



ADMINISTRATIVE REPORT

Report Date: May 19, 2009
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 08043
VanRIMS No.: 08-2000-20
Meeting Date: June 18, 2009

TO: Standing Committee on Planning and Environment

FROM: Chief License Inspector

SUBJECT: 330 West Georgia St - Black Stripe Enterprises Ltd.,
Liquor Primary Liquor License Application for an Increase in Person
Capacity and a Change to Existing Patio Seats (Food Primary seats) to
Liquor Primary Seats (Library Square Pub)

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 May 19, 2009, entitled "330 West Georgia St - Black Stripe Enterprises Ltd., Liquor Primary Liquor License Application for an Increase in Person Capacity and a Change to Existing Patio Seats (Food Primary seats) to Liquor Primary Seats", endorse the request by Black Stripe Enterprises Ltd. for an increase in person capacity for the Liquor Primary liquor license (License #301409 - Liquor Establishment Class 3) from 172 seats to 212 seats via the conversion of 40 existing restaurant seats (Food Primary liquor license) and the conversion of the existing patio restaurant seats (60 seats) to liquor primary seats (as determined by Vancouver Fire Officials) at 330 West Georgia Street (Library Square Pub), subject to:

- i. A maximum interior capacity of 212 persons;
- ii. An amendment to their existing Time Limited Development Permit;
- iii. The patio ceasing all liquor service and vacated by 11:00 p.m.;
- iv. A maximum capacity of 60 persons on the patio;
- v. No music permitted on the patio;
- vi. Signing a Good Neighbour Agreement with the City prior to the issuance of the revised business license; and
- vii. 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 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.

Outdoor patios on **private property adjacent to liquor primary establishments** require amendments to existing Liquor Primary liquor licenses that are 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

Black Stripe Enterprises Ltd. is requesting a Council resolution endorsing their application for an increase in person capacity to their existing Liquor Primary liquor license from 172 seats to 212 seats (Liquor Establishment - Class 3) due to the conversion of 40 existing restaurant seats (Food Primary liquor license) and the conversion of the existing patio restaurant seats (60 seats) to liquor primary seats (Library Square Pub) located at 330 West Georgia Street.

BACKGROUND

Site History

Black Stripe Enterprises Ltd. has been operating at this location since August 2005. There are currently a Food Primary and Liquor Primary (License #300488 and #301409, respectively) that function as "Library Square Pub". The conversion of the food primary seats (40 interior seats and 60 patio seats) to liquor primary seats is the subject of this report. By converting the Food Primary seats into Liquor Primary seats, the applicant feels they will be better able to manage the two areas (see Appendix B). The applicant also feels that this small increase in seating will have no impact on the local area as Library Square Pub is in the Downtown area which is made up of primarily commercial uses. Staff haven't had any issues with the operation of this establishment.

Application

The applicant is requesting a Council resolution endorsing their application for an increase in person capacity to their existing Liquor Primary liquor license from 172 seats to 212 seats (Liquor Establishment - Class 3) due to the conversion of 40 existing restaurant seats (Food Primary liquor license) and the conversion of the existing patio restaurant seats (60 seats) to liquor primary seats (Library Square Pub). The applicant proposes that the venue will continue to cater to their existing clientele. The applicant contends that food service shall remain an integral component of the pub (Liquor Establishment - Class 3) business.

The interior hours of operation will remain unchanged (9:00 a.m. to 2:00 a.m., Sunday to Thursday; 9:00 a.m. to 3:00 a.m., Friday and Saturday). The patio hours of operation will also remain unchanged (9:00 a.m. to 11:00 p.m., 7 days a week).

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

Branch regulations allow the licensing of liquor establishments with a Liquor Primary liquor licence and liquor service between the hours of 9:00 a.m. to 4:00 a.m., seven days a week. The liquor licence capacity for a new establishment is based on the building capacity for the premise as determined by local authority. Any amendments/changes to a liquor licence application is subject to local government support. The LCLB has no specific policy for patios.

