



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: October 3, 2008
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 07667
VanRIMS No.: 08-2000-20
Meeting Date: October 30, 2008

TO: Standing Committee on City Services and Budgets

FROM: Chief License Inspector

SUBJECT: 385 Burrard Street - The Elephant and Castle Canada Inc,
Liquor Primary Liquor License

RECOMMENDATION

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 October 3, 2008, entitled "385 Burrard Street - The Elephant and Castle Canada Inc, - Liquor Primary Liquor License", endorse the request by The Elephant and Castle Canada Inc for a 40 seat Liquor Primary liquor license (Neighbourhood Pub) in conjunction with the existing Restaurant Class 1 at The Elephant and Castle, 385 Burrard Street, subject to:

- i. A Time Limited Development Permit;
- ii. A signed Good Neighbour Agreement prior to business license issuance;
- iii. Hours of operation limited to Standard Hours: 11:00 a.m. to 2:00 a.m., 7 days a week for six months;
- iv. Extended Hours of operation 9:00 a.m. to 3:00 a.m., 7 days a week may be considered by the Chief License Inspector once the six month trial period has elapsed; and
- v. No exotic entertainment/dancers or off-premise sales.

GENERAL MANAGER'S COMMENTS

The General Manager, Community Services RECOMMENDS approval of the foregoing.

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.

PURPOSE

The Elephant and Castle Canada Inc. is requesting a Council resolution endorsing their application for a 40 seat Liquor Primary liquor license in conjunction with the existing Restaurant Class 1 at The Elephant and Castle, 385 Burrard Street.

BACKGROUND

The applicant currently operates one other licensed establishment in the city; Rosie's on Robson which consists of a food primary and liquor primary (298 Robson Street) since 1995. The Elephant and Castle was previously located at 700 Dunsmuir from September 1990 until April 1997 when it closed its doors for Business.

The existing restaurant hours of operation are 9:00 a.m. to 12:00 midnight, seven days a week. The proposed hours of operation for the liquor primary (pub) are from 11:00 a.m. to 2:00 a.m., 7 days a week for the first six months. Extended hours of operation may be considered once the six month trial period has elapsed and no issues/concerns arose during this time period. The applicant states that as the proposed liquor establishment (neighbourhood pub) is situated in the hub of the business district and will cater to the diverse population and business community of downtown Vancouver offering a full menu of pub fare, available during all hours of operation. The establishment will also cater to tourists visiting Vancouver, particularly at the nearby Vancouver Trade and Convention Centre, Cruise Ship Terminal and major downtown hotels.

Liquor Control & 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. Any new liquor license application is subject to local government support. All previous Branch policy has been eliminated.

Area Surrounding Premises

The subject premises are located in the Downtown (DD) Zoning District and for the purposes of liquor policy it is considered downtown primarily commercial use area. The surrounding area is a mixture of office, retail, live-work studios, residential, Portal Park and restaurant uses (refer to Appendix A).

There are 2 licensed restaurants within the survey area.

DISCUSSION

Policy Issues

The subject site is located in the Downtown-Primarily Commercial 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 to provide upscale food and beverage service in an English Pub style environment.

Hours of Operation

The applicant is requesting hours of operation within the parameters of the Standard hours permitted in the Downtown- Primarily Commercial Use Area for the first six months of operation. The permitted standard hours for the area are 11:00 a.m. to 2:00 a.m., 7 days a week. The applicant has requested that once the six month trial period has elapsed, that staff consider granting them the Extended hours of operation if no issues/concerns have been received.

Positive Proposal Aspects

The location and seating capacity for this establishment is a positive feature of the application. Small liquor establishments of this size generally do not create significant negative issues for the area community. The site is reasonably isolated from residential properties. Therefore, it is highly unlikely that any activities within the establishment (pub) would directly impact the residential residents. The application complies with Council's liquor policy for Venue Size and Hours of Liquor Service.

In addition, very little is likely to change with respect to how the premise currently operates. The fact that food service shall remain a component of the business will provide a mitigating factor to the liquor service and consumption. Should Council support the Liquor Primary application, then the applicant will simply have more flexibility to serve and accommodate those clients that only wish to consume alcohol. The public perception of how this business operates should remain the same even after the conversion of 40 seats to a Liquor Primary license.

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

Negative Proposal Aspects

There is a possibility that the proposed establishment (pub) may increase street related nuisance activity for the area. Strong management and sound operational practices should limit this type of activity from having a negative impact on the surrounding community.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 100 notices in the survey area (see Appendix A). In addition, mass e-mails were sent out by Property Managers to the following buildings; 200 Burrard St, 400 Burrard St, 1095 W. Pender St and 999 W. Hastings regarding the application. Notices were delivered to strata's at 1067 W. Cordova and to 401 Burrard St. A site sign was erected advising the community of the application and where to send concerns or comments. A total of 1 written response opposing the application was received within the notification area. The respondent felt that the approval of such an application will be detrimental to the safety of both the office and employees at their premises.

Enforcement History

The applicant has no enforcement history.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

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

The Development Services has reviewed the application and notes that this site is located in Sub-area "A" of the DD zone, and is listed as a Municipally Designated Heritage "A" building. The building is currently approved for office, retail and restaurant class 1 uses. Neighbourhood Public House is a use that can be considered in this zone, and would require the submission of 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 Neighbourhood Public or Marine House guidelines adopted by Council.

