



ADMINISTRATIVE REPORT

Report Date: November 6, 2009
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 08446
VanRIMS No.: 08-2000-20
Meeting Date: December 3, 2009

TO: Standing Committee on Planning and Environment

FROM: Chief Licence Inspector

SUBJECT: 1038 Canada Place - 299 Burrard Management Ltd.,
Liquor Primary Liquor Licence Application - Hotel Lounge
Fairmont Pacific Rim Hotel

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by site sign, noise impacts and relevant Council policy as outlined in this Administrative Report dated November 6, 2009, entitled "1038 Canada Place - 299 Burrard Management Ltd., Liquor Primary Liquor Licence Application - Hotel Lounge", endorse the request by 299 Burrard Management Ltd. for a Liquor Primary liquor licence (Liquor Establishment Class 1 - Hotel Lounge) at 1038 Canada Place (Fairmont Pacific Rim Hotel) subject to:

- i. 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;
- ii. A maximum total capacity of 36 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 licence issuance;
- v. A Time-limited Development Permit; and
- vi. Food service to be provided while the establishment is operating.

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

299 Burrard Management Ltd. is requesting a Council resolution endorsing their application for a 36 seat Liquor Primary liquor licence (hotel lounge) at the Fairmont Pacific Rim Hotel located at 1038 Canada Place. The applicant is also requesting a mini bar endorsement from the Liquor Control and Licensing Branch which can only be granted with a liquor primary liquor licence. Mini bars are considered a special condition that can be provided in establishments offering overnight accommodation.

BACKGROUND

Site History

The proposed location of this Liquor Primary liquor licence (hotel lounge) will be located inside the new Fairmont Pacific Rim Hotel which is a very upscale hotel providing food and beverage service, hotel accommodation rooms, spa and convention facilities situated in the Downtown Primarily Commercial Area. The Fairmont Pacific Rim Hotel is due to open in January 2010. The area surrounding this hotel includes many local shops, offices, restaurants, park, hotels, residential buildings and the Vancouver Trade and Convention Centre.

The applicant, 299 Burrard Management Ltd. has decided that in order to better serve the guests of the hotel they would like to have both a food primary licence (restaurant) and a liquor primary licence (hotel lounge). The applicant is also applying for a mini bar endorsement on the liquor primary licence in order to have mini bars in the guest rooms.

This application for a 36 person total capacity Liquor Primary liquor licence will cover the hotel lounge. In addition to the hotel-tourist clientele, the patronage of local residents, businesses travellers and the business community working in the surrounding offices and area will form part of the customer base.

Application

The applicant is requesting a Council resolution endorsing their application for a 36 persons total capacity Liquor Primary liquor licence (Liquor Establishment Class 1 - Hotel Lounge). The proposed hours of operation for the liquor primary (lounge) are 9 am to 2 am, seven days a week.

The proposed licensed area will be enclosed within the hotel and will be accessible directly off the hotel lobby (refer to Appendix B). The lounge is designed to provide an upscale, interesting and inviting atmosphere, an area for hotel guests to unwind and socialize. The lounge will operate similar to other hotel lobby lounges in Vancouver such as those at the Four Seasons Hotel, Fairmont Waterfront Hotel, Pan Pacific Hotel, Fairmont Hotel Vancouver and Shangri-La Hotel. The entertainment provided will be piano background music. This hotel lobby lounge will provide upscale food and beverage service in an adult environment.

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 new liquor licence application is subject to local government support. Mini bar endorsement is only permitted with a liquor primary liquor licence and in establishments offering overnight accommodation.

Area Surrounding Premises

The subject site falls within a CD-1 (363) Comprehensive Development Zoning. The approved use of this building is hotel, office live-work, retail and restaurant and is located at the corner of Burrard and West Cordova Streets. The surrounding area is a mixture of office, retail, restaurant, hotel, park and commercial uses (refer to Appendix A).

There is one Liquor Establishment Class 2 (Fairmont Waterfront Hotel Lounge - 95 seats) and one Liquor Establishment Class 7 (Vancouver Club - Private Club - 1440 seats) and approximately six licensed restaurants within the 500' radius survey area.