Area Surrounding Premises

The subject site falls within a CD-1 (289) Comprehensive Development Zoning. The approved use of this space is a Neighbourhood Pub with Restaurant Class 1. The surrounding area is a mixture of residential, office, retail, hotel, restaurant, church, public library, recreational uses and other commercial uses (refer to Appendix A).

There is 1 Liquor Establishment Class 1 (Westin Grand Hotel Lounge - 40 seats), 1 Liquor Establishment Class 2 (Jimmy's Tap House - 84 seats), 1 Liquor Establishment Class 3 (Library Square Pub - 172 seats), 1 Liquor Establishment Class 7 (Greater Vancouver Media Association - Private Club - 100 seats), 1 Liquor Retail Store, 2 Venues (Queen Elizabeth Theatre - 1050 seats, The Centre for Performing Arts - 1435 seats) and approximately 3 licensed restaurants (including Library Square Pub/Restaurant) within the 650' radius survey area.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 500 notices in the survey area (see Appendix A). Two site signs were erected advising the community of the application and where to send concerns or comments. No responses were received regarding the application.

DISCUSSION

Policy Issues

The subject site is located in the Downtown Primarily Mixed-Use Area. 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 3). Therefore, the distancing policy between similar establishments does not become a factor for consideration.

The proposed conversion of the existing patio restaurant seats (60 seats) is not consistent with Council's policy for outdoor patios with respect to the permitted seating capacity. The policy states that outdoor seating for patios is limited to 20% of total seating capacity of the liquor primary establishment. For this application, policy would allow for a 42 seat patio but the applicant is requesting approval to convert the existing 60 patio seats to liquor primary seats. Staff generally support outdoor patio areas subject to comments from the neighbourhood. In this case, there are no concerns from the surrounding neighbourhood regarding the conversion of the existing restaurant patio seats to liquor primary seats. The existing time-limited development permit and 11:00 p.m. closing time should address any potential problems. There will be no change to the existing patio operation.

Hours of Operation

The hours of operation will remain unchanged. The interior hours of operation are 9:00 a.m. to 2:00 a.m., Sunday to Thursday; 9:00 a.m. to 3:00 a.m., Friday and Saturday. The patio hours of operation will also remain unchanged which are 9:00 a.m. to 11:00 p.m., 7 days a week.

Positive Proposal Aspects

The applicant contends the approval will have no impact on the local area as the conversion of the existing 40 (restaurant/food primary) interior seats and 60 restaurant patio seats is not significant. The applicant contends the approval will facilitate the resolution of the problem they are having with controlling the flow of patrons in the establishment between the Restaurant and Pub areas.

Very little is likely to change with respect to how the premise currently operates. Food service shall continue to be encouraged throughout the premise. Should Council support this 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 the food primary seats to liquor primary seats.

Finally, an amendment to the existing time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Negative Proposal Aspects

Staff feel that the capacity increase via the conversion of these existing food primary seats to liquor primary seats should not create additional noise and nuisances issues for the surrounding area.

Enforcement History

There are no enforcement issues for this establishment.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed the application and do not support the application to increase the number of Liquor Primary seats from 172 to 212. The Police support the present configuration of a 172 seat Liquor Primary and the 40 seat Food Primary restaurant with a patio. This is a good combination as it allows for a stronger food component and also families, which helps to mitigate the focus on the service of liquor only.

The Development Services Department has reviewed this application and confirm this is a CD-1 zoned site. DE 409014 approved the use of this space as a Neighbourhood Public House and the use is currently time limited to March 31, 2011. An amendment to the existing Development Permit is required to increase the number seats. It is noted that the hours of operation will not change.

The Vancouver Fire Department has reviewed this application and advise that on February 5, 2009 the application (FI406668) for an occupant load of 212 persons in the pub and 60 persons on the patio at 330 W. Georgia St., was reviewed and approved.

The Social Development Department has reviewed this application and would like to point out that although there are only four social housing buildings with a total of 253 units in the two blocks radius of this application, there are many market housing development in the immediate area.

The Central Area Planning Department has reviewed this application and staff advise that this restaurant and bar is in the central business district which is an area of the city where we can anticipate continuing interest in liquor primary licenses and one where commercial rather than residential is the primary use.

