



ADMINISTRATIVE REPORT

Report Date: July 6, 2010
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VanRIMS No.: 08-2000-20
Meeting Date: July 22, 2010

TO: Standing Committee on Planning and Environment
FROM: Chief Licence Inspector
SUBJECT: 1502 Duranleau Street - Vancouver TheatreSports League
Liquor Primary Liquor Licence Application
(Liquor Establishment Class 3 - Live Theatre)

RECOMMENDATION

THAT Council, having considered the opinions 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 July 6, 2010, entitled "1502 Duranleau Street - Vancouver TheatreSports League, Liquor Primary Liquor Licence Application (Liquor Establishment Class 3 - Live Theatre)", endorse the request by Vancouver TheatreSports League for a 264 seat with 20 seat outdoor patio Liquor Primary liquor licence (Liquor Establishment Class 3) at 1502 Duranleau Street subject to:

- i. Signing a Good Neighbour Agreement with the City prior to business licence issuance;
- ii. A Time-limited Development Permit for the patio;
- iii. The patio ceasing all liquor service and vacated by 11 pm;
- iv. No entertainment or music permitted on the patio;
- v. The use of the liquor licence limited to live theatre events only; and
- vi. Standard Hours of operation for the first three to six months are limited to 11 am to 12 am, weekdays and 11 am to 1 am on weekends; after which time the Extended Hours of operation may be considered which are limited to 9 am to 1 am, weekdays and 9 am to 2 am on weekends.

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 April 17, 2007, Council approved policy and guidelines that Liquor Primary liquor establishments be permitted to have sidewalk patios on public property subject to the current Council-approved sidewalk patio guidelines for restaurants and subject to additional restrictions which would apply to liquor primary patios on both public and private property. These restrictions included food service (Provincial Food Premises Operating permit from Vancouver Coastal Health), including consideration as to whether the food preparation area is large enough to safely handle the 20% increase, closing time of no later than 11:00 p.m., outdoor seating limited to 20% of total seating capacity, no sidewalk patios adjacent to liquor establishments in the 700, 800 and 900 blocks of Granville Street 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, Vancouver TheatreSports League, is requesting a Council resolution endorsing their application for a 264 person with a 20 seat outdoor patio Liquor Primary liquor licence for the purpose of live theatre events only at Vancouver TheatreSports League located at 1502 Duranleau Street. This capacity will be dispersed amongst the theatre (200 seats) and the lobby area (64 person) {See Appendix B}. The service and sale of liquor is not the focus of the business but rather an added amenity to compliment the focus which is on the live theatre events.

BACKGROUND

Site History

Vancouver TheatreSports League is a not-for-profit theatre group that has been in Vancouver for more than 30 years and have been registered under the Society Act since 1985. Vancouver TheatreSports League has operated at the New Revue Stage on Granville Island at 1601 Johnston Street since 1997 and have now secured a new live theatre facility at the proposed site for their productions. The applicant is requesting a Liquor Primary liquor licence at 1502 Duranleau Street in order to serve liquor on a limited basis for the purpose of hosting live theatre events. Currently, the applicant is required to apply for a "Special Occasion Licence" for any event which offers liquor service. The licensing being proposed for Vancouver TheatreSports League will parallel the licensing that exists for other live theatre venues.

Application

The applicant is requesting a Council resolution endorsing their application for a 264 seat with a 20 seat outdoor patio Liquor Primary liquor licence (Liquor Establishment Class 3). The proposed hours of operation for the Liquor Primary liquor licence are 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday in conjunction with live theatre events only. The hours of liquor service for outdoor patios are 9 am to 11 pm, 7 days a week.

The applicant is requesting to serve liquor in the theatre and lobby, one hour before the event, during the event and intermission and up until the end of the last show. Liquor service will only be available on days when events are held in the theatre.

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 premises are located in the FCCDD (False Creek South) zoning district within Granville Island Public Market. The surrounding area is a mixture of restaurants, retail, studios, theatres, and other commercial uses.

There is one Liquor Establishment Class 1 (60 seats), two Liquor Establishment Class 2 (200 seats), two Venues (493 seats), and two liquor retail stores located within Granville Island and within a 700' radius of the subject site. Also, there are 7 licensed restaurants within the area which hold Food Primary liquor licences.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating approximately 420 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 two weeks for the community to respond with concerns or support for the application.

Five responses in support (2 businesses and 3 residents) and one response in opposition were received from residents and businesses within the notification area. Concern about noise from the patio affecting the residential buildings across the water was expressed.

DISCUSSION

Policy Issues

The subject site is located in the Non-Downtown Primarily-Mixed Use Area. The proposed Liquor Establishment Class 3 venue is greater than 500 metres away from another Liquor Establishment Class 3 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 is 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 Mixed-Use Area. The applicant will be required to operate within the Standard Hours of operation for the first three to 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 the Extended Hours of operation may be considered. The proposed patio must cease all liquor service and vacate by 11 pm.

Positive Application Attributes

The location of Vancouver TheatreSports League and the fact that liquor service will be event driven only is a positive feature of the application. It is highly unlikely that any activities within the establishment would directly impact the surrounding area. The application complies with Council's liquor policy for Venue Size and Hours of Liquor Service.

