



Supports Item No. 4
P&E Committee Agenda
December 2, 2010

ADMINISTRATIVE REPORT

Report Date: November 12, 2010
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 08680
VanRIMS No.: 08-2000-20
Meeting Date: December 2, 2010

TO: Standing Committee on Planning and Environment
FROM: Chief Licence Inspector
SUBJECT: 1774 West 7th Avenue - Ceili's Irish Pub (Westside) Ltd.
Liquor Primary Liquor Licence Application
Liquor Establishment Class 1 (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 November 23, 2010, entitled "1774 West 7th Avenue - Ceili's Irish Pub (Westside) Ltd., Liquor Primary Liquor Licence Application, Liquor Establishment Class 1 (Pub)", endorse the request by Ceili's Irish Pub (Westside) Ltd. for a Liquor Primary liquor licence (Liquor Establishment Class 1 - Pub) at 1774 West 7th Avenue subject to:

- i. Standard hours of operation up to the first six months limited to 11 am to 12 am, Sunday to Thursday; and 11 am to 1 am, Friday and Saturday; after which time the Extended hours of operation may be considered which are limited to 9 am to 1 am, Sunday to Thursday; and 9 am to 2 am, Friday and Saturday;
- ii. A maximum total capacity of 65 persons inside;
- iii. A Time-limited Development Permit;
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- v. Signing a Good Neighbour Agreement with the City prior to business license issuance; 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 licenses 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

Ceili's Irish Pub (Westside) Ltd. is requesting a Council resolution endorsing their application for a 65 person Liquor Primary liquor license (Liquor Establishment Class 1 - Pub) located at 1774 West 7th Avenue.

BACKGROUND

Application

The applicant is requesting a Council resolution endorsing their application for a 65 person Liquor Primary liquor license (Liquor Establishment Class 1 - Pub) to be operated in conjunction with a 138 person (interior) and 45 person patio Food Primary liquor establishment (Restaurant). The hours of operation for the Food Primary liquor licence are 9 am to 1 am, Sunday through Thursday; and 9 am to 2 am, Friday and Saturday. The permitted patio hours are 9 am to 11 pm, seven days a week. The Liquor Primary Hours of service policy for this Non-Downtown Primarily Mixed-Use area allows for Standard Hours of liquor service from 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday. Furthermore, if certain criteria are satisfied, the operator can extend their hours of liquor service to 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday.

The applicant originally submitted an application for a 200 person Liquor Primary liquor licence with 40 person outdoor patio but due to the concerns raised from the area residents and businesses from the original public notification, the applicant decided to amend the application to include a 65 person Liquor Primary liquor licence (Pub) to operate in conjunction with a 138 person with 45 person outdoor patio Food Primary liquor licence (restaurant).

The applicant intends on operating a pub style establishment catering to the diverse population and business community of False Creek, Fairview and Kitsilano areas. Food service will be provided and the type of entertainment offered will include background and some live music as well as television monitors.

The applicant has also operated, since 2007, a Liquor Establishment (Liquor Establishment Class 3) and restaurant located at 670 Smithe Street (Ceili's Irish Pub and Restaurant) and has owned a part of the operations since 2009.

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 am to 4 am, 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.

Area Surrounding Premises

The subject site is located in the C-3A Zoning District (Commercial District) and for the purposes of liquor policy it is considered to be located in the Non-Downtown Primarily Mixed-use area. The surrounding area is a mixture of retail, office, health care office, community police office, residential, church and restaurant uses (refer to Appendix A).

There is one Liquor Establishment Class 3 (164 seats with 28 outdoor patio seats) located at 1619 West Broadway (Academic Pub) and one liquor retail store (2409 Burrard Street) within a 1000' radius of the subject site. Also, there are approximately 16 licensed restaurants within the area which hold Food Primary liquor licences.

RESULTS OF NOTIFICATION

A neighbourhood notification advising of the application for a 200 person Liquor Primary liquor establishment with a 40 person outdoor patio was conducted by circulating approximately 800 notices in the survey area (refer to Appendix A). A site sign was erected advising the community of the application and where to send concerns or comments.

