



ADMINISTRATIVE REPORT

Report Date: April 20, 2010
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 08637
VanRIMS No.: 08-2000-20
Meeting Date: May 6, 2010

TO: Standing Committee on City Services and Budgets
FROM: Chief Licence Inspector
SUBJECT: #106 - 1120 Hamilton Street - Dix Barbeque and Brewery Inc.
Relocation of Liquor Primary Liquor Licence Application

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notification, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report dated April 20, 2010 entitled "#106 - 1120 Hamilton Street - Dix Barbeque and Brewery Inc., Relocation of Liquor Primary Liquor Licence Application" endorse the request by Dix Barbeque and Brewery Inc. to relocate their existing Liquor Primary liquor licence from their current site at 871 Beatty Street to their proposed site at #106 - 1120 Hamilton Street, subject to:

- i. Standard hours of operation for the first six months are limited to 11 am to 1 am, weekdays and 11 am to 2 am on weekends; after which time Extended hours of operation may be considered which are limited to 9 am to 2 am, weekdays and 9 am to 3 am on weekends;
- ii. A maximum total capacity of 65 persons;
- iii. Signing a Good Neighbour Agreement with the City prior to business licence issuance;
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- v. Food service to be provided during operating hours, seven days a week; and
- vi. A Time-limited Development Permit.

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 and relocation of Liquor Primary liquor licences 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, Dix Barbeque and Brewery Inc., is requesting a Council resolution endorsing their application to relocate their Liquor Primary liquor licence from their current site at 871 Beatty Street to their proposed site at # 106 - 1120 Hamilton Street (refer to Appendix B)

BACKGROUND

Dix Barbeque and Brewery Inc. has operated a Manufacturer's Licence, a Food Primary liquor licence and a Liquor Primary liquor licence at 871 Beatty Street for approximately 10 years. The applicant is seeking to relocate the establishment approximately .6 km away to #106 - 1120 Hamilton Street which is deemed to be a more viable area of Yaletown and maintain only the Liquor Primary liquor licence. The existing Food Primary liquor licence and Manufacturer's licence will be abandoned. The applicant is committed to providing food service during hours of operation.

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 site is located in Historic Yaletown (HA-3) Zoning District and for the purposes of liquor policy, it is considered to be located in the Downtown Primarily Mixed-use area. The surrounding area is a mixture of retail, office, neighbourhood pubs, cabarets, restaurants, residential, and other commercial uses (refer to Appendix A).

There is one Liquor Establishment Class 1 (37 seats) and two Liquor Establishment Class 2 (241 total seats) located within a 500' radius of the subject site. Also one Liquor Retail Store (1185 Mainland Street) and approximately 21 licensed restaurants are within the area.

DISCUSSION

Policy Issues

The subject site is located in the Downtown Primarily Mixed-use area. The proposed Liquor Establishment Class 1 venue is greater than 50 metres away from another Liquor Establishment Class 1 venue. Since there are no liquor establishments in this class within 50 metres of the site, the proposed establishment complies with Council's liquor policy for venue size and location. Policy also states that favourable consideration be given to endorsing applications for neighbourhood pubs and that the minimum distancing requirement be waived in Yaletown on a case-by-case basis, subject to polling nearby residents and property owners.

Hours of Operation

The hours of operation requested for the Liquor Primary liquor licence is 12 pm to 1 am, seven days a week which are within the parameters of the Standard Hours permitted in the Downtown Primarily Mixed-use area.

Positive Application Attributes

Small liquor establishments of this size generally do not create significant negative issues for area residents and businesses. The application complies with Council's liquor policy for Venue Size, Location and Hours of Liquor Service.

The establishment will also be located in an internalized space, with access via a public corridor, which then leads down a hallway to the entrance door of the lounge, so that it will have minimal neighbourhood/residential impact in terms of noise. The applicant is committed to providing food service during hours of operation.

The time-limited Development Permit should also provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Negative Application Attributes

Approval of the establishment may result in increased street noise and other related nuisance behaviour 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.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 1000 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. Staff allowed three weeks for the community to respond with concerns or support for the application.

A total of six email responses and two telephone calls were received in opposition of the application from residents and businesses within the notification and surrounding areas.

