



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: January 15, 2009  
Contact: Lucia Cumerlato  
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VanRIMS No.: 08-2000-31  
Meeting Date: February 5, 2009

TO: Standing Committee on City Services and Budgets

FROM: Chief License Inspector

SUBJECT: 556 Seymour St - 0743092 BC Ltd  
Relocation of Liquor Primary Liquor License Application and Change in  
Operating Hours

**RECOMMENDATION**

- 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 January 15, 2009, entitled "556 Seymour Street - 0742823 B.C. Ltd., Relocation of Liquor Primary Liquor License Application and a Change in Operating Hours", endorse the request by 0742823 B.C. Ltd. to relocate their existing Liquor Primary liquor license from their current site at 1036 Richards Street (Richards on Richards) to their proposed site at 556 Seymour Street (Prudence), subject to:
- i. Standard hours of operation for the first six months are limited to 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; after which time the Extended hours of operation may be considered which are limited to 9:00 a.m. to 2:00 a.m., Sunday to Thursday; and 9:00 a.m. to 3:00 a.m., Friday and Saturday;
  - ii. A maximum total capacity of 449 persons;
  - iii. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
  - iv. Signing a Good Neighbour Agreement with the City prior to business license issuance; and
  - v. A Time-limited Development Permit.

### **GENERAL MANAGER'S COMMENTS**

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

### **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.

On September 13, 2001, Council approved policy and guidelines relating to liquor establishments in the Central Business District.

### **PURPOSE**

The applicant, 0742823 B.C. Ltd., is requesting a Council resolution endorsing their application to relocate their Liquor Primary liquor license (Liquor Establishment Class 4) from their current site at 1036 Richards Street (Richards on Richards) to their proposed site at 556 Seymour Street (Prudence).

### **BACKGROUND**

0742823 B.C. Ltd. has operated a 449 seat Liquor Primary liquor license (Richards on Richards) at 1036 Richards Street for four years and due to sale and redevelopment of this site, is applying to relocate to 556 Seymour Street which is .08 km from their current location (this is the site which was occupied by A & B Sound). This space is currently vacant.

The applicant is proposing to establish a 449 seat (existing capacity under their current liquor license) Liquor Establishment Class 4 at this location with licensed hours from 11:00 a.m. to 2:00 a.m. weekdays and 11:00 a.m. to 3:00 a.m. weekends. This establishment has been operating in a successful manner with respect to the relevant by-laws and regulations. The applicant has operated at the current location for four years and was also the founder of "Graceland" nightclub (mid-1980's) which he operated for four years.

The proposed establishment is located on the main floor of 556 Seymour Street. The operator maintains the clientele will be a mix of urban, locals, well-travelled, intellectual and corporate customers and people involved in arts, fashion, music and the film industry. Food service will also be available in the lounge area and the applicant is requesting the extended hours of liquor service which is permitted for the area. The applicant feels that this establishment will have no impact on the local area which is made up of primarily commercial

uses and will provide a venue for live entertainment and support local festivals such as the Jazz, Folk, Writer's, Push etc.

The applicant has established an art gallery on the second floor of 556 Seymour Street which will be open to the public and has donated 4000 sq.ft. of the second floor to "The Belkin Art Gallery" from UBC which is a non-profit society. The applicant also proposes to establish a restaurant (food primary) in the building next door which will be located on the main floor.

#### **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 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, office, cabarets, neighbourhood pubs, hotels, residential, liquor retail store and restaurant uses. BCIT, The Hudson and Conference Plaza are located in close proximity of this establishment.

There is 1 Liquor Establishment Class 1 (50 seats), 2 Liquor Establishment Class 2 (267 seats), 3 Liquor Establishment Class 3 (660 seats), 2 Liquor Establishment Class 7 (376 seats) located within a 500' radius of the subject site (1353 total liquor seats). Also, 2 Liquor Retail Store (674 Granville St. and 678 Dunsmuir St.) and approximately 16 licensed restaurants are 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. A total of 20 responses were received opposing the application. These responses were from businesses and residents within the notification area. The responses consisted of 11 email responses, 8 letters, and 1 phone message. One of the emails received opposing the application was from the strata council of a residential tower located in close proximity to 556 Seymour Street.

Three of the respondents (2 businesses/1 residential strata) which originally opposed the application are now in support of the application or have no objection.

A total of 6 responses were received in support of the application. 2 of the responses (1 resident/1 business) were from within the notification area and 4 of the responses (2 businesses/2 individuals) were from outside the notification area. These responses were received through email.