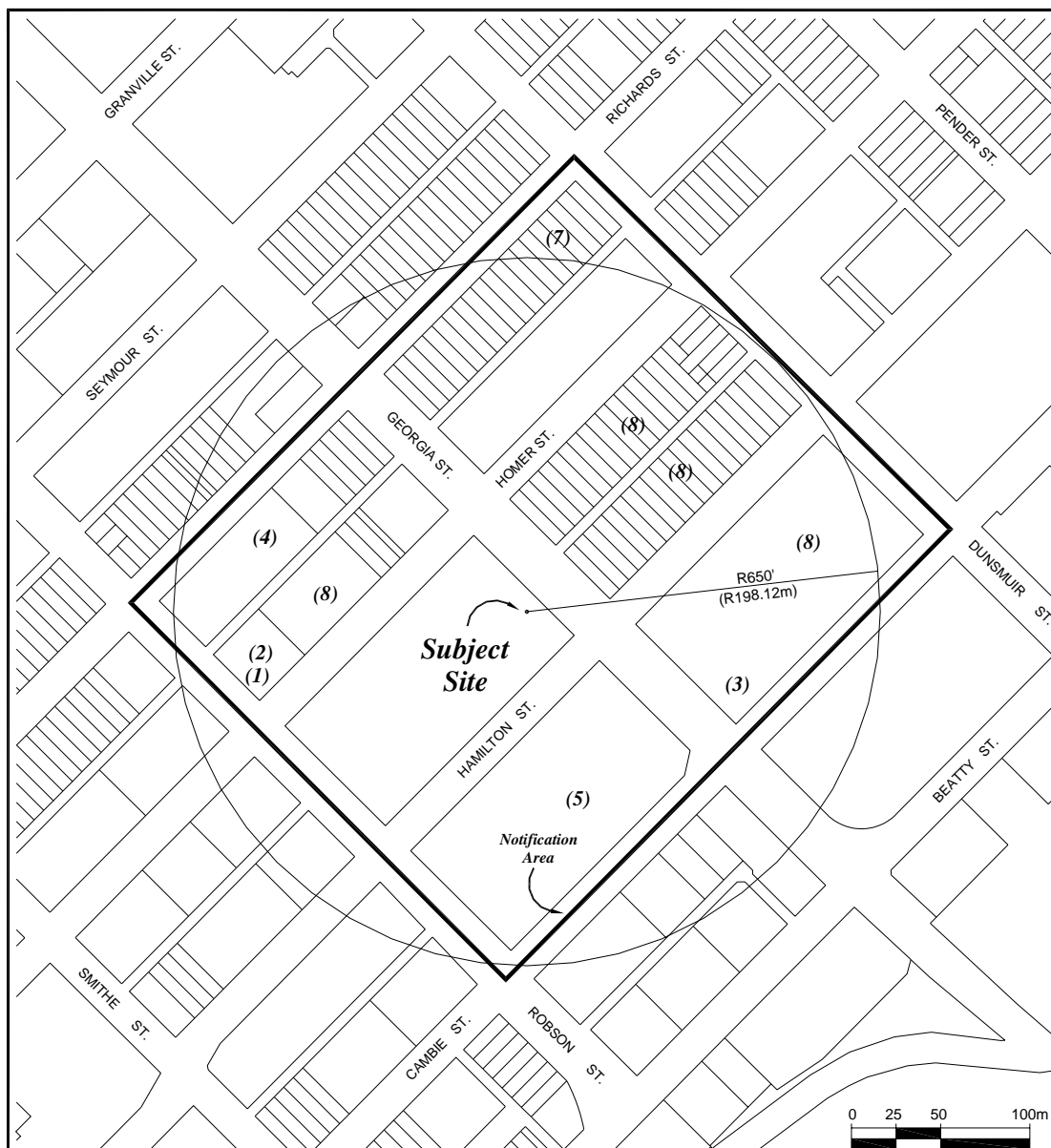
The Vancouver Public Library has reviewed this application and has provided comments (see Appendix C).

