



ADMINISTRATIVE REPORT

Report Date: August 20, 2009
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VanRIMS No.: 08-2000-20
Meeting Date: September 10, 2009

TO: Standing Committee on City Services and Budgets
FROM: Chief Licence Inspector
SUBJECT: 918 Granville Street - LTH Vogue Holdings Ltd.
Liquor Primary Liquor Licence - Vogue Theatre

RECOMMENDATION

THAT Council, having considered the opinion of area residents and business operators of the community as determined by neighbourhood notifications, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in the Administrative Report dated August 20, 2009, entitled "918 Granville Street - LTH Vogue Holdings Ltd. - Liquor Primary Liquor Licence - Vogue Theatre", endorse the application by LTH Vogue Holdings Ltd. for a Liquor Primary liquor licence (Liquor Establishment Class 6 - Venue) at 918 Granville Street (Vogue Theatre) subject to:

- i. A maximum total capacity of 1281 persons for the Theatre (846 persons-main floor/435 persons-balcony);
- ii. Hours of operation limited to 10 am to midnight, seven days a week and a further limitation that liquor service begin no sooner than 60 minutes prior to an event and end no later than 60 minutes after an event(liquor service permitted during the event);
- iii. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- iv. The signing of a Good Neighbour Agreement prior to the issuance of a business licence; and
- v. Liquor service only served in conjunction with pre-booked events.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

Council policy requires new Liquor Primary liquor licences 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 Bylaw 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

LTH Vogue Holdings Ltd. is requesting a Council resolution endorsing their application for 1,281 seat Liquor Primary liquor licence (Liquor Establishment Class 6 - Venue) at the Vogue Theatre located at 918 Granville Street.

BACKGROUND

Site History

This site held a previous Liquor Primary liquor licence for 680 seats since 1992 which expired when the new owners (the applicant) took possession of the building in January 2006. Staff note that the previous liquor licence had conditions that limited the availability and service of liquor on the premise to the lobby area and liquor could only be sold in conjunction with performances for a limited period of time. Staff had few issues with the operation of the previous Vogue Theatre liquor licence under those restrictions. Generally, the few problems that did occur over the years were directly related to the type of act and the clientele attending the show. The Vogue is a long standing important cultural venue in the City of Vancouver, not to mention the important heritage feature. The preservation of the theatre and ongoing cultural use is very important.

At the March 13, 2008 Council meeting, staff presented an application to increase the liquor primary seats at 918 Granville Street through the redevelopment of the Vogue Theatre as a "supper club". At the meeting, staff recommended that Council not endorse the proposed Liquor Primary liquor licence application. Council deferred its decision for 60 days and directed staff to provide additional background information on the proposal.

At the May 22, 2008, Council meeting, staff reported back with a memorandum dated May 6, 2008, from the Chief Licence Inspector. Council voted to support staff recommendation not to endorse the proposed liquor application for the Vogue Theatre at 918 Granville Street.

Application

The applicant is proposing to establish a 1281 seat Liquor Primary liquor licence (Venue) in the Vogue Theatre which will be used in conjunction with events only and will cater to "live performances". Hours of operation will be 10 am to midnight, seven days a week. Minors will be permitted within the licensed areas during those times when liquor is available to adults, unless the focus of the entertainment is adult-orientated. Hours of liquor service is limited to one hour before, during and one hour after a qualifying event and may not occur after midnight and not to exceed 10 am to midnight. The applicant is proposing to have live music performances (which they currently have), singing, dancing, and acting or comedy events occurring on the theatre stage. The applicant is also proposing to accommodate conventions, such as annual conferences of professional organizations or conferences related to particular topics such as climate change, governance, educational, scientific or security where the primary focus is on presentations by live speakers. The theatre will also be available to registered non-profit groups for arts, culture and social events. Staff prefer to have this building continue to function as a theatre. The liquor licence is needed to provide revenue to support retaining the theatre function of the building.

The applicant is proposing some interior alterations which include adding new stalls to the woman's washrooms. Exterior work will include the restoration of the existing neon sign, new windows and painting of the building.

The seating in the theatre is fixed seats which include 846 seats on the main floor and 435 seats in the balcony (refer to Appendix B).

It should be noted that the applicant has a positive track record operating successful venues in other cities in the past. They have operated the Hospitality Inn in Port Alberni and the Piccadilly Hotel, the Inverness Hotel and the Bombay Bicycle Club in Vancouver.

In Whistler, since 1981 they have operated the 500 seat Longhorn Saloon and Buffalo Bills for 11 years. They have a new 666 seat establishment in London Ontario and a 1300 seat venue in Hamilton.