RESULTS OF NOTIFICATION

A site sign was erected on the site advising the area residents and businesses of the application and where to send concerns or comments. Staff allowed three weeks for the community to respond with concerns or support for the application. There have been no responses to the site sign.

Staff felt it was not necessary to conduct a neighbourhood notification for this application due to the small number of liquor seats being requested and the lounge being located in an upscale hotel. Lounges associated with hotels of this size generally do not create significant negative issues for area residents and business operators. Staff support this type of Liquor Primary hotel lounge which opens directly into the hotel lobby without a primary exit to the street. The application complies with Council's liquor policy for venue size and location, and hours of liquor service.

DISCUSSION

Policy Issues

The subject site is located in the Downtown Primarily Commercial Area. New liquor establishments of the smaller type (Class 1) within the Downtown District would not be restricted by location, but must maintain a 50 metre distancing requirement from another Liquor Establishment Class 1 venue. Since there are no liquor establishments in this class

within the 50 metres of the site, the proposed establishment complies with Council's liquor policy for venue size and location.

Hours of Operation

The applicant is requesting hours of operation within the parameters of the Extended Hours permitted in the Downtown Primarily Commercial-Use area. Maximum permitted extended hours for the area are 9 am to 3 am, seven days a week. The applicant has requested hours of operation from 9:00 a.m. to 2:00 a.m., 7 days a week. The applicant will be required to operate within the Standard Hours of operation for the first six months which are limited to 11 am to 2 am, seven days a week; after which time the applicants requested hours of operation may be considered.

Positive Proposal Aspects

Small liquor establishments of this size generally do not create significant negative issues for area residents and business operators. Staff support this type of Liquor Primary hotel lounge which opens directly into the hotel lobby without a primary exit to the street. The application complies with Council's liquor policy for venue size and location, and hours of liquor service.

Negative Proposal Aspects

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, although small lobby-style Liquor Primary establishments generally do not create neighbourhood impacts. 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.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed the application and has no concerns with this application.

The Development Services Department has reviewed the application and notes that this site is located in a CD-1(363) zone. On September 14, 2006, the Development Permit Board approved DE409730 to develop this site with a 46-storey mixed use Commercial/General Office Live-Work/Hotel building. The plans for the hotel include a lounge area on the ground level. A lounge area operating in conjunction with a hotel, is considered a customarily ancillary use. As the introduction of a 36 seat liquor primary licence does change the land use, we have no further comments at this time.

The Vancouver Fire Department has reviewed the application and approved an Occupant Load for a 36 persons hotel lounge.

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

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

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Person capacity and hours of operation: as outlined above.