The Central Area Planning Department has reviewed the application and has no comment at this time.

The Vancouver Fire Department has reviewed the application and notes that the occupant load certificate is required to be updated if there are any changes.

The Environmental Health Department: In accordance with the Health By-law, smoking is prohibited within "customer service areas" 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 Housing Centre has reviewed the application and has no comment on this application.

The Social Planning Department has reviewed the application and has no comment on this application.

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.

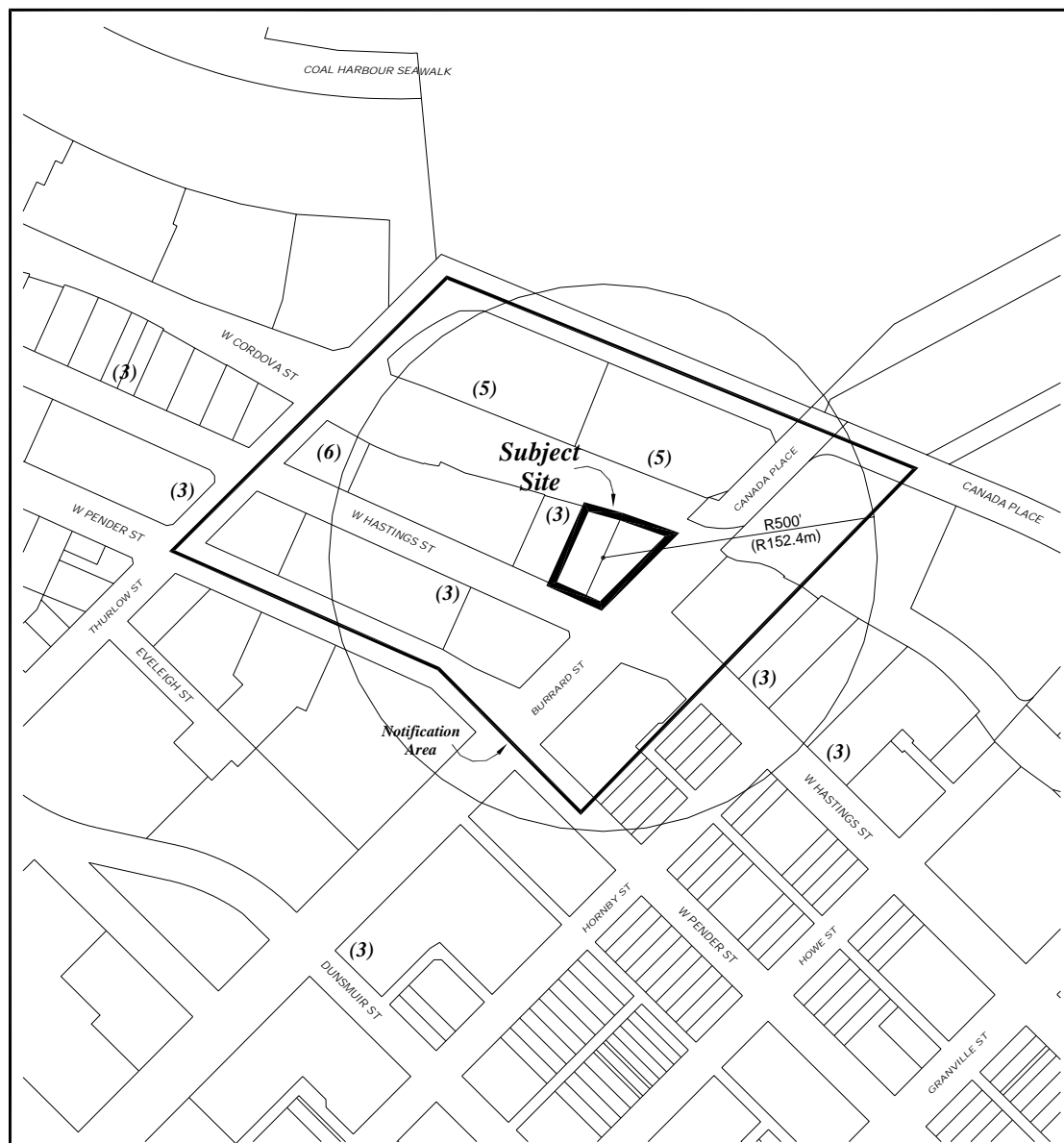
Market Analysis: The City of Vancouver has no authority to regulate the operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

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

Staff are recommending Council endorse the applicant's request for a 40 seat Liquor Primary (Neighbourhood Pub) liquor license subject to the conditions outlined in Recommendation A. The location and size of the establishment should limit any negative impacts in the surrounding community.

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LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges- N/A
- (2) Government or Private Liquor Stores- N/A
- (3) Social/Private Clubs (If easily visible/distinguishable)
- (4) Closest Residential Building/Units (Including Subject Site)- N/A
- (5) Large Residential Developments
- (6) Parks
- (7) Churches- N/A
- (8) Other Social Facilities (Clinics, Rehabs, Hospitals, etc.)- N/A
- (9) School- N/A



<p>LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 1) 385 Burrard Street</p>	<p>map: 1 of 1</p>	
<p>City of Vancouver - Licenses & Inspections</p>	<p>date: Oct. 2008</p>	