



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: September 19, 2008
Contact: Lucia Cumerlato
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RTS No.: 07148
VanRIMS No.: 08-2000-31
Meeting Date: October 16, 2008

TO: Standing Committee on Planning and Environment
FROM: Chief License Inspector
SUBJECT: 1046 Granville Street - Hyde Entertainment Ltd.,
Liquor Primary Liquor License

RECOMMENDATION

- A. THAT Council, having considered the opinion of local 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 this Administrative Report dated September 19, 2008, entitled "1046 Granville Street - Hyde Entertainment Ltd., Liquor Primary liquor license", does NOT endorse the request by Hyde Entertainment Ltd for a Liquor Primary liquor license (Liquor Establishment Class 3) at 1046 Granville Street.

OR

CONSIDERATION

- B. THAT Council, having considered the opinion of local 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 this Administrative Report dated September 19, 2008, entitled "1046 Granville Street - Hyde Entertainment Ltd., Liquor Primary liquor license", endorse the application by Hyde Entertainment Ltd. For a Liquor Primary liquor license (Liquor Establishment Class 3) at 1046 Granville Street, subject to:
- i. Hours of operation limited to Standard Hours: 11:00 a.m. to 2:00 a.m., Friday and Saturday and 11:00 a.m. to 1:00 a.m. Sunday to Thursday for six months;

- ii. A maximum total capacity of 200 persons;
- iii. A Housing Agreement with a 10 year term requiring all the rooms in the Regal (1040 Granville St) be rented monthly in accordance with the Residential Tenancy Act and eliminating the option to rent up to 10% of the rooms for tourist use in exchange for the proposed increase in the number of licensed seats;
- iv. The terminating the Liquor Primary liquor license #038689 which was for the Al Ritrovo (175 seats) in support of the increase in capacity for this application;
- v. Food service to be provided until midnight, 7 days a week;
- vi. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- vii. Signing a Good Neighbour Agreement with the City prior to business license issuance; and
- viii. A Time-limited Development Permit.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS A and submits B for CONSIDERATION as an alternative to A.

COUNCIL POLICY

Council policy requires new Liquor Primary liquor licenses 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 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.

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.

PURPOSE

The applicant, Hyde Entertainment Ltd, is requesting a Council resolution endorsing their application for a 200 seat Liquor Primary liquor license (Liquor Establishment Class 3) at 1046 Granville Street.

BACKGROUND

Site History

This applicant currently operates several other licensed establishments in the city; Au Bar (674 Seymour Street), Stone Temple (1082 Granville Street), Ocean Club in West Vancouver and two liquor primary establishments in Whistler.

The applicant is supporting this application with the relocation of the 175-seat "Al Ritrovo" Cabaret from 2010 Franklin Street. This liquor primary liquor license has been placed on 'Administrative Suspension' with the Liquor Control & Licensing Branch while the applicant found a suitable location for a new establishment.

If this application is endorsed, the applicant intends on terminating the Liquor Primary liquor license #038689 which was for the Al Ritrovo in support of the increase in capacity. The applicant purchased this liquor primary liquor license with the intention of relocating the seats (175 seats) but has decided to terminate the license on the condition this application is endorsed.

Application

The applicant is proposing to establish a 200 seat Liquor Establishment Class 3 at this location with licensed hours from 9:00 a.m. to 2:00 a.m. on weekdays and 9:00 a.m. to 3:00 a.m. on weekends. The establishment will be a lounge-restaurant style operation and will cater to clientele who are looking for a little more refined restaurant and lounge experience. The applicant intends on providing food service until midnight, 7 days a week.

The proposed establishment is located on the main floor of 1046 Granville Street. The Regal Hotel (Single Room Occupancy Hotel) is also located in this building which is made up of 75 housekeeping units and 7 sleeping units.

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) 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, restaurants, hotels, neighbourhood pubs, cabarets, drop-in centres and other commercial uses. There are a few social housing projects in the area and the nearest residential development is located in the 1000 block of Seymour Street (refer to Appendix A).

There is 1 Liquor Establishment Class 2 (92 seats), 5 Liquor Establishment Class 3 (1075 seats), 1 Liquor Establishment Class 4 (405 seats) within a 500' radius of the subject site (1572 total liquor seats). Also, there are approximately 16 licensed restaurants within the area.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 1000 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 from within the notification area.

DISCUSSION

Policy

The subject site is located in the Downtown-Primarily Mixed Use area. The proposed Liquor Establishment - Class 3 venue is greater than 100 metres away from another Liquor Establishment - Class 3 venue except for the 'Stone Temple' (1082 Granville Street) which is owned and operated by this applicant. The applicant contends that food service shall be an integral part of the business.