There were general concerns about the effect of adding additional liquor licences in the surrounding area as many expressed there were enough liquor establishments in Yaletown. Other comments include the concern for increased noise and criminal activity and that the uniqueness of Yaletown would be compromised by the addition of more liquor establishments.

COMMENTS

The **Police Department** has reviewed the application and note that there are no concerns with the relocation of the seats at this time.

The **Development Services Department** has reviewed the application and notes that the application falls within the HA-3 (Yaletown Historic Area) Zoning District. A search of our records shows the current approved use of this building is Restaurant Class 1, Retail, Office and Beauty Salon.

The proposal for a Liquor Establishment Class 1 (similar to a Neighbourhood Public House), at this location 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 the application and note that the Fire Department maximum occupant load has been established at 65 persons, as per the floor plan (see Appendix B), and supports the application.

The **Social Development Department** has reviewed the application and has no comments on this application.

The **Central Area Planning Department** has reviewed the application and support the proposed relocation of the license noting that:

- (1) Council policy regarding liquor licenses supports the consideration of 'neighbourhood pubs' on a case-by-case basis in Yaletown;
- (2) The liquor license is remaining in the same general area, noting that both areas have a mix of businesses and residents;
- (3) The small size of the premises; and
- (4) There is no outside patio which reduces noise impacts on residents in the area.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Person capacity and hours of operation: as outlined above.

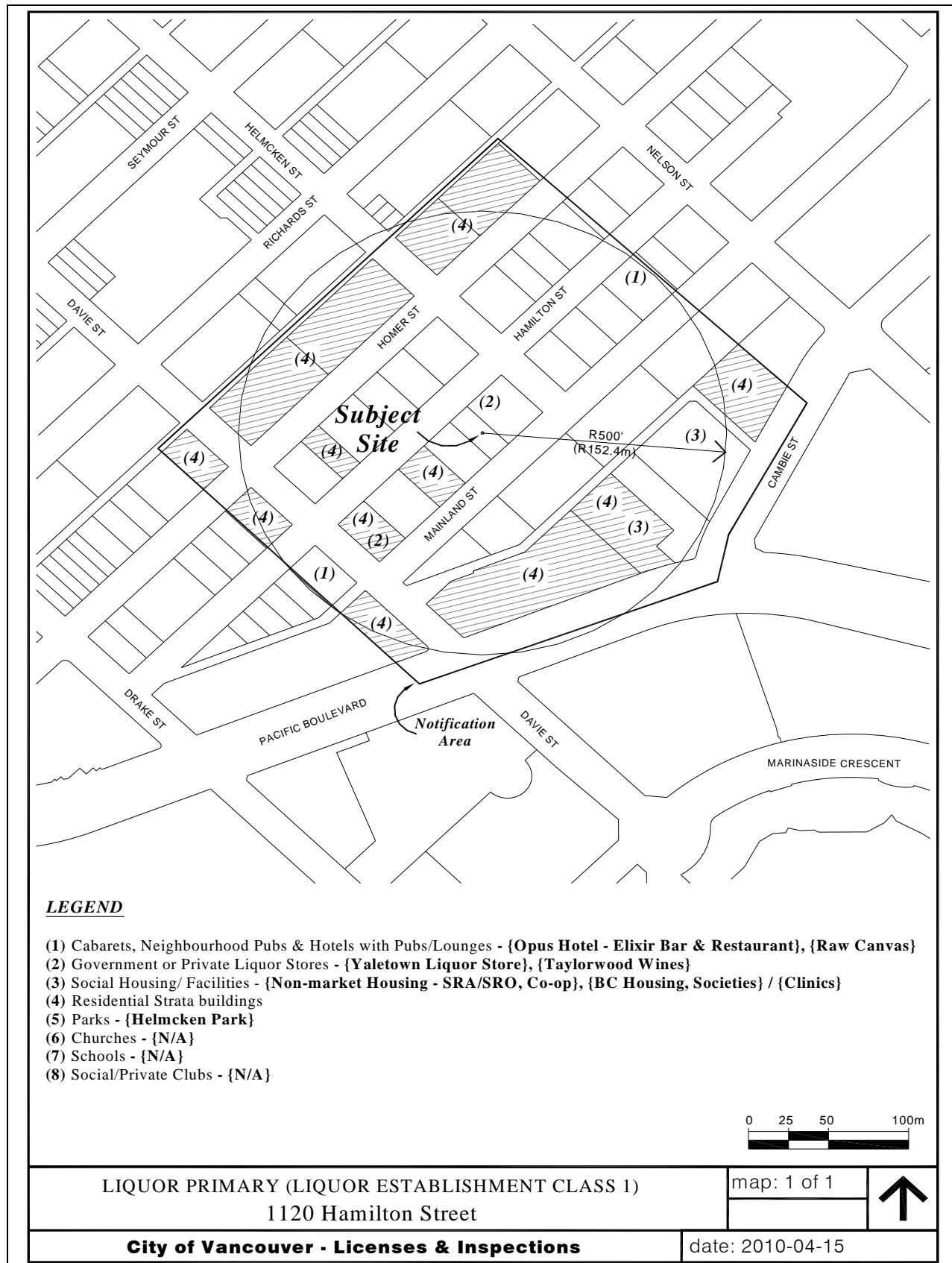
Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