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 licences. The liquor licence capacity for a new establishment is based on the building capacity for the premise as determined by the local authority. Any new liquor licence application is subject to local government support.

Area Surrounding Premises

The subject premise is located in the Downtown (DD) District. The surrounding area is a mixture of residential, retail, restaurants, hotels, neighbourhood pubs, cabarets, social centre and other commercial uses (refer to Appendix A).

There is one Liquor Establishment Class 1 (38 seats), five Liquor Establishment Class 2 (553 seats), 10 Liquor Establishment Class 3 (2244 seats), two Liquor Establishment Class 4 (806 seats), one Liquor Establishment Class 5 (900 seats), one Liquor Establishment Class 7 (325 seats), two venues (1360 seats) within the 1000' radius of the subject site (6226 total liquor seats). Also, one Specialty Wine Store and approximately 42 licensed restaurants within the area.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 800 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. One email (from within the notification area) and one telephone call (from within the notification area) were received in support of the application. Three emails (from within the notification area) and one telephone call (from within the notification area) were received opposing the request.

The respondents in support of the applicant felt that the proposed application would benefit the area and provide a much needed venue for theatre and live music performances. Those opposing the request were most concerned about increased noise and nuisances to the area. There was also a feeling that there are already enough liquor licences in the area.

DISCUSSION

Policy

The only policy issue which relates to this application is the Council approved liquor policy for Business Premises Regulation of Hours By-law for the area which implements the Hours of Liquor Service for liquor primary establishments. The standard hours for this area under the policy are 11 am to 2 am, seven days a week. The applicant has requested an earlier opening time of 10 am, seven days a week in order to accommodate the occasional earlier event. Generally staff are supportive of earlier opening times as they do not result in enforcement issues or concerns. Staff feel that restricting liquor service to events only should mitigate potential impacts on the community.

Affirmative Proposal Aspects

There are few negative issues/complaints with liquor licences in venues of this type (Queen Elizabeth Theatre, Stanley Theatre and Ford Theatre). This application differs somewhat from these other venues because liquor service will be provided in the seating area of the theatre. International Film Festival Society holds a Liquor Primary liquor licence which allows liquor service in the seating area of their theatre. No issues/complaints have been received with respect to the operation of the International Film Festival Society.

Staff are recommending that the endorsement, include a condition limiting alcohol service to begin no sooner than 60 minutes prior to an event and end no later 60 minutes after the event. This condition should reduce the potential for the facility to run as a bar/nightclub. Staff envision few issues with events run by the applicant that are in keeping with the approved Theatre use (i.e.: a drink while watching a performance or discussing the performance afterward). Liquor service within this context could be considered being an amenity to the facility.

The size of the facility raises some concern with staff but the use and size of theatre are already approved and the added liquor service as an amenity (as described above) should not increase the negative impacts on the surrounding community.

Over the last few years, the applicant has been applying for "Special Occasion Licence" through the Liquor Distribution Branch in order to serve liquor for certain events held in this venue. There were a few noise complaints received from residents of a neighbouring condominium which were addressed by the applicant. Liquor service has been and will continue to be an additional amenity for the patrons.

The Good Neighbour Agreement and a condition that liquor will only be served in conjunction with pre-booked and by invitation only events will help to ensure minimal impacts on the community.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department support this application and recommends that the building continue to operate as a theater for live performances and culture/arts events. (i.e. Vancouver International Film Festival) The VPD does not support this venue showing live sporting events (i.e. Canucks games or UFC events). We are supportive of liquor service ceasing at midnight.

The Development Services Department has reviewed the application and note that the site at 918 Granville Street is located in Sub-Area K1 of the Downtown District (DD). The building is identified on the Heritage Register as a Heritage 'A' building and this property is recognized by the Federal Government as a National Historic site. The existing "Theatre" use is permitted in this zone. As there is no proposed change to the land use of this site, the Processing Centre - Development, in Development Services, has no further comments regarding this application.

The Vancouver Fire Department has reviewed the application and approved an Occupant Load for 846 persons on the main floor and 435 persons on the balcony for the Vogue Theatre located at 918 Granville Street. Fire Permit FI406804 has been issued supporting the occupant load.

The Social Development Department support this application.

The Central Area Planning Department support this application. It is much more preferable to have this building to continue to function as a theatre. Clearly, the liquor licence is needed to provide revenue to support retaining the theatre function of the building.

The Office of Cultural Services support this application. We also support the liquor licence be expanded to include use in conjunction with non-profit arts, culture and social activities as well as the addition of "visual and media arts" to the current delineation of music, dance and theatre events. This would enable activities such as the Vancouver International Film Festival or LIVE Biennale (performance art) to take advantage of the facility.