The 1000 block of Granville Street has been designated as a transition area from the Entertainment District. At present, while Liquor Primary establishments are a permitted use in the 1000 block of Granville Street, City policy requires that there be an associated public benefit such as social housing or heritage retention. Preference will also be granted to applications relocating equivalent Liquor Primary liquor license seats from an undesirable location within the City. Unlike the Entertainment District where residential uses are excluded, the zoning for the 1000 block of Granville Street permits residential uses and policy encourages the retention and replacement of low-income housing. City policy establishes this area as a local shopping area for the Downtown South community, one of the fastest growing residential neighbourhoods in the City.

Affirmative Proposal Aspects

- The applicant will be required to submit an Acoustical report certifying that the establishment meets Noise Control By-law requirements;
- Exterior upgrade to the building will also be provided;
- A Housing Agreement which eliminates the option to rent up to 10% of the rooms for tourists use for a period of 10 years and all the rooms in the Regal (1040 Granville St) be rented monthly in accordance with the Residential Tenancy Act in exchange for the proposed increase in the number of licensed seats;
- Food service to be provided until midnight, 7 days a week;
- The applicant intends on terminating the Liquor Primary liquor license #038689 which was for the Al Ritrovo (175 seats) in support of the increase in capacity for this application; and
- The applicant has a positive track record with the operation of other entertainment facilities.

Negative Proposal Aspects

- Will mean another 200 seats on Granville Street without the ability to regulate clientele;
- Will only exacerbate significant policing issues on street particularly at closing time;
- Increase in 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; and
- Liquor Primary establishments do not meet the policy for this portion of Granville Street.

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

Possible conditions of endorsement:

1. Cancellation the Liquor Primary liquor license #038689 which was for the Al Ritrovo (175 seats) in support of the increase in capacity for this application (200 seats)
2. Hours of operation limited to 'standard hours'
3. A Housing Agreement with a 10 year term
4. A Good Neighbour Agreement
5. Time-limited Development Permit
6. Food service to be provided until midnight, 7 days a week
7. Acoustical report certifying that the establishment meets Noise Control By-law requirements
8. 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, policy issues and impacts on Granville Street which outweigh the possible attributes.

COMMENTS

The **Police Department** has reviewed the application and does not support this application and the addition of 200 Liquor Primary seats on Granville St. We presently have 4758 Liquor Primary seats (not including Food Primary) on Granville. An extensive amount of resources and funding has been expended to acquire and maintain a safe and civil environment for citizens and visitors who presently attend the Granville Entertainment Zone. Any additional Liquor Primary's on Granville will only increase the amount of calls for police assistance which may lead to more resources being required.

The 1000 block Granville has three Liquor Primary Premises and is zoned a primary mixed-use area with the possibility of more residential housing being built. The policy for the 1000 to 1300 blocks was that for any new Liquor Primary there be "an associated public benefit". (Policy Report June 16, 2005) The negative aspects of this proposal outweigh the positives at this time. The restaurant -lounge proposal has some positive aspects then a cabaret type Liquor Primary, but a better location off of Granville should be considered.

The **Development Services Department** has reviewed the application and notes that this application falls within sub-area 'K2' of the Downtown Zoning District. The current approved use of this building is hotel, retail and restaurant class 1.

A proposal to change the use of the building to provide a Cabaret would require a Development Permit application. The review process for this type of proposal would include an assessment of the impacts of such a facility on nearby sites, and it would also be reviewed in accordance with the provision of the Cabaret and Restaurant Guidelines adopted by Council.

The **Vancouver Coastal Health** has reviewed the application and supports 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 Vancouver Fire Department has reviewed the application and notes that the applicant may have to apply for a new occupant load permit if there is a change in the floor plan.

The Housing Centre has reviewed the application and recommends that as a condition of Council's approval of this application, a Housing Agreement be put in place requiring that all rooms in the Regal Hotel be rented monthly in accordance with the Residential Tenancy Act, in exchange for the proposed increased in the number of licensed seats. The term of this Housing Agreement would be for 10 years. This Housing Agreement would eliminate the option for the Regal Hotel to rent up to 10% of their rooms for tourist use as permitted under the SRA By-law.

The Housing Centre would also like to note the presence of a number of social housing buildings in the area, serving both seniors and adults.

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
Seymour Place	1221 Seymour St	0	0	136	136
The Gresham	716 Smithe St	0	0	40	40
The Wellspring	415 Nelson St	0	0	90	90

The Social Planning Department has reviewed the application and does not support additional seats in this block.

The Central Area Planning Department has reviewed the application and staff does not support this application because there are already a substantial number of liquor primary establishments already on this and adjacent blocks. The continuing revitalization of Granville Street would benefit from additional restaurants and retailers locating on the street. Staff would support the consideration of a Restaurant - Class Two which allows for amplified music and dancing, but is a Food Primary Liquor License. Council policy supports the consideration of a Restaurant - Class Two on the 1000 block of Granville Street.

