



ADMINISTRATIVE REPORT

Report Date: November 20, 2008
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 07747
VanRIMS No.: 08-2000-20
Meeting Date: December 16, 2008

TO: Vancouver City Council

FROM: Chief Licence Inspector

SUBJECT: 455 Abbott St - Lotus Hotel Ltd,
Liquor Primary Liquor License Application for an Increase in Person
Capacity

RECOMMENDATION

THAT Council, having considered the proximity of residential developments, noise impacts and relevant Council policy as outlined in this Administrative Report dated November 20, 2008, entitled "455 Abbott Street - The Lotus Hotel Ltd, - Liquor Primary Liquor License Application for an Increase in Person Capacity", endorse the request by Lotus Hotel Ltd, for an increase in person capacity for the Liquor Primary liquor license (License #078737) from 103 seats to 134 seats as determined by Vancouver Fire Officials at Honey Lounge, 455 Abbott Street, subject to:

- i. An amendment to their existing Time Limited Development Permit; and
- ii. A signed Good Neighbour Agreement with the City.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

Council policy requires that amendments to existing Liquor Primary liquor 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, Lotus Hotel Ltd, is requesting a Council resolution endorsing their application for an increase in person capacity to their existing Liquor Primary liquor license from 103 seats to 134 seats (Liquor Establishment - Class 2) due to the approval which was given by Vancouver Fire Services for an occupant load of 134 at Honey Lounge located at 455 Abbott Street.

BACKGROUND

Lotus Hotel Ltd, has been operating at this location since 1987 (originally operating as Heritage House Hotel Ltd). There are currently 3 Liquor Primary liquor licenses (#30281 - Lotus Sound Lounge, #3347 - Lick Club and #78737 - Honey Lounge).

On March 2, 2007, the Liquor Control and Licensing Branch granted approval of a 103 person occupant load for the Lotus Hotel Liquor Primary License #078737, as supported by our Council resolution dated October 24, 2006 which permitted a capacity increase from 45 seats to 103 seats by converting the Food Primary seats to Liquor Primary seats.

Vancouver Fire Services determined an occupant load of 134 which varied from the original approval, however, the Liquor Control and Licensing Branch, by error, approved 103 persons, as supported by Vancouver Council.

Liquor Control and Licensing Regulation defines the term "person capacity" as "...the maximum number of persons allowed by the general manager in the establishment". The General Manager must set the person capacity of a licensed establishment which shall be equal to the occupant load of the establishment.

Given the Branch's error in setting the person capacity at 103 persons when in fact the occupant load as determined by Vancouver Fire Officials is 134 persons, the Branch, on behalf of the applicant is seeking consideration by Council for an increase to the licensed premises true occupant load of 134.

This increase in capacity will require an amendment resolution from Council. There are no physical changes to the currently licensed area.

Liquor Control & Licensing Branch (LCLB) Regulations and Policies

The current Liquor Control Licensing Branch regulations stipulate that the liquor capacity must be the same as the fire capacity. Therefore, the determined occupant load of 134 by Vancouver Fire Services would result in an automatic capacity increase as the applicant is unable to apply for a lesser liquor capacity.

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 mixed-use downtown area. The surrounding area is a mixture of office towers, hotels, restaurants, neighbourhood pub, cabarets, retail, residential and other commercial uses.

DISCUSSION

Policy Issues

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 2). Therefore, the distancing policy between similar establishments does not become a factor for consideration.

Positive Proposal Aspects

The applicant contends the approval will have no impact on the local area as the increase in the number of seats (31) is not significant.

Negative Proposal Aspects

An increase in seating capacity may result in added noise and nuisance issues for the surrounding community. However, given the small increase relative to the number of seats in the area, staff do not feel the additional noise and nuisances will be significant.

Enforcement History

The primary enforcement issue with this liquor license establishment concerns an overcrowding incident which occurred in March 2008. The establishment has been issued a 7 day suspension.

RESULTS OF NOTIFICATION

A neighbourhood notification was not conducted for this application. Staff felt it was not necessary since the establishment has been operating at this location since 1987 and this occupant load has been determined and approved by Vancouver Fire Services. It was also felt that this small increase in seating (31 seats) would not create an impact on the surrounding area.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed the application and has no comments concerning the increase in capacity to bring the license in line with the approved Fire occupant load.

The Development Services has reviewed the application and has no comments as this is an existing use where the proposal deals with occupant load only, and there are no Zoning and Land Use concerns.

The Central Area Planning Department has reviewed the application and supports this LCLB initiated amendment to reflect the true occupant load in the Liquor Primary.

The Vancouver Fire Department has determined the actual occupant load for this establishment to be 134.

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.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a capacity increase from 103 to 134 at 455 Abbott Street subject to the conditions outlined in the recommendation. Staff are generally not concerned with this size of the capacity increase request.

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