "1273 Granville Street - Howe Holdings Ltd., Relocation of Liquor Primary Liquor License Application and an Increase in Patron Capacity", endorse the request by Howe Holdings Ltd. to relocate their existing Liquor Primary liquor license from their current site at 1304 Howe Street (Travelodge Vancouver Centre) to their proposed site at 1273 Granville Street on the second floor, subject to:
- i. Adhering to clean air practices;
 - ii. Hours of operation limited to 11:00 a.m. to midnight, seven days a week;
 - iii. Signing a Good Neighbour Agreement with the City prior to business license issuance; and
 - iv. A Time-limited Development Permit.
- B. THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, noise impacts and relevant Council policy as outlined in this Administrative Report dated June 10, 2008, entitled "1273 Granville Street - Howe Holdings Ltd., Relocation of Liquor Primary Liquor License Application and an Increase in Patron Capacity", endorse the request by Howe Holdings Ltd. for an increase in

patron capacity for the Liquor Primary Liquor License (License #158576) from 16 seats to 50 seats (Liquor Establishment Class 1) at 1273 Granville Street.

OR

- C. THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, noise impacts and relevant Council policy as outlined in this Administrative Report dated June 10, 2008, entitled "1273 Granville Street - Howe Holdings Ltd., Relocation of Liquor Primary Liquor License Application and an Increase in Patron Capacity", NOT endorse the request by Howe Holdings Ltd. to relocate their existing Liquor Primary liquor license from their current site at 1304 Howe Street (Travelodge Vancouver Centre) to their proposed site at 1273 Granville Street on the second floor and for an increase in patron capacity for the Liquor Primary Liquor License (License #158576) from 16 seats to 50 seats (Liquor Establishment Class 1) at 1273 Granville Street.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services puts forward for CONSIDERATION.

COUNCIL POLICY

Council Policy requires that amendments to existing Liquor Primary licenses be subject to public consultation and Good Neighbour Agreements.

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 the city bars into by-law regulation.

On July 14, 2005, Council approved policy and guidelines relating to the size and location for new liquor establishments or for capacity increases to existing liquor establishments.

On November 18, 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.

PURPOSE

The applicant, Howe Holdings Ltd., is requesting a Council resolution endorsing their application to relocate their Liquor Primary liquor license from their current site at 1304 Howe Street (Travelodge Vancouver Centre) to their proposed site at 1273 Granville Street on the second floor and for an increase in patron capacity to their existing Liquor Primary liquor license from 16 seats to 50 seats (Liquor Establishment Class 1) to be located at 1273 Granville Street.

BACKGROUND

Howe Holdings Ltd. has operated a 16 seat Liquor Primary liquor license for fifteen years at the Travelodge Vancouver Centre at 1304 Howe Street and due to sale and redevelopment of this site, is applying to relocate to 1273 Granville Street which is within one block of 1304 Howe Street.

The applicant is proposing to establish a 50 seat Liquor Establishment Class 1 at this location with licensed hours from 11:00 a.m. to midnight, seven days a week.

The proposed establishment is located on the second floor of 1273 Granville Street. The applicant currently operates the "Spirit of Howe Beer and Wine Store" on the first floor of the same site (1275 Granville St.). The operator will continue to serve the same clientele (tourists, business class and urban locals) and provide the same food menu, service and retain the same hours of liquor service at the new location.

The applicant feels that this small liquor establishment will have no impact on the local area which is made up of primarily commercial uses and the number of seats (50) is not significant.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

The current Liquor Control Licensing Branch regulations stipulate that Licensee retail stores must be associated with a bar or pub (liquor primary), but do not have to be located on the same property as the associated bar or pub. The area in which the liquor-primary establishment is located must be under the jurisdiction of the same local government as is the area in which the licensee retail store is located; and the liquor-primary establishment must be within 5 km of the licensee retail store.