CONCLUSION

Staff are recommending Council endorse the applicant's request for a capacity increase from 172 seats to 212 seats via the conversion of 40 existing restaurant seats (food primary liquor license) and the conversion of the existing 60 patio restaurant seats to liquor primary seats at 330 West Georgia Street (Library Square Pub) subject to the conditions outlined in Recommendation A. Staff are generally not concerned with this size of the capacity increase request and there has been no enforcement issues with this establishment. By converting the Food Primary seats into Liquor Primary seats, the operator will be better able to manage the two areas more efficiently with respect to City By-laws and Provincial Liquor Regulations. Staff feel the requirement to amend their existing time-limited Development Permit (DE409014) will ensure the space operates in a manner conducive to the surrounding area.

Staff acknowledge that this application does not meet Council policy for outdoor patios (seating for patios is limited to 20% of total seating capacity of the liquor primary establishment - permitted 42 seat patio/proposed 60 seat patio), but given the patio is existing, the requirement for a time-limited Development Permit (1 year for patio), 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- 783 Homer St. {Jimmy's Tap House}, 433 Robson St. {Westin Grand Hotel}
- (2) Government or Private Liquor Stores- 433 Robson St. {Jimmy's Wine & Liquor Store}
- (3) Social/Private Clubs (If easily visible/distinguishable)- 695 Cambie St. {Van. Media Assoc.}
- (4) Closest Residential Building/Units (Including Subject Site)- 788 Richards St. {L' Hermitage}
- (5) Large Residential Developments- 788 Hamilton St. {TV Towers}, 700 Hamilton St. {CBC Building} (Both Under Construction)
- (6) Parks- N/A
- (7) Churches- {Holy Rosary Catholic Church}
- (8) Other Social Facilities (Clinics, Rehabs, Hospitals, etc.)- 349 W Georgia St. {Post Office}, 649 Cambie St. {Queen Elizabeth Theatre}, 777 Homer St. {Centre for the Performing Arts}
- (9) Schools- N/A

LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3)
330 West Georgia Street

map: 1 of 1

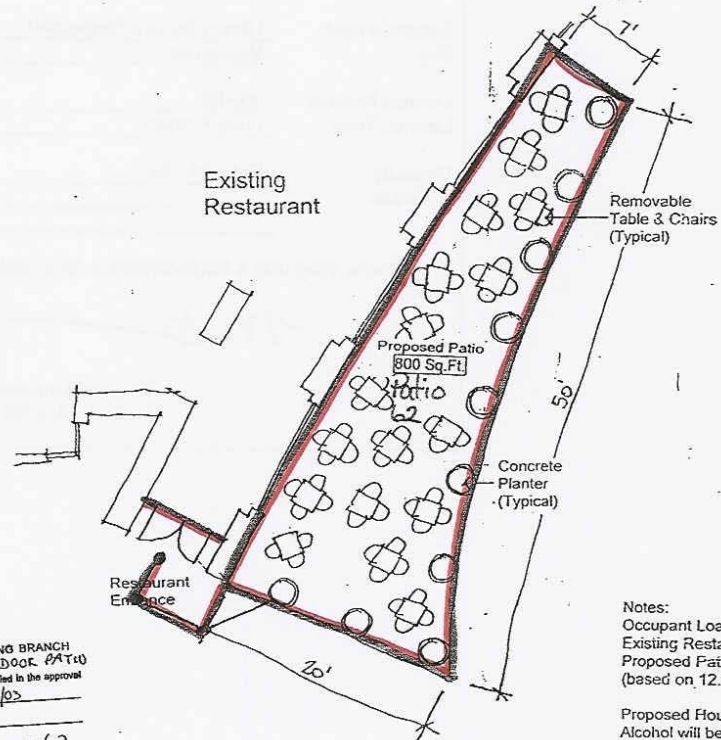


City of Vancouver - Licenses & Inspections

date: May, 2009

Construction Notes

1. These drawings are the exclusive property of Peter K. Chu Architect and may not be reproduced in whole or in part without the expressed written consent of Peter K. Chu Architect.
2. Ensure that all work shall be done in accordance with the British Columbia Building Code latest edition and City of Vancouver Building By-laws.
3. Contractor to confirm and verify dimensions on site prior to construction and be responsible for accuracy of same. The Contractor shall inform the Architect of all discrepancies for accuracy of same.
4. Drawings are not to be scaled.
5. Outdoor Furniture Specifications:
 Patio Seating: Colombo Chairs as supplied by Grosfillex.
 Finish to be "Charcoal Grey" Synthetic Metal.
 Patio Tables: "Bora Classic" Tables as supplied by Grosfillex.
 Finish to be "Charcoal Grey" Synthetic Metal.