Traffic, noise, parking and zoning: staff has considered traffic, noise, parking and zoning matters. Staff has no concerns with traffic and zoning at this time. The zoning is HA-3 (Historic Yaletown) which considers "lounge/pub" use a "conditional" use within this zone. The traffic and zoning matters will be considered further as part of the Development Permit process. With respect to parking, there is no parking on this site.

CONCLUSION

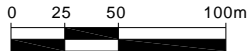
Staff are recommending Council endorse the applicant's request to relocate their existing Liquor Primary liquor license to #106 - 1120 Hamilton Street subject to the conditions outlined in the Recommendation. This application meets current Council policy regarding size, location and distance from other establishments. The small size and the location of the establishment should limit any negative impacts in the surrounding community. As well, the requirement for a Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area.

* * * * *



LEGEND

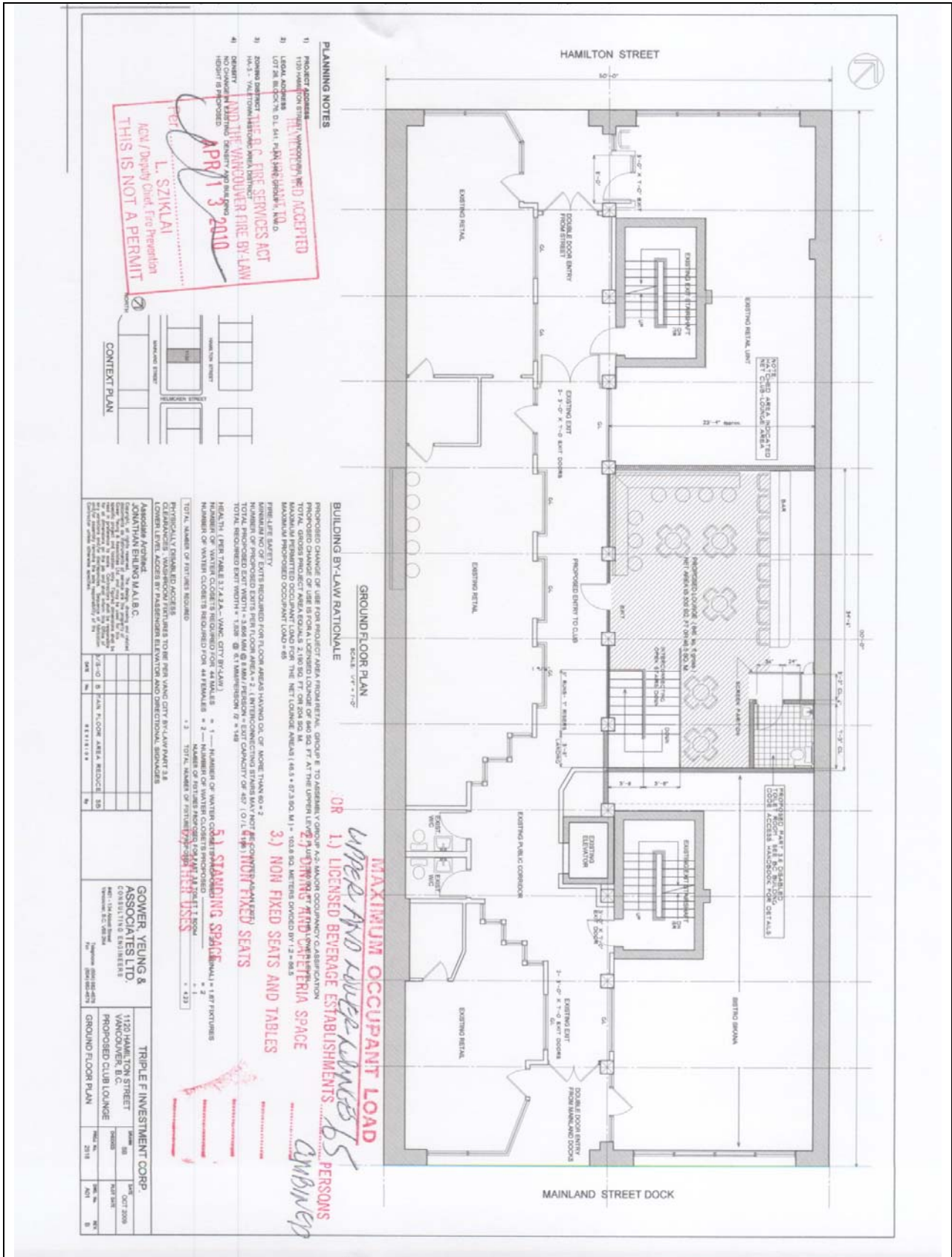
- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {Opus Hotel - Elixir Bar & Restaurant}, {Raw Canvas}
- (2) Government or Private Liquor Stores - {Yaletown Liquor Store}, {Taylorwood Wines}
- (3) Social Housing/ Facilities - {Non-market Housing - SRA/SRO, Co-op}, {BC Housing, Societies} / {Clinics}
- (4) Residential Strata buildings
- (5) Parks - {Helmcken Park}
- (6) Churches - {N/A}
- (7) Schools - {N/A}
- (8) Social/Private Clubs - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 1)
1120 Hamilton Street