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 premises are located in the Downtown (DD) Zoning District and for the purposes of liquor policy it is considered a primarily mixed-use downtown area. The surrounding area is a mixture of retail, healthcare office, cabarets, neighbourhood pubs, hotels and restaurant uses. There are five social housing projects in the immediate area, most of them are for seniors (refer to Appendix A).

There are 2 Liquor Establishment Class 1 (83 seats), 1 Liquor Establishment Class 2 (70 seats), 3 Liquor Establishment Class 3 (710 seats), 1 Liquor Establishment Class 4 (320 seats) located within a 500' radius of the subject site (1183 total liquor seats). Also, 1 Liquor Retail Store (1275 Granville St.) and approximately 17 licensed restaurants are within the area.

DISCUSSION

Policy Issues

The subject site is located in the Downtown-Primarily Mixed use area. The proposed Liquor Establishment - Class 1 venue is greater than 50 metres away from another Liquor Establishment Class 1 venue. The applicant contends that food service shall be an integral

part of the business. 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 1) and therefore meets the existing distancing policy.

The 1200 block of Granville Street has been designated as a transition area with a focus on low impact businesses. Liquor Primary venues are not included in this policy and as such this application does not comply with the use policy for the area.

Hours of Operation

The applicant is requesting hours of operation within the parameters of the Standard hours permitted in the Downtown-Primarily Mixed Use Area. The permitted standard hours for the area are 11:00 a.m. to 1:00 a.m., Sunday to Thursday and 11:00 a.m. to 2:00 a.m., Friday and Saturday. The applicant has requested 11:00 a.m. to 12:00 a.m., seven days a week in order to minimize the impacts on the residential area.

Positive Application Attributes

Small liquor establishments of this size generally do not create significant negative issues for area residents and businesses. The application complies with Council's liquor policy for Venue Size and Hours of Liquor Service. The fact that food service shall remain a component of the business will provide a mitigating factor to the liquor service and consumption.

Furthermore, the applicant has indicated that the business will be owner managed and operated. Generally, staff experience indicates that owner operated liquor establishments are more responsive in correcting neighbourhood impacts once they are made aware of the issue(s). However, staff have no authority to make owner management and operation a permanent requirement.

The time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Finally, the applicant contends the approval will facilitate the regulations of the Liquor Control and Licensing Branch with respect to Licensee retail stores which must be associated with a bar or pub (Liquor Primary establishment). The applicant currently operates the "Spirit of Howe Beer and Wine Store" on the first floor of the same site (1275 Granville St.). Note: The license for the "Liquor Retail Store" has been suspended by the Liquor Control and Licensing Branch until such time as the proposed relocation of the liquor primary license at 1273 Granville Street receives Council consideration.

Negative Application Attributes

Approval of the establishment may result in increased street noise and other related nuisance behaviour for area residents and business operators. Negative synergy may result from the addition of another Liquor Primary establishment on Granville Street. Liquor Primary establishments do not meet the policy for this portion of Granville Street.

Enforcement History

The applicant has no enforcement history.

FINANCIAL IMPLICATIONS

There are no financial implications.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 1000 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. No responses were received from within the notification area.

COMMENTS

The Police Department has reviewed the application and provided their comments:

1100 blk Granville - 2 Liquor Primary - 433 seats

1200 blk Granville - 2 Liquor Primary - 395 seats (Application - additional 50 seats)

1300 blk Granville - 2 Liquor Primary - 462 seats

The previous Liquor Primary of 16 seats at 1304 Howe Street was a small lounge inside of a hotel and caused minimal problems for police. The applicant now wants a stand alone Liquor Primary with a seating capacity of 50 with operating hours of 1100 AM to midnight. In a small way this will be increasing the number of seats on Granville St and could set a precedent for other applicants to apply for a Liquor Primary License.

Presently City Staff and the Fire Department are in the process of looking at occupancy limits for Liquor Primary premises, this could lead to an increase in the occupant load for each premise thus increasing the number of seats allowed in each bar.