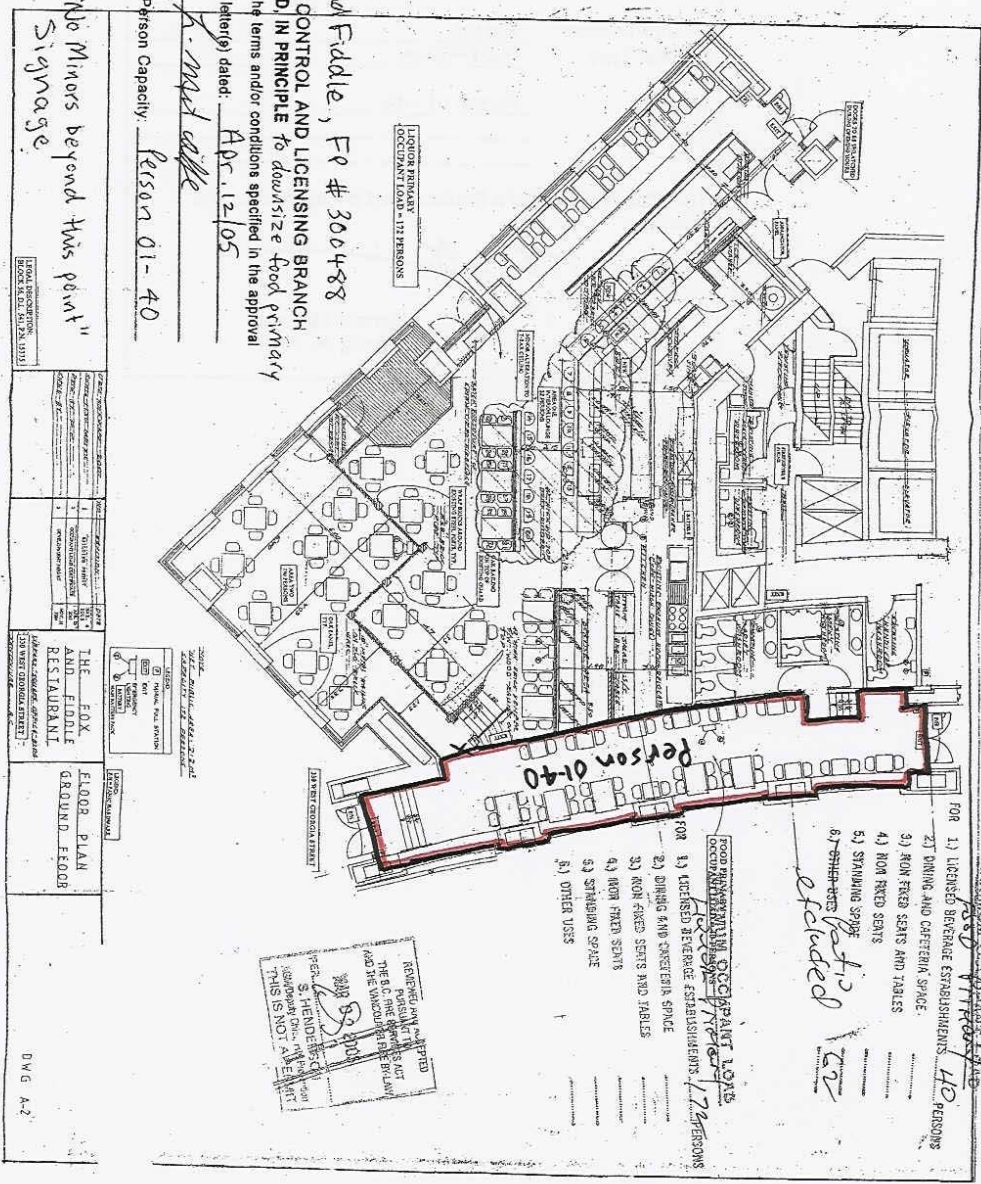
FP # 300488
 LIQUOR CONTROL AND LICENSING BRANCH
 APPROVED, IN PRINCIPLE FOR OUTDOOR PATIO
 Subject to the terms and/or conditions specified in the approval
 in principle letter(s) dated: July 23/02
 Authority: *A. [Signature]*
 Maximum Person Capacity: patio = 62