A total of 30 responses were received in opposition of the application which included 17 emails, two letters, and one telephone call from within the notification; one email and two telephone calls from outside the notification; and four emails and one telephone call were received with no contact information. Two businesses from within the notification area expressed concerns about wheelchair accessibility to the office building at 1770 West 7th Avenue if the outdoor sidewalk patio is to be approved.

A total of four responses, one fax and one email from within the notification area; one email from outside the notification area; and one email with no contact information attached were received in support of the application.

It should be noted that over 95.5% of the notified residents and businesses within the area failed to indicate positive or negative support for the application.

Respondents opposing the application are most concerned with the effects of allowing a Liquor Primary establishment in the area, including increased noise, lack of parking, close proximity to residential buildings, concerns for safety, noise associated with patrons smoking outside the establishment, noise associated with outdoor line-ups, noise/disturbances when patrons are leaving the establishment and increased nuisance issues for the community. Some respondents also expressed concern with the establishment being located on the designated

bike lane on 7th Avenue and nearby Cypress Street. As well, there was a general feeling that there are already enough liquor establishments in the area.

In addition to the neighbourhood notification and site sign, a public information meeting was organized by the applicant and was held on June 24, 2010. Approximately 30 people attended the meeting. Twenty three responses were received as a result of the public information meeting in opposition and three responses were received in support.

Due to the number of responses received from the initial notification and the response received from the public information meeting, the applicant submitted an amended Liquor Primary liquor licence application reducing the size of the establishment from 200 persons to 65 persons as well as reducing the proposed hours of liquor service from 9 am to 2am, seven days a week to 9 am to 1 am, Sunday to Thursday; and 9 am to 2 am, Friday and Saturday; to be operated in conjunction with a 138 person with 45 person outdoor patio Food Primary liquor licence (restaurant - refer to Appendix B). A revised site sign was posted and a revised notice was sent to parties who had commented or expressed interest with the initial application.

A total of 16 responses were received in opposition of the revised application including one from a development company who is in the process of applying for a mixed residential and commercial development across the street from the proposed Liquor Establishment Class 1 on the Northeast corner of Burrard and 7th Avenue. As well, a petition by a nearby strata building containing over 40 signatures was received.

Staff Response to Notification Results

The following table explains staff response to concerns raised by commenters:

Neighbourhood Response	Staff Response
Increase noise and disorder	An acoustic report will be submitted certifying the establishment meets Noise Control By-law requirements. Liquor establishments of this size and type generally do not create impacts for area residents and business operators. Signing of a Good Neighbour Agreement by the operator will be required prior to the issuance of the business licence.
Hours of Service	Hours of service requested, 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday fall within the Extended hours permitted under the Business Premises Regulation of Hours Bylaw for this area. The applicant will be required to operate under the Standard hours permitted under the Business Regulation of Hours Bylaw for this area which are 11

	am to 12 am, Sunday to Thursday; and 11 am to 1 am, Friday and Saturday for a period of up to six months to evaluate the operation of the establishment.
Area already saturated with drinking establishments	There is one other Liquor Primary establishment within a 1000' radius of the establishment and approximately 16 licensed restaurants.
Insufficient parking	The establishment will have nine designated underground parking spaces and an additional 23 underground spaces after 6 pm. Six public pay parking spaces are also available in the underground parking.
Proposed establishment is located in a residential neighbourhood	The application falls within the C-3A Zoning District and is located along a main arterial street, Burrard Street. The current approved use of this building is Restaurant Class 1, Retail, General Office and Health Care Office.

DISCUSSION

Policy Issues

The subject site is located in the Non-Downtown Primarily Mixed-Use area. The proposed Liquor Establishment - Class 1 venue is greater than 500 metres away from another Liquor Establishment Class - 1 venue. Since there are no liquor establishments in this class within 500 metres of the site, the proposed establishment complies with Council's liquor policy for venue size and location.

Hours of Operation

The hours of operation requested for the Liquor Primary liquor licence are 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday which are within the parameters of the Extended Hours permitted in the Non-Downtown Primarily Residential Area. The applicant will be required to operate within the Standard Hours of operation for up to the first six months which are limited to 11 am to 12 am, Sunday to Thursday; and 11 am to 1 am, Friday and Saturday; after which time Extended Hours of operation may be considered.

