



ADMINISTRATIVE REPORT

Report Date: October 21, 2009
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VanRIMS No.: 08-2000-20
Meeting Date: November 19, 2009

TO: Standing Committee on City Services and Budget
FROM: Chief Licence Inspector
SUBJECT: 507 Burrard Street - Joeys Restaurant (Bentall One) Inc.,
Liquor Primary Liquor Licence Application Joeys Grill (Lounge)

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 October 21, 2009, entitled "507 Burrard Street - Joeys Restaurant (Bentall One) Inc., Liquor Primary Liquor Licence Application Joeys Grill(Lounge)", endorse the request by Joeys Restaurant (Bentall One) Inc., for a 73 seat Liquor Primary liquor licence (Liquor Establishment Class 2) in conjunction with the existing Food Primary Liquor Licence (Licence #303257) at 507 Burrard Street (Joeys Restaurant), subject to:
- i. A maximum capacity of 73 persons;
 - ii. Signing a Good Neighbour Agreement with the City prior to the issuance of the revised business licence;
 - iii. A Time-limited Development Permit; and
 - iv. Standard hours of operation for the first six months are limited to 11 am to 2 am, seven days a week; after which time the Extended hours of operation may be considered which are limited to 9 am to 3 am, seven days a week.

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 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, Joeys Restaurant (Bentall One) Inc., is requesting a Council resolution endorsing their application for a 73 seat Liquor Primary liquor licence (Liquor Establishment Class 2) via the conversion of seats from the existing 325 Food Primary liquor licence seats at Joeys Restaurant located at 507 Burrard Street. The applicant is requesting standard hours of operation from 11 am to 2 am, 7 days a week.

BACKGROUND

Site History

Joeys Restaurant (Bentall One) Inc. has been in operation since December 2008 as a Restaurant Class 1 with a Food Primary liquor licence. The existing restaurant hours of operation are 9 am to midnight, seven days a week. The proposal is to convert 73 of the existing 325 Food Primary licensed seats to Liquor Primary.

Currently, there are two other Joey locations operating in the city under a Food Primary liquor licence. They are located at 1424 West Broadway and 820 Burrard Street.

Application

The applicant is requesting a Council resolution endorsing their application for a 73 seat Liquor Primary liquor licence (Liquor Establishment Class 2) via the conversion of seats from the existing 325 seat Food Primary liquor licence at 507 Burrard Street (see Appendix B).

The requested hours of operation for the liquor primary are 11 am to 2 am (standard hours), seven days a week.

Due to the location of the premises, the applicant primarily caters to business professional clientele who work in the area and tourists visiting Vancouver. The applicant proposes that the operation of the venue will cater to those customers looking for an upscale option for lunch or dinner.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

Branch regulations allow liquor service between the hours of 9 am to 4 am 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. All previous Branch policy has been eliminated.

Area Surrounding Premises

The subject site is located in Downtown District (DD) Zoning District and for the purposes of liquor policy, it is considered to be located in the Downtown Primarily Commercial Area. The surrounding area is a mixture of retail, office, neighbourhood pubs, restaurants, residential, hotels, and other commercial uses.

There is one Liquor Establishment Class 1 (55 seats), three Liquor Establishment Class 3 (637 total seats) and two Liquor Establishment Class 7 (1470 total seats) located within an 800' radius of the subject site. Also, there are 21 licensed restaurants within the area which hold Food Primary liquor licences.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 200 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.

No responses were received from residents and businesses within the notification area and surrounding areas.

DISCUSSION

Policy Issues

The subject site is located in the Downtown Primarily Commercial Use Area. The proposed Liquor Establishment Class 2 venue is greater than 100 metres away from another Liquor Establishment Class 2 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. The applicant contends to provide upscale food and beverage service in a unique lounge style environment.

Hours of Operation

The hours of operation requested for the Liquor Primary liquor licence is 11 am to 2 am, seven days a week which are within the parameters of the Standard hours permitted in the Downtown Primarily Commercial Area.

Positive Application Attributes

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 the Liquor Primary 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.

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

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

As well, a time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Negative Application Attributes

There is a strong possibility that the proposed Liquor Primary liquor licence may increase street related nuisance activity for area residents and business operators. Strong management and sound operational practices should limit this type of activity from having a negative impact on the surrounding community.

Enforcement History

The applicant has no enforcement history.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed and has no issue with the application. The VPD note that this location has been part of Restaurant Watch since it opened last year and a Liquor Primary would be rolled into that agreement as is the case for several other combined food primary/liquor primary locations. The VPD would require that staff receive a refresher on the program in regards to undesirables in a bar atmosphere versus a restaurant.

The Development Services Department has reviewed this application and notes that this application falls within Sub-area 'A' of the Downtown Official Development Plan. The approved use of this building is Office, Retail, and Restaurant.

The land use designation for this Liquor Primary - Lounge proposal is "Neighbourhood Pub" which will require a development permit application. The review process for this type of approval will 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 will be reviewed in accordance with the provisions of the Neighbourhood Public House Guidelines adopted by City Council.

The Vancouver Fire Department has reviewed this application and has no issue as long as no structural renovations are being done and the occupant load is limited to 73 persons.

The Social Development Department has reviewed this application and has no comments at this time.