We commend the owner for undertaking the required capital upgrades to the theatre for both its long term maintenance and audience comfort and encourage them to consult with the non profit arts and culture community to ensure such upgrades enhance the functionality of the theatre for arts and culture use. The Vogue is a long standing important cultural venue in the city of Vancouver, not to mention important heritage feature, and we welcome and encourage its preservation and ongoing cultural use.

The Heritage Planning Department has reviewed the application and support the proposal.

In order to assist this owner with securing events, we support the liquor licence extending to include any arts/culture/social (social including environmental, educational, scientific, etc) use by a registered non profit.

Lastly, we are not imposing any conservation work as a consequence of supporting the liquor licence application.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Person capacity and hours of operation: as outlined above.

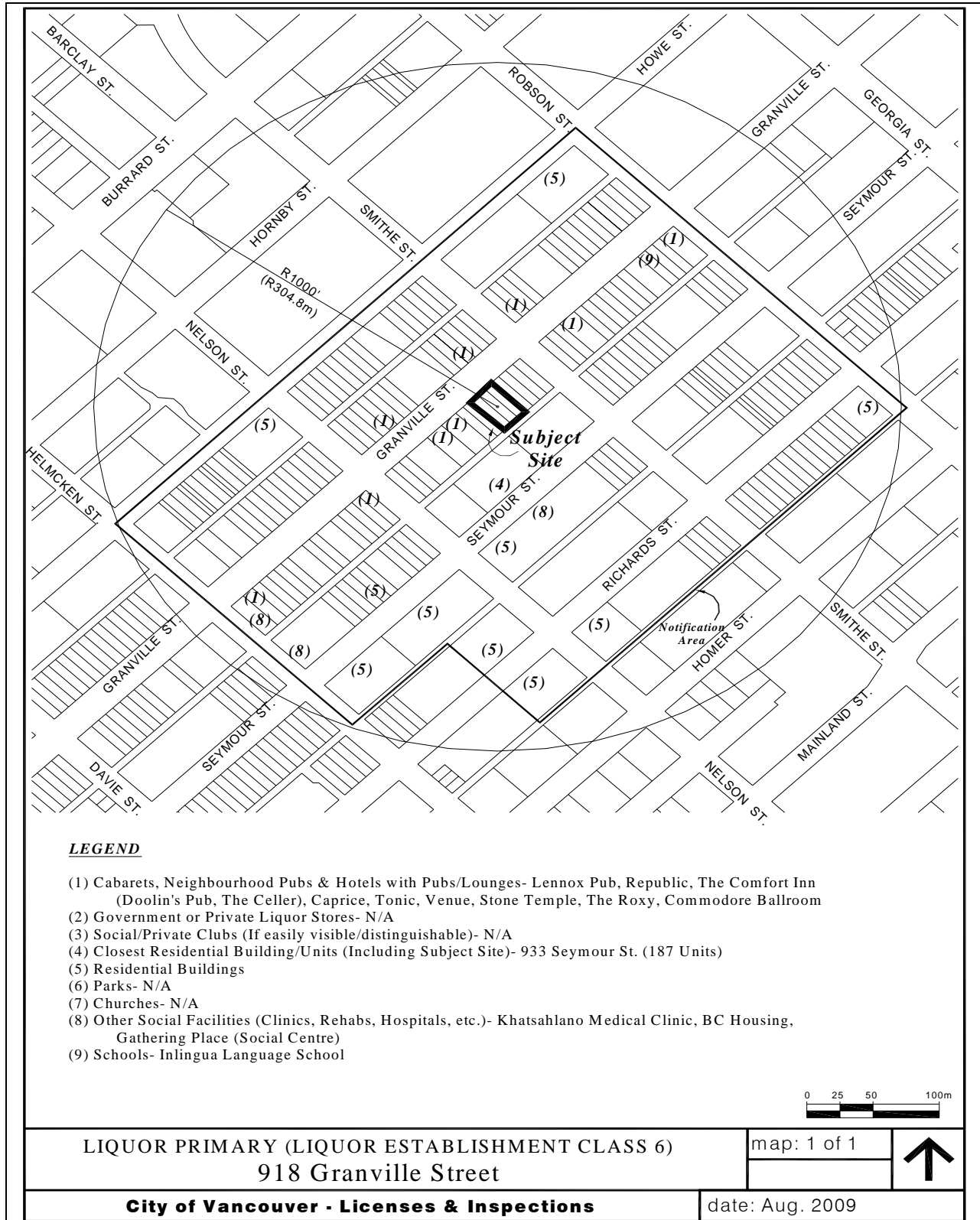
Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

Traffic, noise, parking and zoning: staff have considered traffic, noise, parking and zoning matters and have no concerns at this time.