Positive Proposal Aspects

The applicant will be required to submit an acoustical report certifying that the establishment meets Noise Control By-law requirements. As well, food service will be provided during operating hours, seven days a week which will provide a mitigating factor to the liquor service and consumption. The application also complies with Council's liquor policy for Venue Size and Hours of Liquor Service.

The applicant will be required to obtain a Time-limited Development Permit as per Council policy for new liquor establishments. This will provide adequate controls to ensure the land use or business operations remain compatible with the surrounding community.

Negative Proposal Aspects

There is a possibility that the proposed establishment may increase street related nuisance activity for the area. Strong management and sound operational practices should limit this type of activity from having a negative impact on the surrounding community.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed the application and following a meeting with District 4 Management, the Police support this application in its current revised form with the following recommendations:

- Initially, Standard Hours are recommended with the option of applying for extended hours; and
- The Liquor Primary side must have a barrier preventing minors from gaining access.

Consideration was made with respect to impact on the neighbours and surrounding community, calls for service and location.

The Development Services Department has reviewed the application and note that this application falls within the C-3A Zoning District. The current approved use of this building is Restaurant Class 1, Retail, General Office and Health Care Office.

The proposal for a Liquor Primary (similar to a Neighbourhood Public House) at this location would require a Development Permit application. The review process for this type of approval would 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 would 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 approved an Occupant Load on September 9, 2010 for 65 Liquor Primary seats under FI408113.

The Social Development Department has no comments on the application at this time.

The Central Area Planning Department has reviewed the application and support the application for a 65 seat liquor primary license in conjunction with a 135 seat restaurant and 40 seat patio for several reasons. First, the restaurant land use is permitted on an 'outright' basis by the areas C-3A zoning. Second, it is appropriate that the number of liquor primary seats has been reduced to a modest number in response to neighbourhood concerns given the location. There are a number of residential buildings on adjacent streets. Third, the proposal will occupy a ground floor of a commercial building on a busy arterial, Burrard Street. Staff would not consider supporting this type of proposal in the immediate area if it was not on either West 4th Avenue, Broadway or Burrard Street. These streets have a high level of traffic noise and the construction of the surrounding buildings are required to mitigate these higher levels of noise than one would find on quieter streets. If there are

noise issues, such as those related to patrons leaving the premise in the late evening, these impacts should be reduced.

It is important that the business owner operates the business in a neighbourly fashion. First, the patio, in accordance with City requirements, must be closed at 11 pm. Second, the operator must insist that their patrons leave the premises quietly. Third, the suggested earlier closing hours reflect the presence of nearby residential.

Lastly, there will continue to be the dilemma whether to allow liquor primary licenses in areas where housing is located on adjacent sites. Increasingly, residential is found throughout the city and these types of adjacencies will continue to raise concerns. However, staff suggest that it is preferable that residents living in neighbourhoods throughout the city have the opportunity to enjoy a meal or socialize with a drink with friends in establishments near their homes rather than concentrating these types of business in such areas as the downtown.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