This new premise can not be compared to the previous one. The location of this new LP will attract the same patrons that presently attend the 6 Liquor Primary establishments within the three blocks. This is a younger more boisterous 19 to 30 age group along with the possibility of gang members and associates. We presently have an effective plan, in cooperation with BarWatch to deal with the gangs in the cabaret type of Liquor Primary premises; these bars search patrons and use an identification scanner. Recent events in the City and the shooting at the Cecil Pub seem to indicate that some of the more undesirable type of patrons gravitate to restaurants and bars that they know do not search or scan.

Once the application is approved for a Liquor Primary the applicant can request to extend their hours of liquor service and if the occupancy of the building allows increase their occupant load. I have been advised that the applicant needs a Liquor Primary premise so that he can operate his liquor store at 1273 Granville St. It may be possible for the applicant to find a more suitable location off of Granville while maintaining the smaller occupant load.

The Police have strong reservations about this request and can not support it at this time.

The Environmental Health Department: In accordance with the Health By-law, smoking is prohibited within “customer service areas” (i.e. open patios) of food and/or liquor establishments and within six metres of the area’s perimeter, an entryway, openable windows or air intake of a building.

The Vancouver Fire Department has reviewed the application and advises the applicant must reapply for a new Occupant Load Permit from this office.

The Housing Centre has reviewed the application and provided the following comments:

Since this is a transfer of existing license and a relatively small venue, I have not too much concerns about this application. I also like the hours. However, I'd like to put in the record that there are a few social housing projects in the immediate area, most of them are for seniors. Please see below table.

NAME	ADDRESS	FAMILIES	SENIORS	OTHERS	TOTAL
B'Nai B'Rith Manor	1260 Howe St	0	65	0	65
Brookland Court	540 Helmcken St	0	78	0	78
Candela Place	1265 Granville St	0	0	63	63
Granville Residence	1261 Granville St	0	0	83	83
Helmcken House	1090 Granville St	0	0	32	32
Jubilee House	508 Helmcken St	0	0	87	87
New Continental	1067 Seymour St	0	105	5	110
Old Continental	1390 Granville St	0	107	0	107
Seymour Place	1221 Seymour St	0	0	136	136

The Social Planning Department has reviewed the application and has no comments at this time.

The Development Services Department has reviewed and notes the site is zoned Downtown District (DD). The proposed use 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 liquor primary establishment 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. We do not support the increase in the number of seats in the new establishment as compared to the previous establishment.

The Central Area Planning Department has reviewed the application and suggests the following comment:

Central Area Planning staff do not support the proposed transfer of location of seats because of the significant increase in the number of seats in the new establishment as compared to the previous establishment. If the applicant proposed a transfer of seats limited to the number of licensed seats which existed in their establishment on Howe Street, staff would support that proposal.

Comments to Satisfy LCLB Resolution Requirements

Location: as noted previously.

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

Person capacity and hours of operation: as outlined previously.