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.

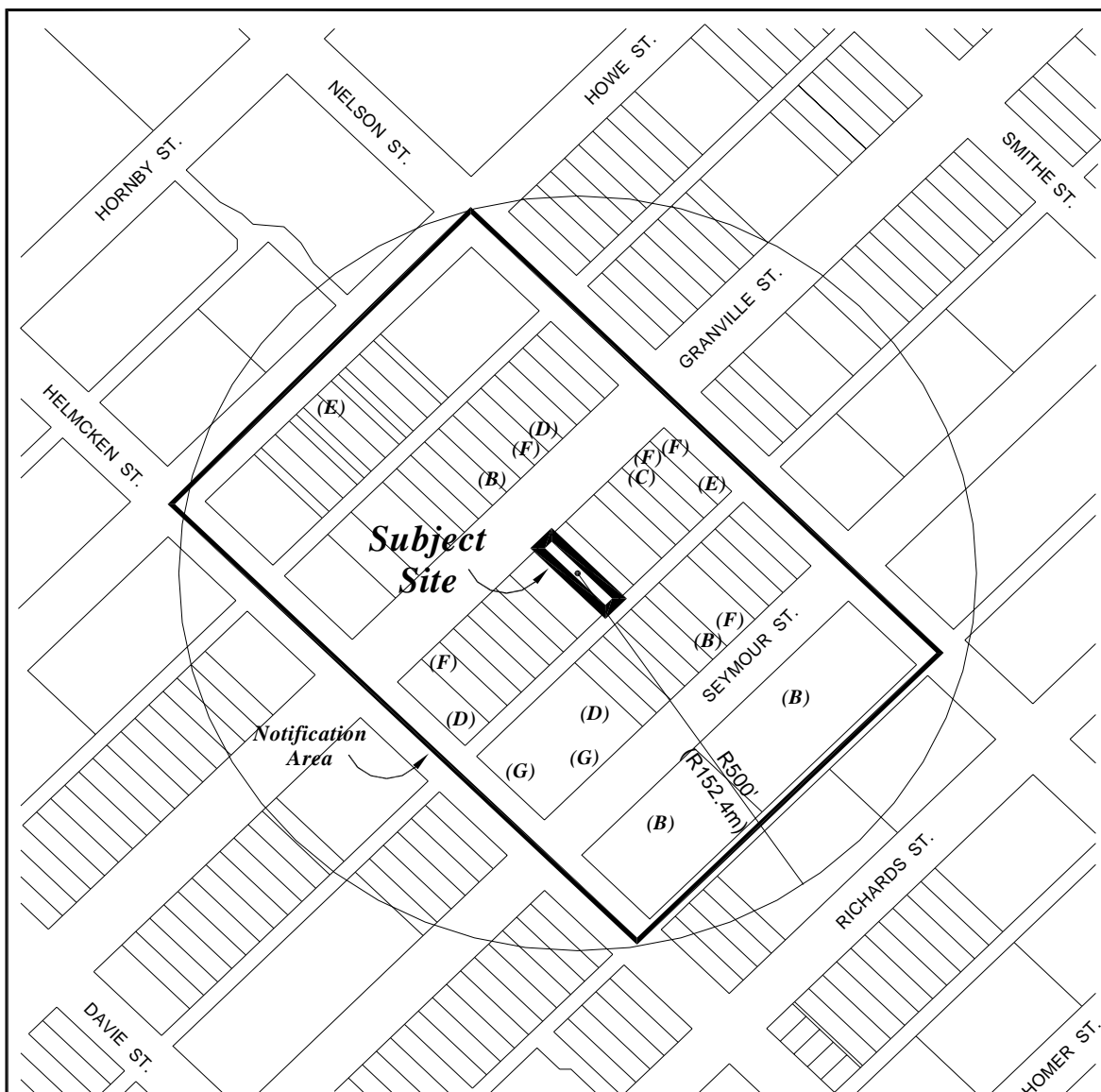
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

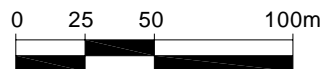
This application for a Liquor Primary liquor license at 1046 Granville Street has positive aspects related to the termination of Liquor Primary liquor license #038689 which was for the Al Ritrovo in support of the increase in capacity and a Housing Agreement with a 10 year term. Unfortunately, the location of the establishment on Granville Street does not comply with the use policy for the area and 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 1046 Granville Street.

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LEGEND

- | | |
|------------------------|-------------------------|
| (B) Residential | (C) SRO |
| (D) Non Profit Housing | (E) Hotels with Lounges |
| (F) Pub's / Cabaret | (G) Community Centers |



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3)
1046 Granville Street

map: 1 of 1



City of Vancouver - Licenses & Inspections

date: Sept. 12, 2008