A public information meeting was held on October 6, 2008 and was attended by 14 concerned business owners who had responded to our notification. The applicant was also present for this meeting to answer questions and address concerns. Comments made at the meeting included the concern with the number of establishments that currently serve liquor in the area, capacity of the liquor license, potential line-ups on the sidewalk creating a nuisance to

adjoining businesses, public safety and security precautions, noise especially in the early morning hours, parking for clientele, lane access for deliveries, passenger loading/unloading, width of the sidewalk, proximity to schools, churches and residential. As a follow-up to the October 6, 2008 meeting, the applicant arranged for an "open house" which was held on October 30, 2008 at 556 Seymour Street which was attended by business owners in the area. The purpose of this "open house" was to give a tour of the premise and a brief overview of the proposed operation. The applicant also addressed and responded to the concerns/issued which were identified at the meeting held on October 6, 2008. The issues and responses are listed in Appendix B.

## **DISCUSSION**

### **Policy Issues**

The subject site is located in the Downtown-Primarily Mixed Use area. The following issues apply in this area:

- The proposed Liquor Establishment - Class 4 venue must be greater than 100 metres away from another Liquor Establishment - Class 4 venue. Since there are no Liquor Establishments in this class within 100 metres of the site, the proposed establishment complies with Council's liquor policy for venue size and location.
- Policy also states that preference will be granted to applications relocating equivalent Liquor Primary liquor license seats from an undesirable location within the City of Vancouver. This application complies with Council policy.
- Policy also supports the transfer of seats to the Central Business District from Downtown South, the Downtown Eastside, Gastown and other areas of the city with a history of land use incompatibility issues. This application complies with Council policy.

### **Hours of Operation**

Richards on Richards, at their current location, operate under the Extended policy hours for the area which are 9:00 a.m. to 1:00 a.m. weekdays and 9:00 a.m. to 2:00 a.m. weekends. The applicant is requesting the same hours of operation within the parameters of the Extended hours permitted in the Downtown- Primarily Mixed Use Area. However, the hours of operation for the first six months of operation will be the standard hours for the area which are 11:00 a.m. to 1:00 a.m. weekdays and 11:00 a.m. to 2:00 a.m. weekends. 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. The applicant is aware that the Extended Hours Liquor Establishment Class of business license is contingent on continued compliance with additional bylaw regulations.

### **Affirmative Proposal Aspects**

Staff support the relocation of this Liquor Primary liquor license to 556 Seymour Street. The application complies with Council's liquor policy for venue size and location, and hours of liquor service. The applicant has demonstrated the ability to operate his business in a responsible manner.

Council policy is to support relocation of Liquor Primary establishments out of the residential area of Downtown South. This relocation would support the policy and remove one of the few remaining establishments out of this area.

There are benefits with respect to filling community needs and desires for this service. The applicant has indicated a commitment to provide the venue for local festivals such as the Jazz and Folk Festival for music, the Push Festival for theatre, the Dance Festival and the Writer's Festival. They would also host local awards shows such as the Jessie's for theatre or the Helen Pitt Awards for emerging artists. Commitment to hold fundraisers for local charities has also been established.

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).

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 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.

There is a certain acceptable level of noise associated with living in a downtown, socially and culturally busy area. Approval of the establishment may result in increased noise and other nuisances for area residents and business operators, as commented by respondents to the public consultation. Noise control measures must be implemented and maintained to reduce potential impact on area residents and business operators, and satisfy the requirements of the Noise Control By-law.

### **COMMENTS**

*The Police Department* has reviewed the application and met with the applicants to discuss some of the public safety concerns with the opening of a 449 seat Liquor Primary in this area. A Liquor Primary with this significant number of seats can be more problematic than the average Liquor Primary of approximately 200 seats given the dynamics of the large number of people and the amount of liquor consumed. It is incumbent upon the owners, management and staff to be properly trained and aware of their duties and responsibilities to deal with any incidents in the premise and in mitigating disturbances to residents and the public outside. The Police will support this application on the provision that the following conditions which the applicants have agreed to be placed on their license.

1. Line up control; The premise must have an interior lobby large enough to accommodate 225 people in an orderly line up. No sidewalk line-ups.
2. Security: Professional trained security officers will be hired for the club and additional security officers will be hired to patrol the 500 block Seymour Street, including the lanes.
3. Bar Watch: Will join the Bar Watch program.
4. Hours: Will operate with Standard Liquor hours (2 AM) and can apply for Extended Hours (3 AM) after 6 months of full operation. The granting of Extended Hours will not be automatic and will depend on a clean record.