map: 1 of 1



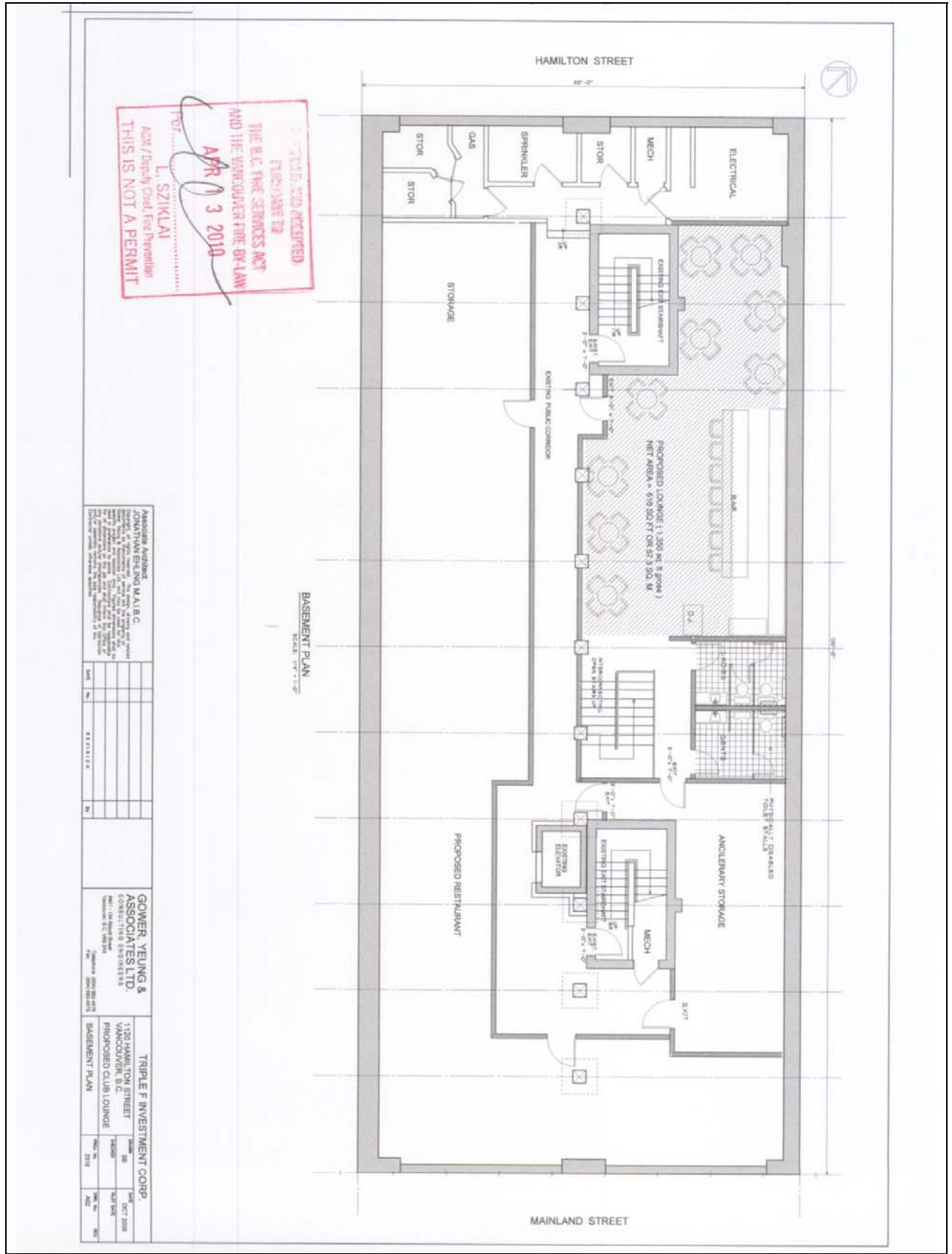


APR 13 2010
L. SZIKLAI
ACU/Deputy Chief, Fire Prevention
THIS IS NOT A PERMIT

MAXIMUM OCCUPANT LOAD
WINE AND LIQUOR LOUNGE 65 PERSONS
OR 1) LICENSED BEVERAGE ESTABLISHMENTS 65 PERSONS
3) NON FIXED SEATS AND TABLES
CUBINERY

GORVER YEUNG & ASSOCIATES LTD.
CONSULTING ENGINEERS
1120 HAMILTON STREET
VANCOUVER, B.C.
PROPOSED CLUB LOUNGE
GROUND FLOOR PLAN