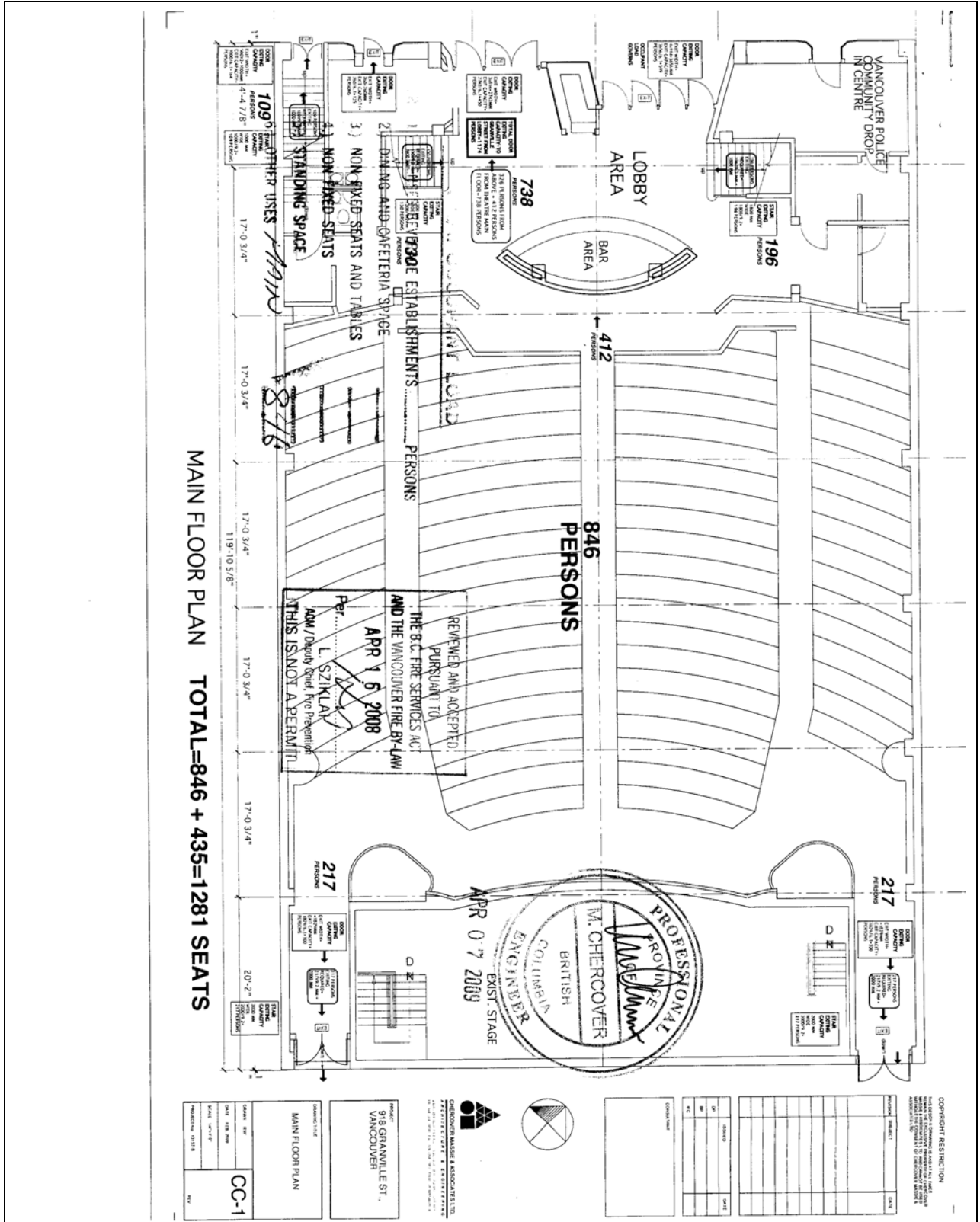
CONCLUSION

Staff recommend Council endorse the applicant's request for a Liquor Primary liquor licence for their theatre venue, subject to the limiting conditions. Staff experience generally shows that liquor service in these venues is an amenity for patrons and not the primary focus of the business. Staff feel it is much more preferable to have this building continue to function as a theatre. Clearly, the liquor licence is needed to provide revenue to support retaining the theatre function of the building. The Vogue is a long standing important cultural venue in the city of Vancouver, not to mention an important heritage feature, and we welcome and encourage its preservation and ongoing cultural use.

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