



ADMINISTRATIVE REPORT

Report Date: March 3, 2009
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VanRIMS No.: 08-2000-20
Meeting Date: March 26, 2009

TO: Standing Committee on Planning and Environment

FROM: Chief License Inspector

SUBJECT: 135 Keefer St - 0817864 B.C. Ltd.
Liquor Primary Liquor License Application with Outdoor Patio Seating

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 March 3, 2009, entitled "135 Keefer Street - 0817864 B.C. Ltd., Liquor Primary Liquor License Application with Outdoor Patio Seating", endorse the request by 0817864 B.C. Ltd. for a Liquor Primary liquor licence (Liquor Establishment Class 1) at 135 Keefer Street subject to:

- i. Standard hours of operation for the first six months are limited to 11:00 a.m. to 12:00 a.m., Sunday to Thursday; and 11:00 a.m. to 1:00 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 1:00 a.m., Sunday to Thursday; and 9:00 a.m. to 2:00 a.m., Friday and Saturday;
- ii. The patio ceasing all liquor service and vacated by 11:00 p.m.;
- iii. A maximum total capacity of 60 persons inside and 12 persons on the patio;
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- v. No music permitted on the patio;
- vi. Signing a Good Neighbour Agreement with the City prior to business license issuance and a license agreement with Engineering Services with an initial one-year term for the patio;
- vii. A Time-limited Development Permit; and
- viii. Food service to be provided while the establishment is operating as well as on the patio when open.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services and the General Manager of Engineering 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 April 17, 2007, Council approved policy and guidelines that Liquor Primary liquor establishments be permitted to have sidewalk patios on public property subject to the current Council-approved sidewalk patio guidelines for restaurants and subject to additional restrictions which would apply to liquor primary patios on both public and private property. These restrictions included food service (Provincial Food Premises Operating permit from Vancouver Coastal Health), including consideration as to whether the food preparation area is large enough to safely handle the 20% increase, closing time of no later than 11:00 p.m., outdoor seating limited to 20% of total seating capacity, no sidewalk patios adjacent to liquor establishments in the 700, 800 and 900 blocks of Granville Street 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

0817864 BC Ltd. is requesting a Council resolution endorsing their application for a 60 seat Liquor Primary liquor license with a 12 seat outdoor patio on city property at 135 Keefer Street.

BACKGROUND

The applicant, 0817864 BC Ltd. is proposing to establish a 60 seat Liquor Establishment Class 1 with a 12 seat outdoor patio on city property at this location. The proposed hours of operation for the liquor primary (lounge) are from 11:00 a.m. to 12:00 a.m. weekdays and 11:00 a.m. to 1:00 a.m. weekends for the first six months of operation. 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 extended hours of operation are 9:00 a.m. to 1:00 a.m. weekdays and 9:00 a.m. to 2:00 a.m. weekends. The applicant states that the proposed liquor establishment (lounge) is situated in the hub of Chinatown and will cater to the diverse population and business community of Chinatown, Tinseltown, Gastown and Strathcona. The clientele will be roughly 30 years of age and older consisting of a diverse mix of working professionals, local residents and tourists to Vancouver. The applicant hopes to create a relaxing atmosphere with a small venue for occasional local music talent to perform

and a location for community events and fundraisers for local causes. Food service will also be available during operating hours which is a requirement under the Provincial Liquor Primary license "Terms and Conditions" guide.

The proposed establishment will be located on the ground floor of a designated and protected heritage building. The unit was previously known as "Silkhaus" and has been vacant for quite some time. Development Permit No. 411880 was issued November 13, 2008 to the applicant for rehabilitation and change of use of this existing Heritage "C" building to retail use on the ground floor, one residential unit on each the 2nd, 3rd and 4th floors, and to add an upper floor (5th) with one residential unit. Staff in Heritage Planning have advised that it is unlikely that the change of use from retail to lounge would have a significant impact on existing HRA and incentives approved.

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. The LCLB has no specific policy for patios.

Area Surrounding Premises

The subject site is located in the HA-1A Zoning District (Chinatown) and for the purposes of liquor policy it is considered a non-downtown primarily mixed-use area. The surrounding area is a mixture of retail, office, pub (Regent Hotel Pub), social/private clubs, hotel, residential (market and non-market), park, community centre (Carnegie Community Centre) and restaurant uses.