Enforcement History

The applicant has no enforcement history.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed and support this application with the following recommendations:

- that the patio close at 2300 hrs as per the City By Law;
- that the hours of operation be 1100 hrs to 0100 hrs Sunday to Thursday and 1100 hrs to 0200 hrs Friday and Saturday. The hours of liquor service on the outdoor patio commence at 1100 hrs. Liquor service to commence one hour prior to the show, continue during intermission and will cease at the completion of the final show;
- no entertainment on the patio;
- that the Liquor License be event driven only. Only ticket holders for a scheduled event would be permitted to purchase and consume liquor on the premise; and
- minors would be permitted in the company of an adult.

The Development Services Department has reviewed this application and has no further comments as there are no changes to the land use of this space approved under DB431585. However, any proposed outdoor patio seats not currently approved through a Development Permit will be subject to Director of Planning approval.

The Vancouver Fire Department has reviewed this application and note that the applicant has received approval for a maximum occupant load of 264 persons and 20 patio seats on May 27, 2010. See FI407736.

The Social Development Department and *The Central Area Planning Department* have 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.

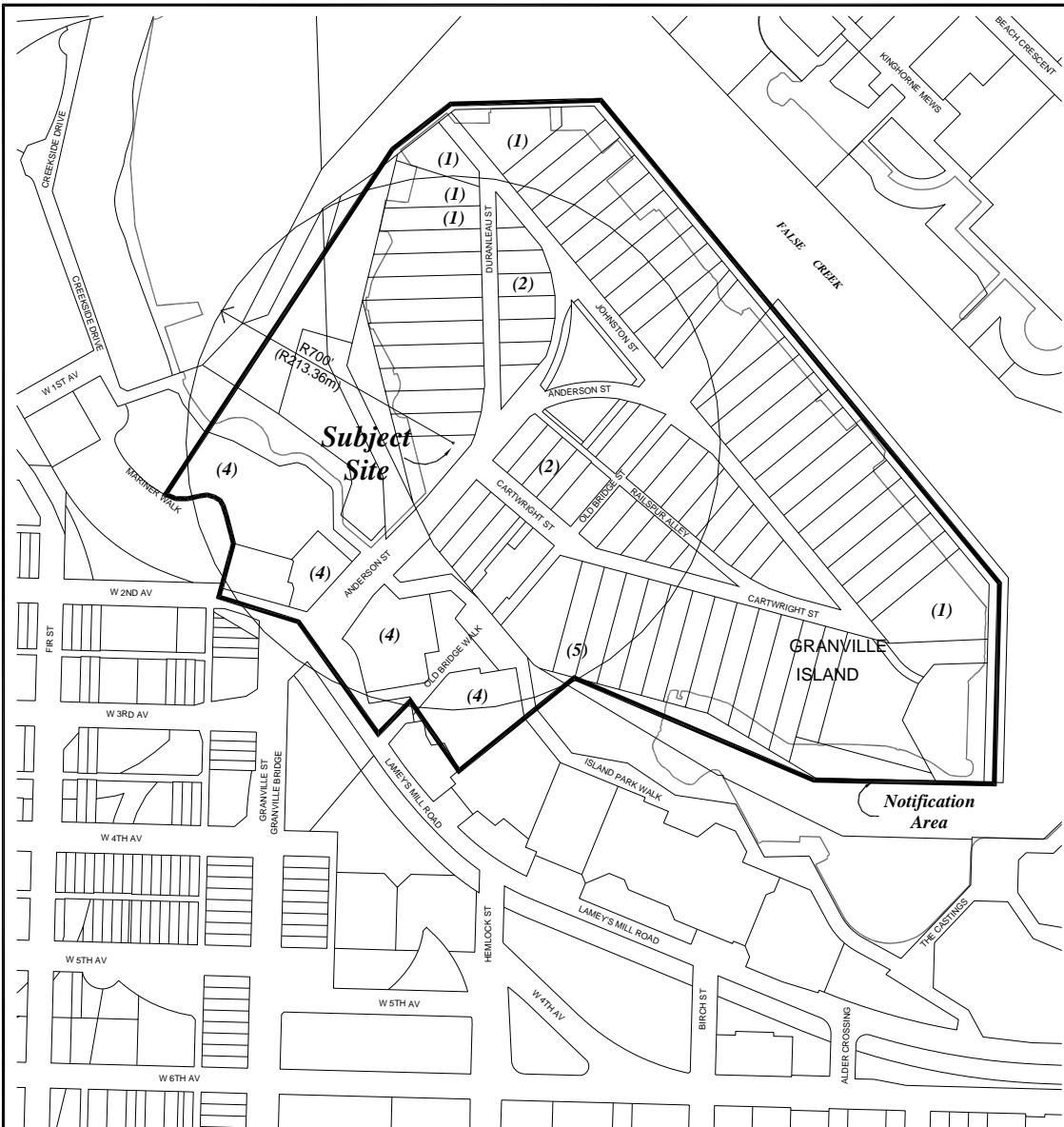
Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

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

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 264 seat with a 20 seat outdoor sidewalk patio Liquor Primary (Liquor Establishment Class 3 - Live Theatre) liquor licence subject to the conditions outlined in Recommendation A. The location of the establishment and the limited use of the liquor licence to be used for live theatre events only should limit any negative impacts in the surrounding community. Based on the fact that there is little opposition from area residents and businesses, the positive aspects of the proposed use and the very low potential for noise or negative impact on the community, staff are recommending Council approve this request.