5. Food: Patrons will be able to order food in the lounge until 12:00 AM (midnight).

It should be noted that the applicant has agreed to all these suggested comments and this will be included in the Good Neighbour Agreement.

*The Development Services Department* has reviewed the application and notes this site is located in sub-area "B" of the Downtown District. The current approved use of this building is retail. A proposal for a "Cabaret" at this location would require a development permit application. The review process for this type of approval would include an assessment of neighbourhood impacts. As well, an application of this type would be reviewed in accordance with the provisions of the Cabaret and Restaurant Guidelines adopted by City Council.

*The Vancouver Fire Department* has reviewed the application and the only concern of Fire is that if the premise is Class 2 Liquor Primary there is enough exiting. The VBBL requires double exit size for Night Clubs Cabarets etc. The applicant will need a current occupant load permit issued by us.

*The Housing Department* has reviewed the application and do not have any concerns with the relocation of this liquor license. However it should be noted that the Province has purchased two SROs in the immediate vicinity which they will be renovating. These will both be managed by local non-profit connecting individuals to much needed supports and services. The Marble Arch Hotel and Park Hotel together will account for 200 affordable housing units.

*The Social Planning Department* has no comments on this application.

*The Central Area Planning Department* support the proposed relocation of the liquor primary license to 556 Seymour Street. This relocation reflects the intent of Council policy for liquor licenses in the Central Business District and the role and function of this area of the city as a home for a variety of businesses. Planning staff support for the license is contingent on the applicants adhering to the recommendations of Vancouver Police staff.

#### 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:** staff have considered these issues and have no concerns at this time. These issues will be reviewed further during the Development Permit application process, provided Council supports the application and allows it to proceed to the permitting system.