The Central Area Planning Department has reviewed this application and has no comments at this time.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Person capacity and hours of operation: as outlined above.

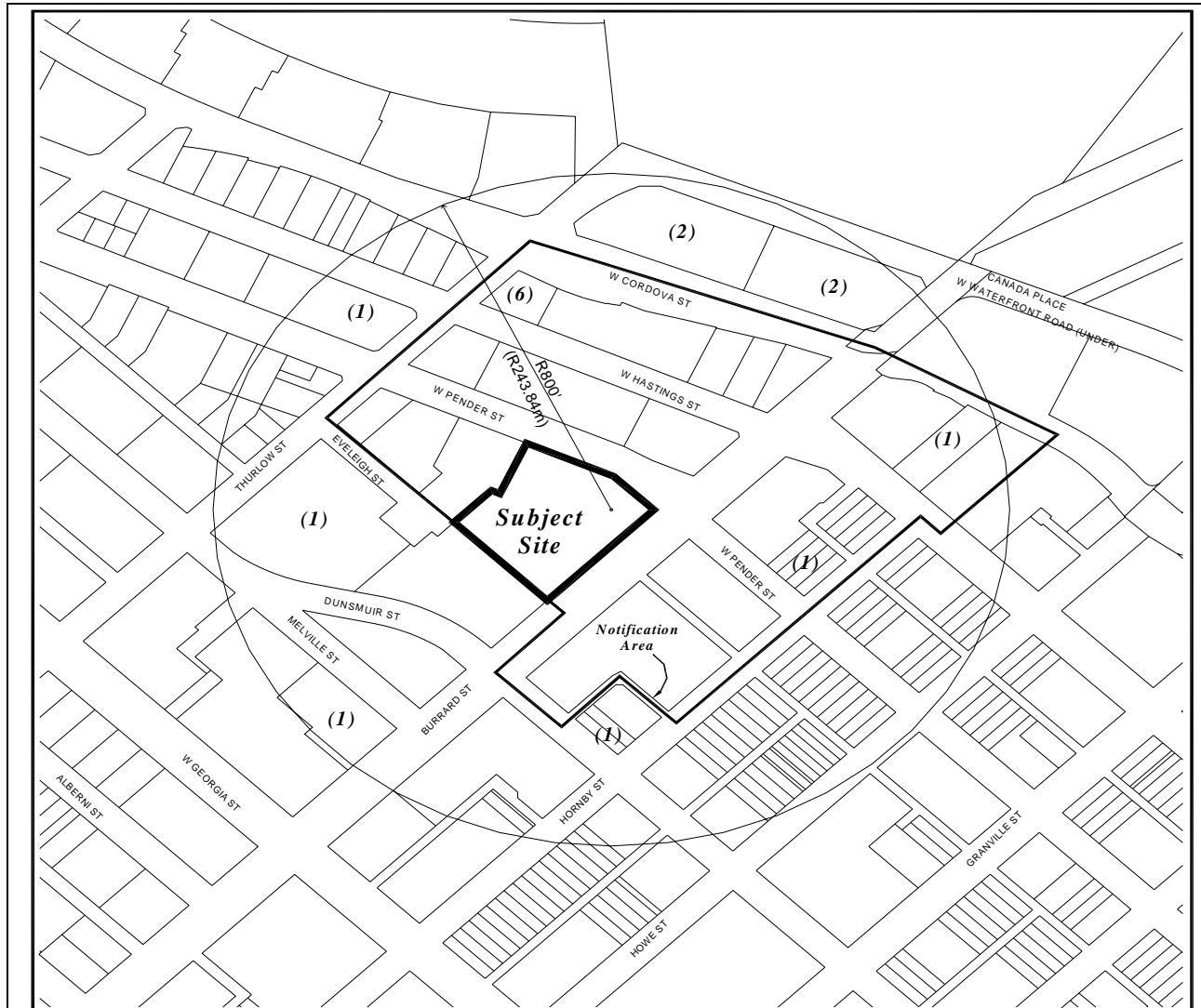
Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

Traffic, noise, parking and zoning: staff have considered traffic, noise, parking and zoning matters. Staff have no concerns with traffic and zoning at this time. The zoning is Downtown which considers "lounge" use a "conditional" use within this zone. The traffic and zoning matters will be considered further as part of the Development Permit process.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 73 seat Liquor Primary (Liquor Establishment Class 2) liquor licence subject to the conditions outlined in Recommendation A. The location of the establishment should limit any negative impacts in the surrounding community.

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LEGEND

- (1) Cabarets, Neighbourhood Pubs, Hotels with Pubs/Lounges & Clubs - {Vancouver Club}, {Bentall Centre Athletic Club}, {Vancouver Marriott Pinnacle Hotel}, {Hyatt Regency Vancouver Hotel}, {Smiley O'Neill's Pub}, {Brandi's Show Lounge}
- (2) Residential Buildings - {Shaw Tower}, {Fairmont Pacific Rim Estates}
- (3) Social Housing - {N/A}
- (4) Social Facilities - {N/A}
- (5) Government or Private Liquor Stores - {N/A}
- (6) Parks
- (7) Churches - {N/A}
- (8) Schools - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2)
507 Burrard Street

map: 1 of 1