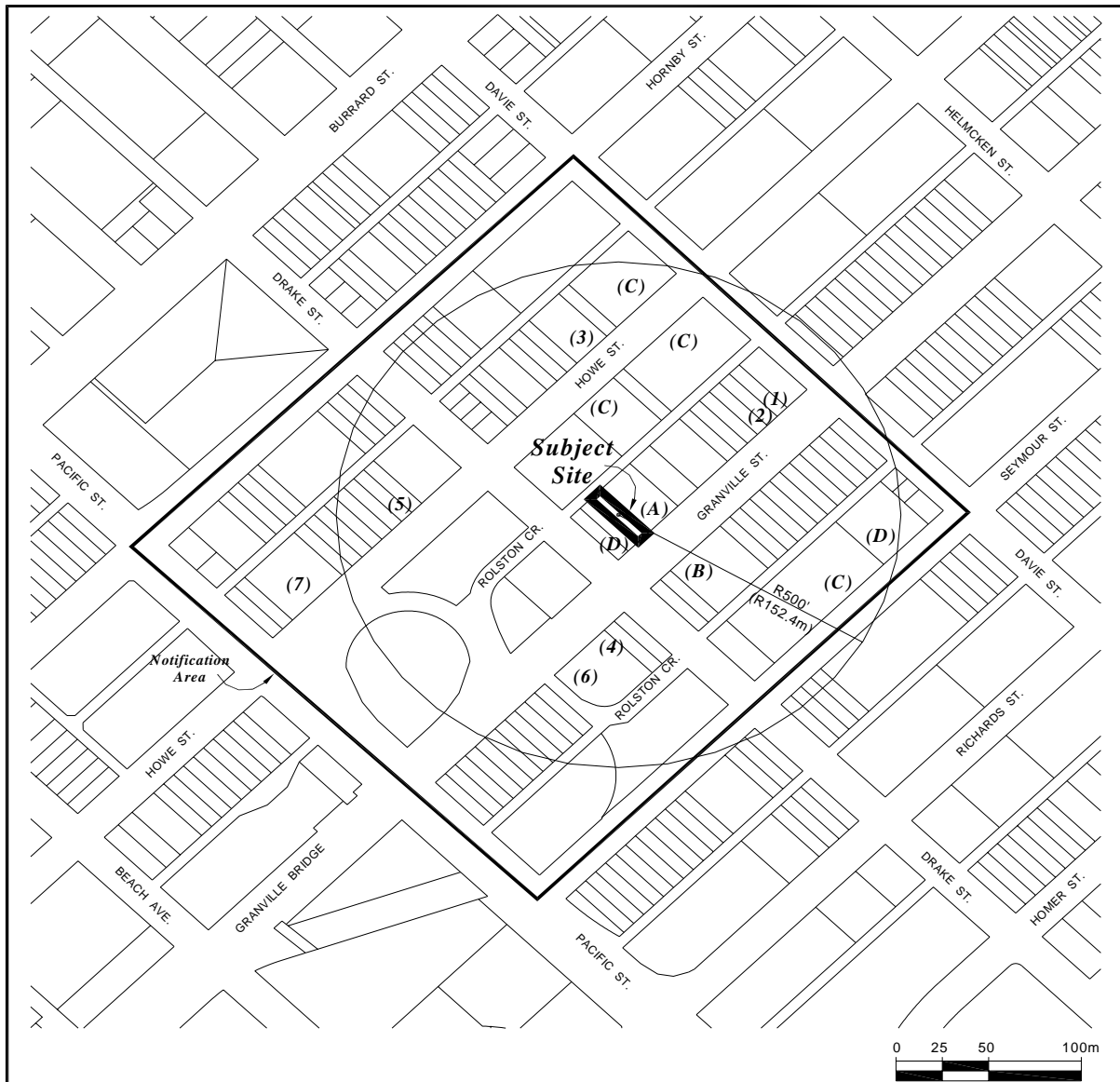
Market Analysis: The City of Vancouver has no authority to regulate the operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

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.

CONCLUSION

Generally staff would recommend approval of this type of application as it meets Council policy (Venue size and hours of operation), as well as the requirement for a time-limited Development Permit to ensure the business is operated in a manner that is considerate of the surrounding community and there was no opposition from area residents and businesses. However, Vancouver Police Department, Development Services and Central Area Planning Department have indicated they do not support the application based on increased seating and the potential of future enforcement issues. As a result, staff have put this application forward for Council's CONSIDERATION.

* * * * *



LEGEND

(A) Retail Liquor Store - Spirit of Howe Street
(C) Residential Developments

(B) Residential
(D) Health Services (Clinic)

- (1) 1219 Granville St. {Ginger 62}
- (3) 1251 Howe St. {Odyssey Cabaret}
- (5) 1335 Howe St. {Quality Hotel Downtown}
- (7) 1379 Howe St. (Executive Hotel Vintage Park)

- (2) 1227 Granville St. {The Morrissey Irish House}
- (4) 1300 Granville St. {Yale Hotel}
- (6) 1336 Granville St. {Cecil Hotel}

LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 1)
1273 Granville Street

map: 1 of 1



City of Vancouver - Licenses & Inspections

date: June 4, 2008