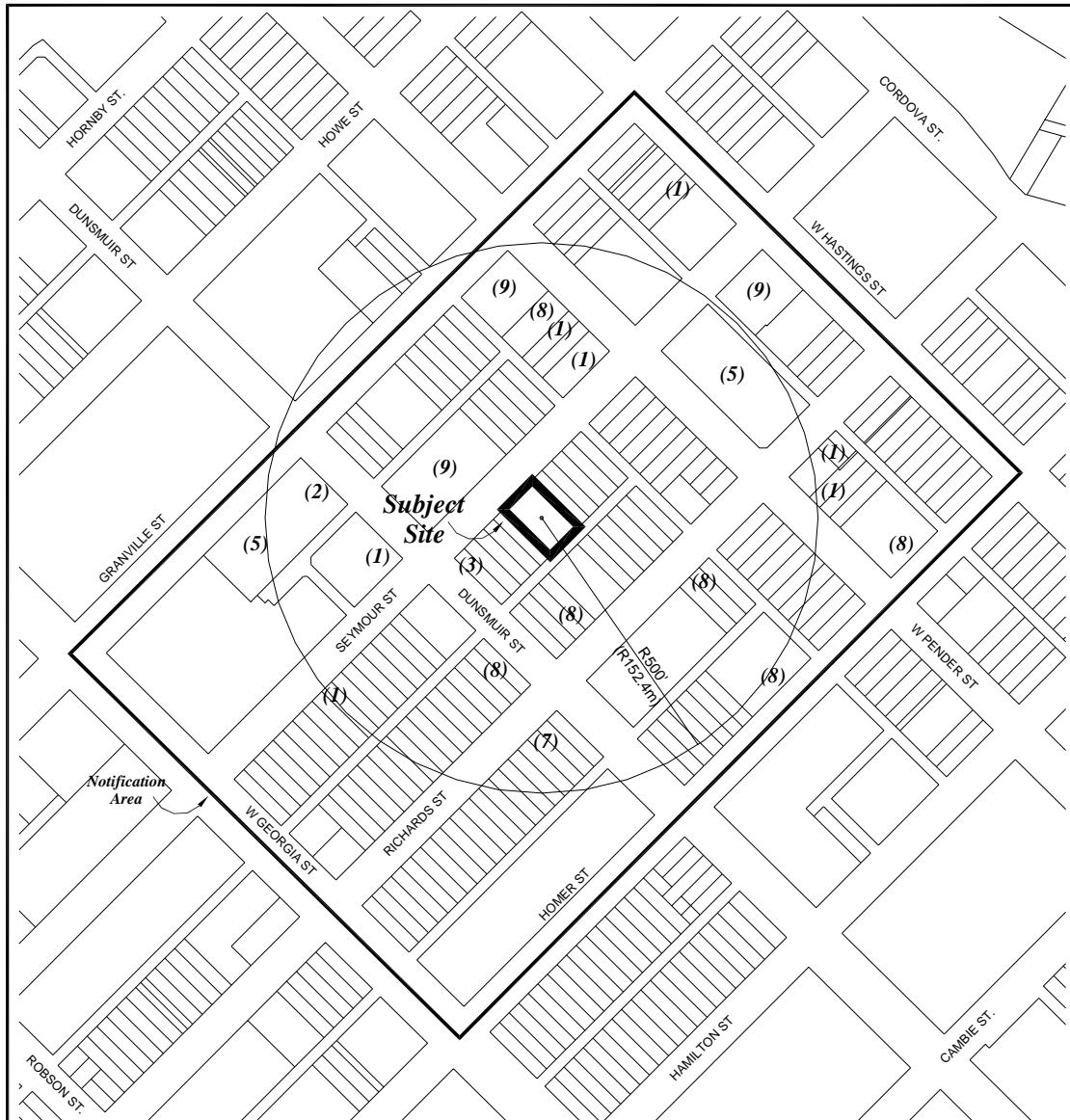
***FINANCIAL IMPLICATIONS***

There are no financial implications.

***CONCLUSION***

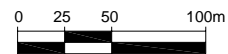
Staff are recommending Council endorse the applicant's request to relocate their existing Liquor Primary liquor license to 556 Seymour Street subject to the conditions outlined in Recommendation A. This relocation reflects the intent of Council policy for liquor licenses in the Central Business District and the role and function of this area of the city as a home for a variety of businesses. This application also meets the intent of Council policy for relocating Liquor Primary establishments out of the residential area of Downtown South. Staff support for the license is contingent on the applicants adhering to the recommendations made by all commenting departments. The requirement for a time-limited Development Permit will ensure the business operates in a manner that is considerate of the surrounding community.

\* \* \* \* \*



**LEGEND**

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



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 4)  
556 Seymour Street

map: 1 of 1



**City of Vancouver - Licenses & Inspections**

date: Sept. 2008



## Public Meeting Questions and Responses

**Question:** Many of us have businesses in the area, and want it to remain as a “commercial” area, rather than another “Granville Street” nightclub district.

**Answer:** The day-time use will be as a restaurant, upscale coffee house, and art gallery, which uses are very complementary to the current commercial uses on the street.

**Q:** What happens if the proposed style of business is not a financial success?

**A:** Mr. Alvaro has extensive experience in this field of business (he owned and operated the very successful and cosmopolitan “Graceland” night Club in the mid 1980’s.) His plan is to re-create and improve on this successful venture, to the benefit of sophisticated local people, tourists and wealthy non-residents owning a condominium in Vancouver, for which there is no such facility in the City at this time. The Landlord also has some control over the tenant’s Licence in the unlikely event of default.

**Q:** Line-ups on the sidewalk will create a nuisance to adjoining businesses.

**A:** There will be an interior entrance lobby from the street with a capacity to hold 225 people in an orderly line-up, with a coat check in the basement to reduce lobby congestion.

**Q:** Public Safety and Security precautions?

**A:** There will professional security for crowd control, inside and outside the building; with patrolling security for the entire 500 Block of Seymour Street, including lanes until one hour after Closing time.

**Q:** Noise - especially early in the mornings?

**A:** There will not be any awnings over the sidewalk, which will discourage loitering. This enterprise is in a downtown business neighbourhood, and it is part of the experience of living in the core of a City. From our experience, the traffic noise along Dunsmuir Street at night is much more noticeable.

**Q:** Lane access for deliveries and sidewalk for passenger loading/unloading will be a nuisance?

**A:** We do not think there will be much more lane usage for deliveries than was for A&B Sound, but a loading bay will be granted on the street after the busses are diverted back to Granville Street after the Olympic Games are finished; with passenger loading reserved in the evenings.

**Q:** Garbage on the sidewalk, and provisions for it in the lane?

**A:** A recess within the rear of the building for garbage bins will be provided, and regular clean up in front of the building will be in force, to preserve the upscale nature of the businesses operating from the premises.

Q: Parking for clientele?

A: Valet parking will be available, it is a City requirement, and negotiations are in progress with two nearby facilities.

Q: Busses in the curb lane will be an obstruction.

A: Mr. Alvaro has had some discussions to relocate the present bus stop, and has learned that when the Canada Line is opened later in 2009, the "B" Line busses will be cancelled, and after the Olympics the regular bus routes will be relocated back on to Granville Street.

Q: Seismic upgrading may be required for the building.

A: The building owners completed a seismic upgrading several years ago, and our Engineer has already confirmed that it is up to code requirements for our intended use. This was one of our first concerns when considering this building.