There is 1 Liquor Establishment Class 3 (227 seats - Regent Hotel Pub) located within a 600' radius of the subject site. Also, 6 licensed restaurants are within the area which hold Food Primary liquor licenses.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 400 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 2 responses were received within the notification area supporting the application. These responses were from a business property owner and the Chinatown BIA Society. A total of 3 responses were received within the notification area opposing the application. These responses were from business owners who felt that the approval of such an application will increase crime, vandalism and drunkenness for the area.

DISCUSSION

Policy Issues

The subject site is located in the Non-Downtown Primarily Mixed-Use area. The proposed Liquor Establishment - Class 1 venue is greater than 500 metres away from another Liquor Establishment Class - 1 venue. The applicant contends to provide a small relaxed style lounge environment consisting of upscale food and beverage service.

Staff generally supports outdoor patio areas subject to comments from the neighbourhood. In this case, a small patio of this size generally would not create negative issues for area

residents and business operators. Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

Staff have no significant issues with the proposed patio provided the patio is closed and vacated by 11:00 p.m. each night. The license agreement with an initial one year term and 11:00 p.m. closing time should address any potential problems.

Hours of Operation

The applicant is requesting hours of operation within the parameters of the Standard hours permitted in the Non-Downtown Primarily Mixed-Use Area for the first six months of operation. The permitted standard hours for the area are 11:00 a.m. to 12:00 a.m. weekdays and 11:00 a.m. to 1:00 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.

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 would directly impact the residential residents. The application complies with Council's liquor policy for Venue Size and Hours of Liquor Service and Council's policy for outdoor patios.

The time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community. The patio license agreement with an initial one year term and 11:00 p.m. closing time should address any potential problems with the patio.

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.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed the application and have no comment.

The Development Services Department: This application falls within the HA-1A Zoning District. The current approved use of this Heritage C building is retail and residential. The proposal for a "Neighbourhood Pub" at this location, would require a development permit application. The review process for this type of approval would involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, social and policing impacts and noise control. As well, this application would be reviewed in accordance with the provisions of the Neighbourhood Public House Guidelines adopted by City Council.

The Vancouver Fire Department has reviewed the application and the applicant is to insure that there is a current acceptable Occupant Load Permit for this premise prior to occupancy.

The Housing Department has reviewed the application and would like to point out that the proposed premises situated in a high residential area. There are more than 2,000 non-market housing units in the two blocks radius and close to 1,000 units are for seniors and families. Noise and alcohol abuses would be a concern.

The Social Planning Department (See above comments from the Housing Department)

The Central Area Planning Department has reviewed and support the application for a new Liquor Primary license at 135 Keefer Street. As you note, the proposal fits within the Liquor Licensing Policies & Guidelines for the area. It also fits well with our objectives of revitalizing Chinatown and increasing the amount of evening activity in the area.

The Heritage Planning Department has reviewed the application and advise that it is unlikely that the liquor primary establishment would have a significant impact on existing HRA and incentives approved. Once the applicant applies for a Development Permit, a review of the proposal including the consultation with the Legal Department and Real Estate Services will be carried out.

The Engineering Services Department has reviewed the application and have no objection to the application.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