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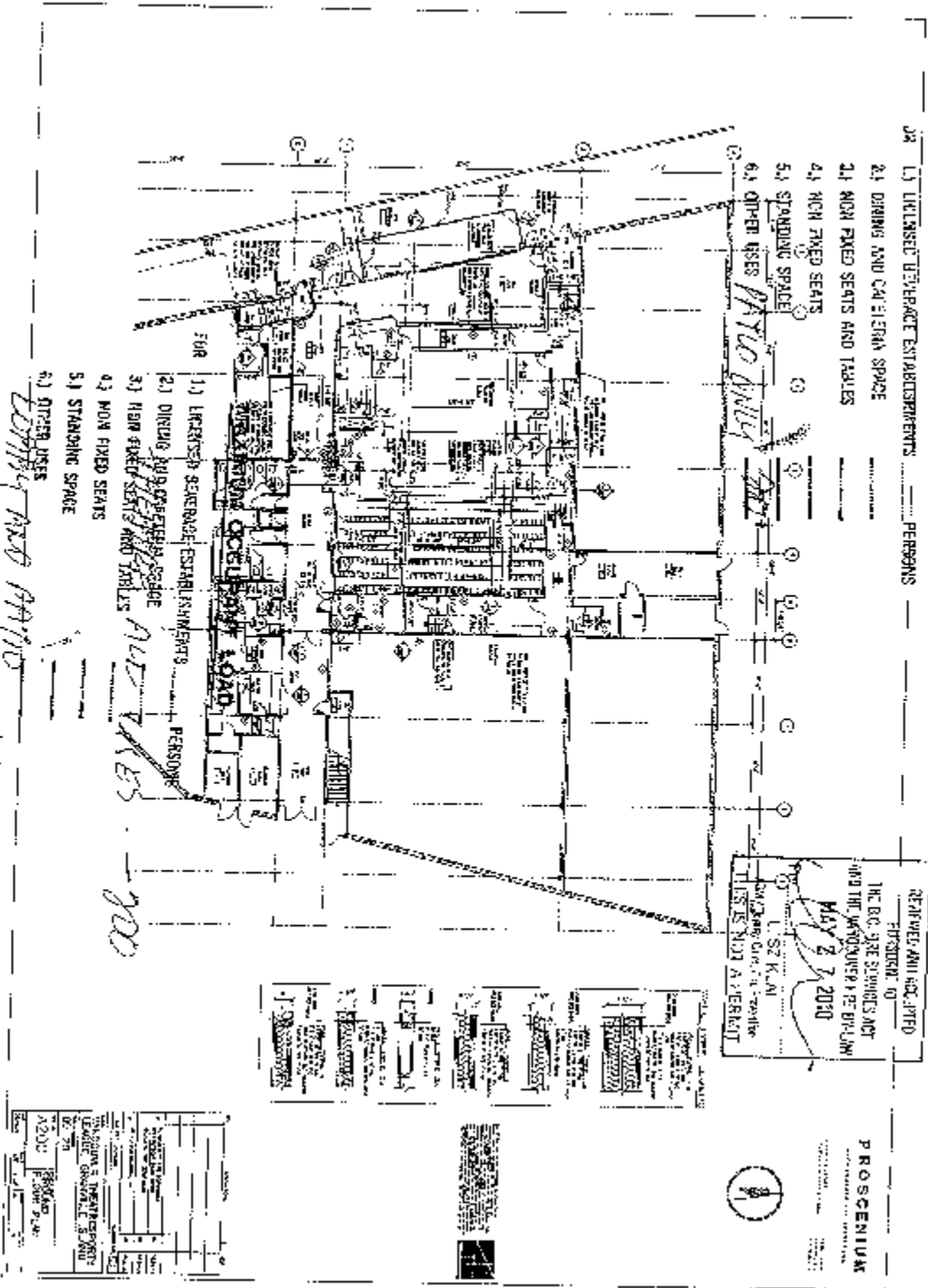


LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {**Dockside Brewing Company**}, {**Bridges**}, {**The Arts Club of Vancouver**}
- (2) Government or Private Liquor Stores - {**Granville Island Brewing Company Ltd**}, {**Liberty Wine Merchants Ltd**}
- (3) Social Housing/ Facilities
- (4) Residential buildings
- (5) Parks
- (6) Churches - {N/A}
- (7) Schools - {N/A}
- (8) Social/Private Clubs - {N/A}



<p>LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3) -Live Theatre 1502 Duranleau Street</p>	<p>map: 1 of 1</p>	
<p>City of Vancouver - Licenses & Inspections</p>	<p>date: 2010-06-30</p>	



NON-DRINKING - 103
 BAR USE - 64

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