Notes:
 Occupant Load (Existing Restaur:
 Proposed Patio (based on 12.9 s
 Proposed Floors Alcohol will be se

Partial Ground Floor Plan
n.t.s.

LIQUOR CONTROL & LICENSING
RECEIVED
MAR 17 2005
VICTORIA BC
O/C

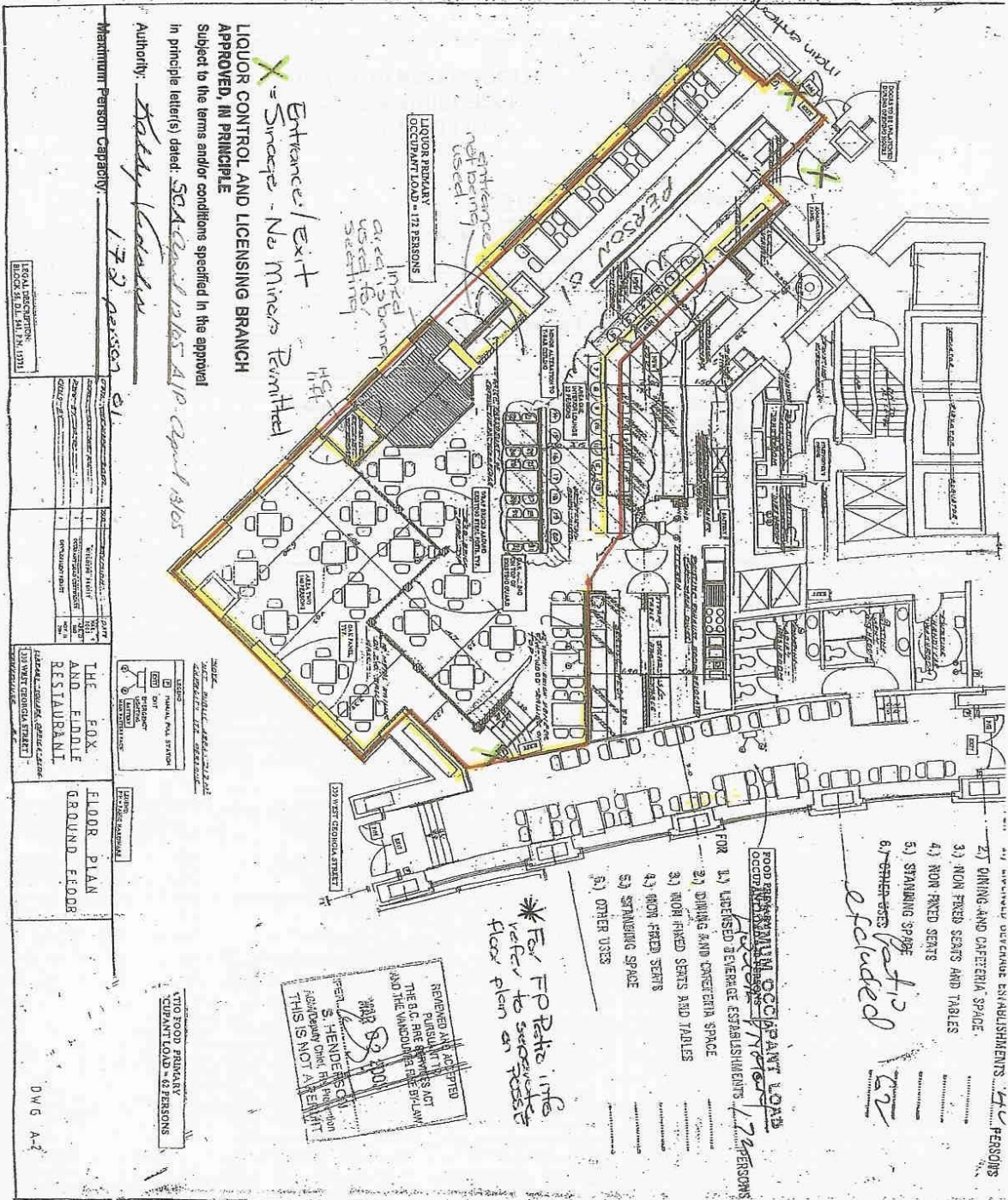
Fox and Fiddle, FR # 300488
LIQUOR CONTROL AND LICENSING BRANCH
APPROVED, IN PRINCIPLE to downsize food primary
Subject to the terms and/or conditions specified in the approval
In principle letter(s) dated: Apr. 12/05
Authority: A. Macdillie
Maximum Person Capacity: Person 01-40
X = "No Minors beyond this point"
Signage