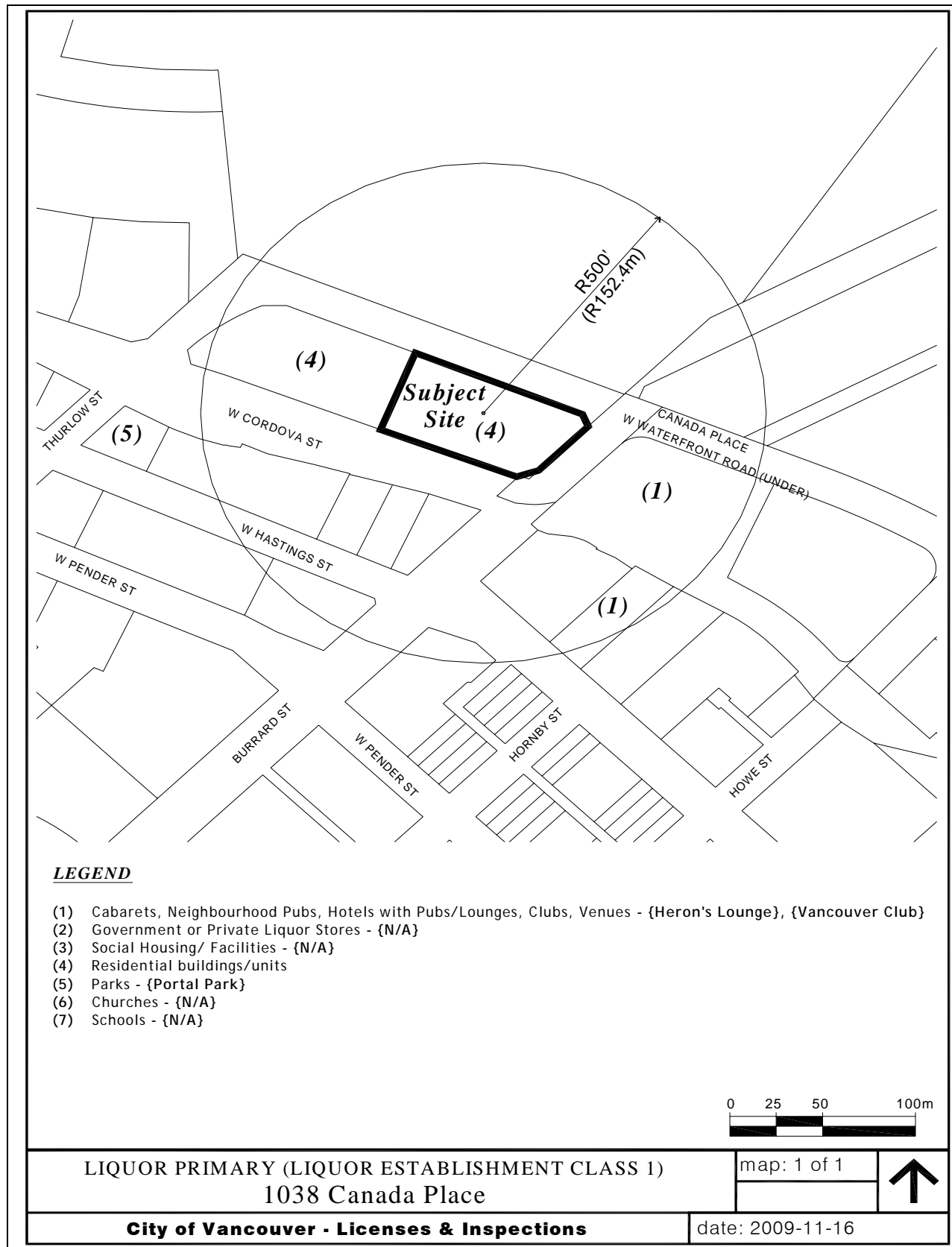
Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