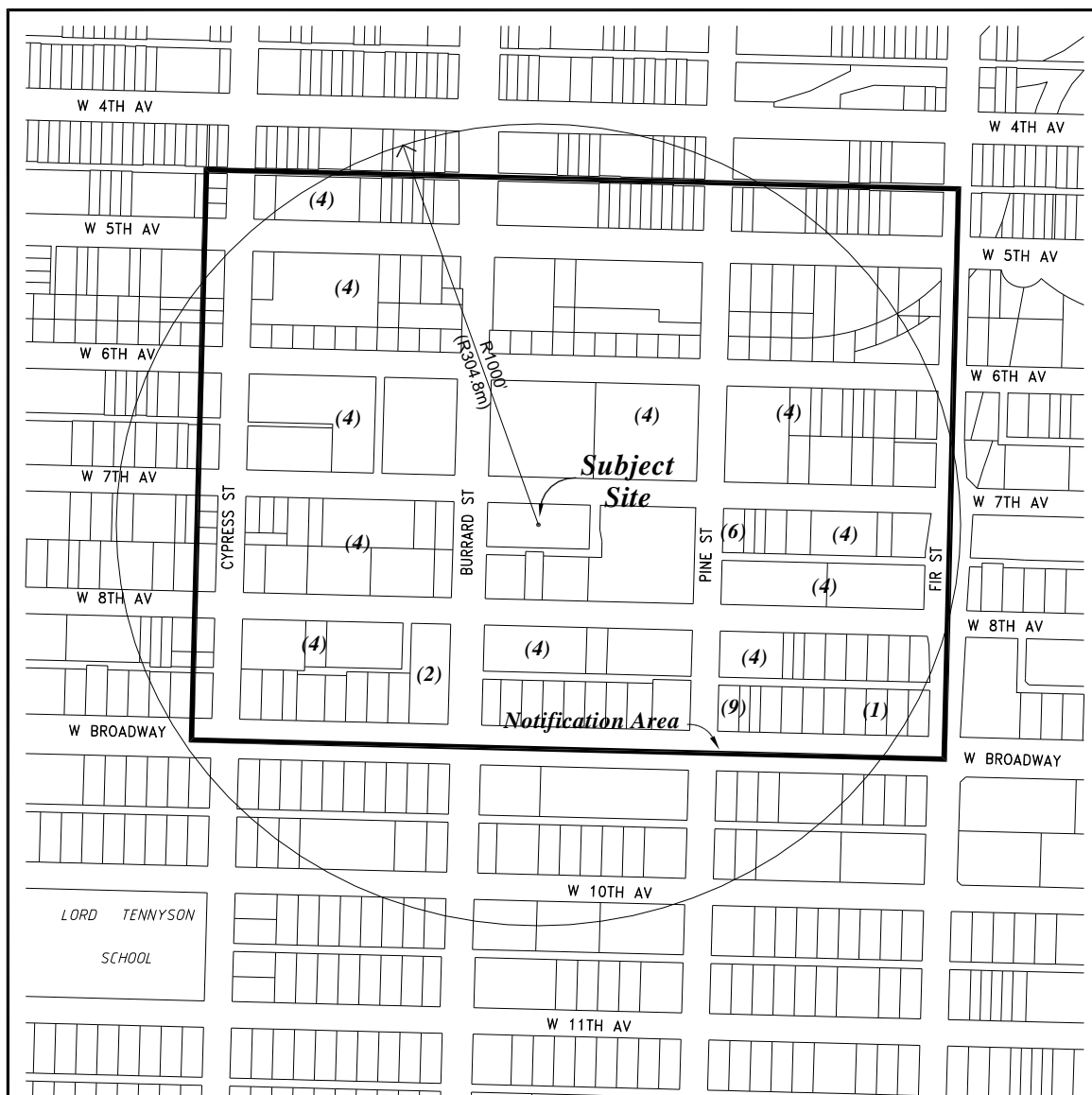
Person capacity and hours of operation: as outlined above.

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. These matters will be considered further as part of the Development Permit process. As well, there are nine parking spaces available for the applicant within the building of the establishment plus an additional 23 parking stalls will be available for use after 6 pm.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 65 person Liquor Primary liquor licence subject to the conditions outlined in the Recommendation. 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 even though food service will remain the primary focus throughout the premise as well as provide a food primary option to cater to families with children. This application meets current Council policy regarding size and distance from other establishments. The requirement for a time-limited Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area. Also, by restricting the hours of operation to Standard Hours for up to the first six months will provide an evaluation period for staff, VPD and the operator. Food service will also remain a component of the business which will provide a mitigating factor to the liquor service and consumption.



LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {The Academic}
- (2) Government or Private Liquor Stores - {Burrard Street Liquor Store}
- (3) Social/Private Clubs (If easily visible/distinguishable)- {N/A}
- (4) Residential buildings
- (5) Parks - {N/A}
- (6) Churches - {Grace Vancouver Presbyterian}
- (7) Schools - {N/A}
- (8) Social/Private Clubs - {N/A}
- (9) Community Police Centre



LIQUOR ESTABLISHMENT CLASS 1
1774 West 7th Avenue - Ceili's Irish Pub

map: 1 of 1



City of Vancouver - Licenses & Inspections

date: 2010-11-12