REMOVED ANY APPROVED
THE FLOOR PLANS FOR
AND THE LIQUOR CONTROL
BRANCH
STANDARD
THIS IS NOT A
MAY 2005

DWG A-2

F1401676



Entrance/Exit X - Since No Mins Permitted
LIQUOR CONTROL AND LICENSING BRANCH
APPROVED, IN PRINCIPLE
Subject to the terms and/or conditions specified in the approval
in principle letter(s) dated: 5/24/2015 AIP 10011305
Authority: Sally K.../...
Maximum Person Capacity: 172 person

TOTAL OCCUPANCY LOAD	172 PERSONS
MAXIMUM PERSON CAPACITY	172 PERSONS

AREA	TYPE	LOAD
LIQUOR BARRAY	LIQUOR BARRAY	172 PERSONS
POOL TABLE	POOL TABLE	1 PERSON
DINING AND CATERING SPACE	DINING AND CATERING SPACE	...
NON FIXED SEATS AND TABLES	NON FIXED SEATS AND TABLES	...
NON FIXED SEATS	NON FIXED SEATS	...
STAIRING SPACE	STAIRING SPACE	...
OTHER USES	OTHER USES	...

REMOVED AND ACCEPTED
PURSUANT TO THE B.C. ARE BEING THE B.C. AND THE WINDOW...
S. HENDERSON
REMOVED CHILD FLOORING
THIS IS NOT A PERMIT

*For FP table info
refer to separate
floor plan at...

- 1) LICENSED BEVERAGE ESTABLISHMENTS 172 PERSONS
- 2) DINING AND CATERING SPACE
- 3) NON FIXED SEATS AND TABLES
- 4) NON FIXED SEATS
- 5) STAIRING SPACE
- 6) OTHER USES

DWG A-2

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Website: www.vpl.ca



Vancouver Public Library
Office of the Director of Central Library

June 1, 2009

Lucia Cumerlato
Licence Coordinator
Permits & Licences Department
453 West 12th Avenue
Vancouver BC V5Y 1V4

*Re: Notice of Application for an Amendment to the Existing Outdoor Patio and to Amend
the Interior Seating Capacity (Liquor Establishment Class 3 – Library Square Pub)*

Vancouver Public Library would like to comment on the application by Black Stripe Enterprises Ltd. for permission to increase the seating capacity of the existing Liquor Primary liquor licence #310409, particularly the conversion of existing patio restaurant seats (60 seats) to liquor primary seats at 330 West Georgia Street (Library Square Pub).

The Vancouver Public Library is a major city gathering place for families and children and is not in favour of this proposed change to the outdoor patio area of the Library Square Pub. The existing patio seating is located on the plaza very close to the library building and adjacent to one of the main entrances to the Library. We do not believe an outdoor liquor primary space is complementary to the Library. There have been noise complaints about the patio area in the past.

We hope you will take these comments into consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Shelagh Flaherty'.

Shelagh Flaherty
Director – Central Library