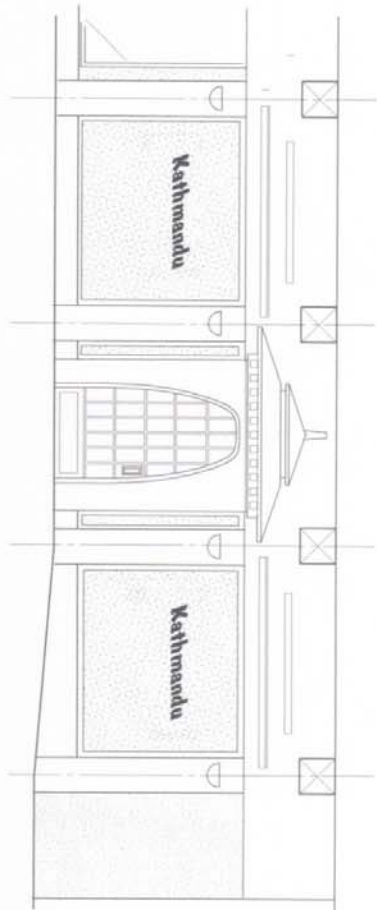
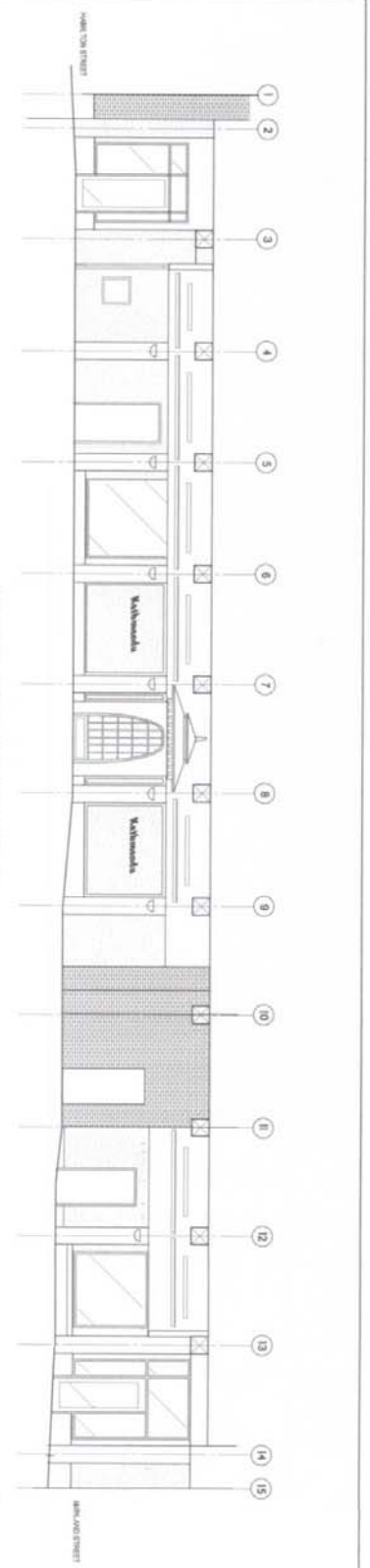
TRIPLE F INVESTMENT CORP.
1120 HAMILTON STREET
VANCOUVER, B.C.
PROPOSED CLUB LOUNGE
GROUND FLOOR PLAN



RECEIVED AND ACCEPTED
 RESPONSE TO
 THE B.C. FIRE SERVICES ACT
 AND THE VANDERPOUR FIRE BY-LAW
 APR 03 2010
 L. SZIKLAI
 Act/ Deputy Chief Fire Prevention
 THIS IS NOT A PERMIT

BASEMENT PLAN
SCALE: 1/8" = 1'-0"

Approved by/for: JONATHAN HILLMAN M.A.I.B.C. <small>Contractor, 2000 Louisa Street, Vancouver, B.C. V6J 1A6 Phone: 604-681-1111 Fax: 604-681-1112 Email: jonathan@hillman.ca</small>		GOWER, YEUNG & ASSOCIATES LTD. <small>CONSULTING ENGINEERS 1100 BURNHAMTHORPE STREET VANCOUVER, B.C. V6E 2Y4 Phone: 604-276-8888 Fax: 604-276-8889 Email: gyeung@gyeung.com</small>		TRIPLE F INVESTMENT CORP. 1120 HAMILTON STREET VANCOUVER, B.C. PROPOSED CLUB LOUNGE	
DATE	NO.	DATE	NO.	DATE	NO.
11/11/10	1				



RECEIVED AND ACCEPTED
 PURSUANT TO
 THE B.C. FIRE SERVICES ACT
 AND THE VANCOUVER FIRE BY-LAW
APR 13 2010
 Per: *SZIKLAI*
 AGM / Deputy Chief, Fire Prevention
 THIS IS NOT A PERMIT

Associate Architect: ADVANTAGE DESIGN MAYA B.C. <small>1130 JUAN TON STREET VANCOUVER B.C. V6A 4A9 TEL: 604-278-4444 FAX: 604-278-4444 WWW.ADVANTAGEDSIGN.COM</small>		GOMER YEUNG & ASSOCIATES LTD. <small>CONSULTING ENGINEERS 1080 AVENUE ROAD VANCOUVER B.C. V6E 3V2 TEL: 604-278-4444 FAX: 604-278-4444</small>		TRIPLE F INVESTMENT CORP. <small>1130 JUAN TON STREET VANCOUVER B.C. V6A 4A9 PROPOSED CLUB LOUNGE INTERIOR ELEVATION</small>	
DATE	NO.	REVISION	NO.	DATE	NO.