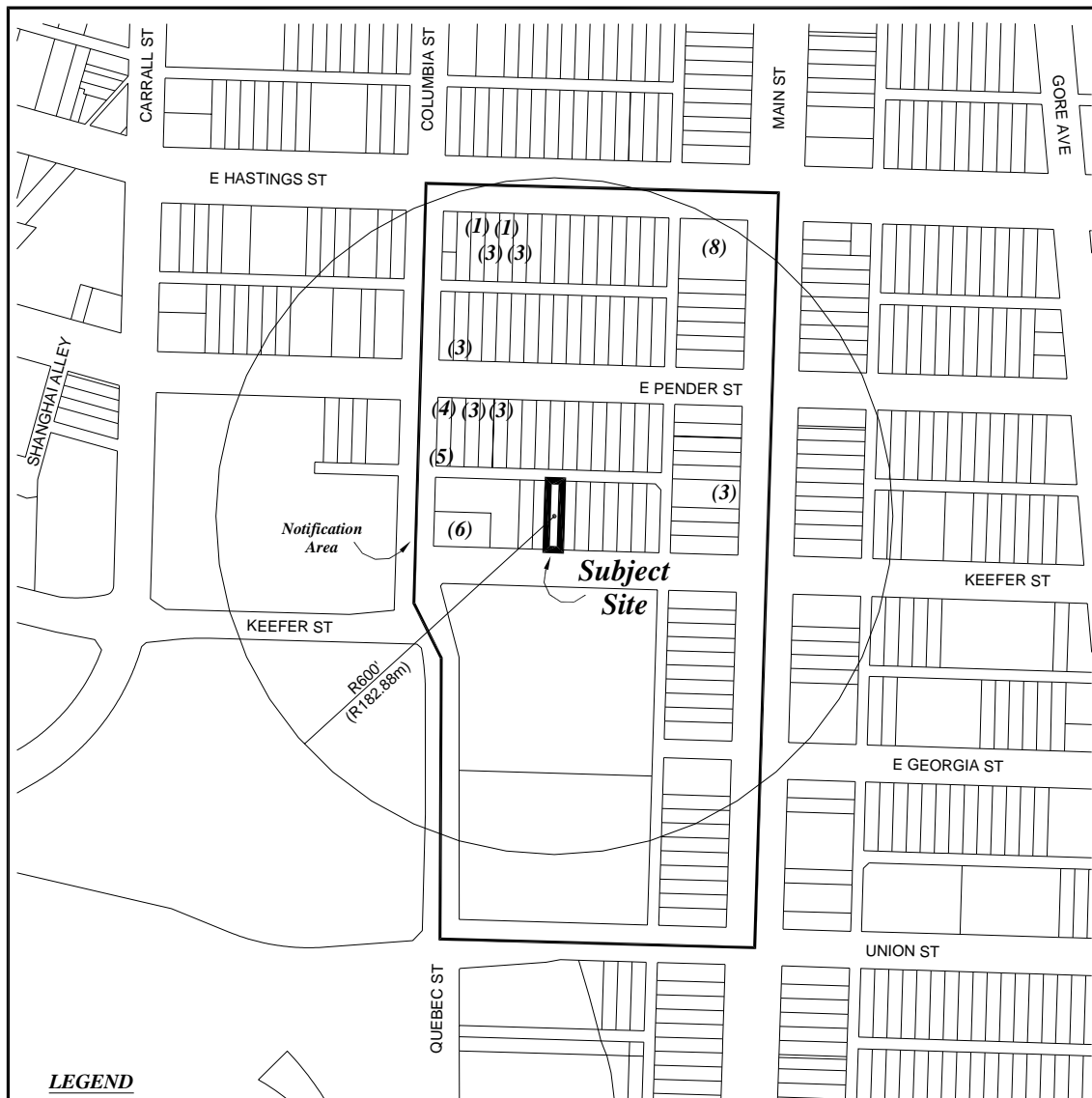
Person capacity and hours of operation: as outlined above.

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 traffic, noise, parking and zoning matters and have no concerns at this time. These matters will be considered further as part of the Development Permit process.

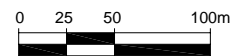
CONCLUSION

Staff are recommending Council endorse the applicant's request for a 60 person Liquor Primary liquor license with a 12 person patio subject to the conditions outlined in Recommendation A. This application meets current Council policy regarding size and distance from other establishments and the location and size of the establishment should limit any negative impacts in the surrounding community. The requirement for a Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area and the six month earlier closing time will provide an evaluation period for staff, VPD and the operator. Given the proposed patio location, the license agreement subject to terms, and 11:00 p.m. closing time, staff do not anticipate any significant impacts from the operation of this patio.



LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges- 160 & 122 E. Hastings St. {Regent Hotel Pub}
- (2) Government or Private Liquor Stores- N/A
- (3) Social/Private Clubs (If easily visible/distinguishable)-
 140 E. Hastings St. {Kong Chow Benevolent Society}
 164 E. Hastings St. {Quan Lung Sai Tong Association}
 123 E. Pender St. {Wong's Benevolent Society}
 124 E. Pender St. {Chinese Freeman's}
 160 E. Pender St. {Chin Wing Chun Society}
 537 Main St. {Chinese Benevolent Society}
- (4) Closest Residential Building/Units (Including Subject Site)- 100 E. Pender St. {New Sun Hotel}
- (5) Large Residential Developments - 490 Columbia St. {Columbia Block Housing Project [33 Tenants]}
- (6) Parks- Memorial Square
- (7) Churches- N/A
- (8) Other Social Facilities (Clinics, Rehabs, Hospitals, etc.)- 401 Main St. {Carnegie Community Centre}
- (9) Schools- N/A



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 1)
135 Keefer Street

map: 1 of 1