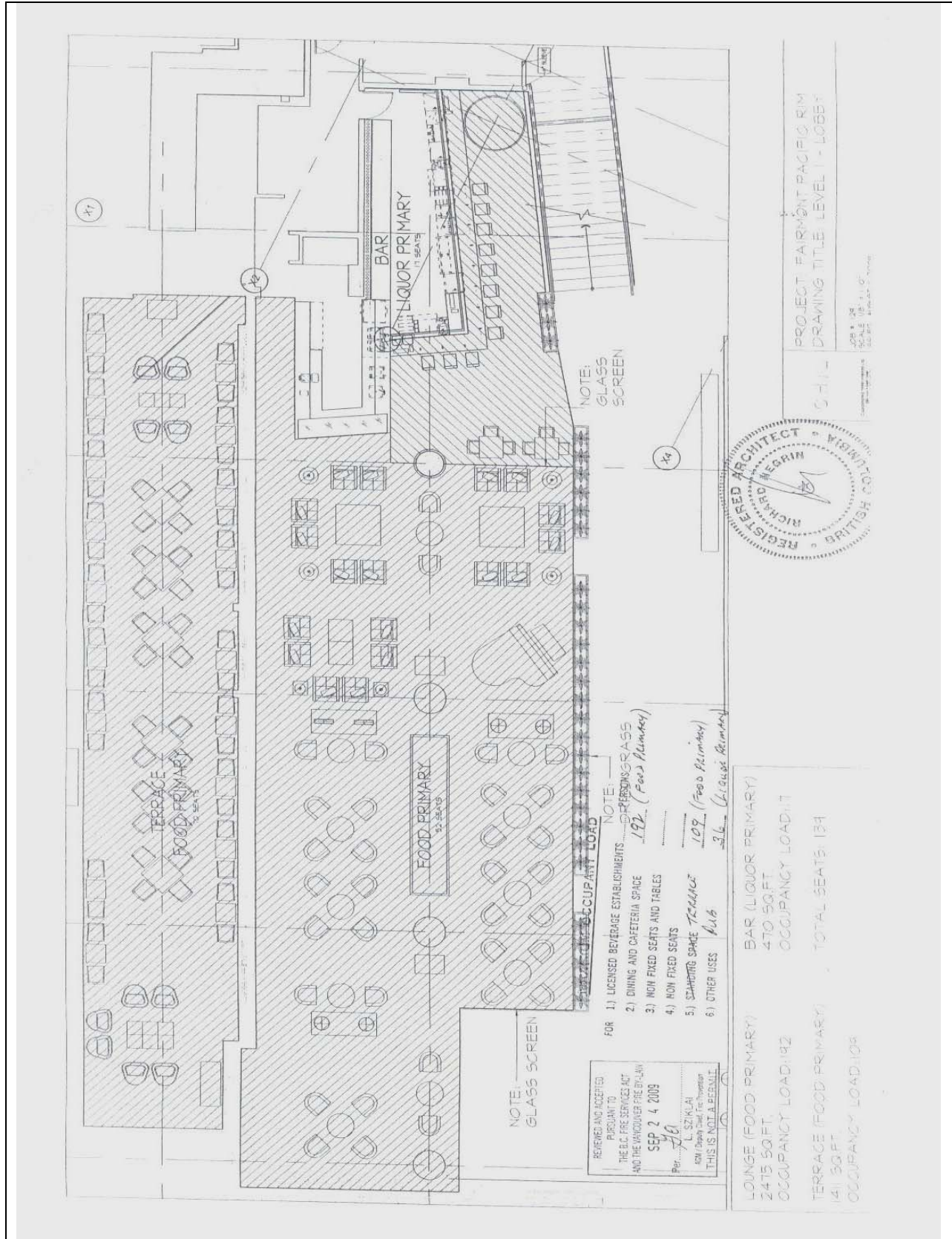
Traffic, noise, parking and zoning: staff have considered traffic, noise, parking and zoning matters. Staff have no concerns with traffic and zoning at this time. The zoning is CD-1 and on September 14, 2006, the Development Permit Board approved DE409730 to develop this site with a 46-storey mixed use Commercial/General Office Live-Work/Hotel building. The plans for the hotel include a lounge area on the ground level. A lounge area operating in conjunction with a hotel, is considered a customarily ancillary use. The traffic and zoning matters will be considered further as part of the Development Permit process. With respect to parking, there are seven levels of underground parking having vehicular access from both Waterfront Road and Canada Place.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 36 person Liquor Primary liquor licence (hotel lounge) 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.

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REVISED AND ACCEPTED
PURSUANT TO
THE E.C. FIRE SERVICES ACT
AND THE VARIOUS FIRE BY-LAWS
SEP 24 2009
Per: [Signature]
L. SZIKLAI
4241 Colborne Blvd, Fox Harbour
THIS IS NOT A REBUILD.

- FOR
- 1.) LICENSED BEVERAGE ESTABLISHMENTS DRINKING GLASS
 - 2.) DINING AND CAFETERIA SPACE 192 (Food Primary)
 - 3.) NON FIXED SEATS AND TABLES
 - 4.) NON FIXED SEATS
 - 5.) SEATING SPACE TERRACE 109 (Food Primary)
 - 6.) OTHER USES 416 (Lounge Primary)

LOUNGE (FOOD PRIMARY)	BAR (LIQUOR PRIMARY)
2475 SQ.FT.	470 SQ.FT.
OCCUPANCY LOAD: 142	OCCUPANCY LOAD: 117
TERRACE (FOOD PRIMARY)	TOTAL SEATS: 134
141 SQ.FT.	OCCUPANCY LOAD: 109



PROJECT FAIRMONT PACIFIC RIM
DRAWING TITLE LEVEL 1 - LOBBY
JOB # 08
SCALE 1/8" = 1'-0"