



ADMINISTRATIVE REPORT

Report Date: October 28, 2010
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 08829
VanRIMS No.: 08-2000-20
Meeting Date: November 18, 2010

TO: Standing Committee on City Services and Budgets
FROM: Chief Licence Inspector
SUBJECT: #22-1055 Canada Place - Bellagio Café and Wine Bar
Liquor Primary Liquor Licence Application (Liquor Establishment Class 1)

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 October 28, 2010, entitled "#22-1055 Canada Place - Bellagio Café and Wine Bar, Liquor Primary Liquor Licence Application (Liquor Establishment Class 1)", endorse the request by Bellagio Café and Wine Bar for a Liquor Primary liquor licence (Liquor Establishment Class 1) at #22-1055 Canada Place subject to:

- i. Signing a Good Neighbour Agreement with the City prior to business licence issuance;
- ii. A Time-limited Development Permit;
- iii. The patio ceasing all liquor service and vacated by 11 pm;
- iv. No entertainment or music permitted on the patio;
- v. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- vi. A maximum total capacity of 56 persons inside and 40 persons on the patio;
- vii. Food service to be provided while the establishment is operating as well as on the patio when open; and
- viii. Standard hours of operation for the first three to six months are limited to 11 am to 1 am, Sunday to Thursday; and 11 am to 2 am, Friday and Saturday; after which time 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 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 pm, 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.

On November 5, 2002 Council adopted the Vancouver Convention Centre (VCEC) Guidelines which called for the animation of public spaces and areas fronting onto the pedestrian and bikeway path with retail stores, restaurants, services uses, marine- and arts oriented businesses to create distinctive and lively public places.

PURPOSE

The applicant, Bellagio Convention Centre, Inc., is requesting a Council resolution endorsing their application for a 56 person with 40 person outdoor patio Liquor Primary liquor licence at #22-1055 Canada Place Way in the new West Building of the Vancouver Convention and Trade Centre (see Appendix B).

BACKGROUND

The proposed liquor establishment is located in previously unoccupied commercial space in the new West Building of the Vancouver Convention and Trade Centre. The two-story space is located on the east side of the convention centre, near the corner of Canada Place Way and Burrard Street, and is accessed from the seawall walkway. The liquor primary establishment will occupy part of the main floor and the remainder of the main floor and mezzanine will be licensed as the food primary (restaurant) operated by this applicant (see Appendix B). The applicant currently operates the Bellagio Café at 773 Hornby Street, an 87-seat food primary establishment with 25 seat patio.

Application

The applicant is requesting a Council resolution endorsing their application for a 56 person with 40 person outdoor patio Liquor Primary liquor licence (Liquor Establishment Class 1). The proposed hours of operation for the Liquor Primary liquor licence are 11 am to 1 am on weekdays (Sunday to Thursday) and 11 am to 2 am on weekends (Friday and Saturday). The hours of liquor service for outdoor patios are 9 am to 11 pm, seven days a week.

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 CD-1(363) zoning district within the commercial area of the new Vancouver Trade and Convention Centre. Plans and zoning for the area have resulted in the development of two large convention facilities, an extension of the seawall walkway and large plaza spaces as well as the developments discussed below.

The proposed site for the Bellagio Café and Wine Bar is located on the east side of the convention centre, and is accessed from the seawall walkway. The Trade and Convention Centre plaza was designed to accommodate events on the west side of the Centre.

The surrounding area is primarily a commercial district with the convention facilities, hotels and offices being the predominant land uses. For example, the area contains a mixture of hotels and office towers (two with upper level 'live/work' spaces), restaurants, and retail businesses. There are 'live/work' spaces in the upper storeys of the Fairmont Pacific Rim and the Shaw Tower because these spaces allow for a mix of home-based businesses and residences. 'Live/work' was deemed a more appropriate use than spaces restricted to residential use only because the area is an extension of the central business district and an important precinct for visitors, businesses, employees, shoppers and local residents.

There are two Liquor Establishment Class 2 (130 seats with 38 seat patio; 95 seats with 18 seat patio), one Liquor Establishment Class 3 (219 seats with 92 seat patio), and two Liquor Establishment Class 7 (1440 seats; 249 seats with 57 seat patio) businesses within a 700' radius of the subject site. Also, there are nine licensed restaurants that hold Food Primary liquor licences in the same radius.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating notices to approximately 900 residential and commercial tenants 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.

At the end of the noticing period, the applicant submitted a revised application reducing the proposed hours of service from 9 am to 3 am seven days a week to 11 am to 1 am on weekdays and 11 am to 2 am on weekends. A revised site sign was posted and a revised

notice sent to parties that had commented on or expressed interest in the application. An additional two weeks was provided for submittal of comments.

Staff received comments in opposition to the application from ten residents and one business representative within the notification area, as well as a petition signed by 38 residents of a residential building (including eight of the residents noted above). While no expressions of support were formally received, it should be noted that over 95.5% of residents and businesses within the area failed to indicate positive or negative support for the application. Many of the residents who submitted comments expressed fears that approval of the application would result in increased noise and disorder that would make the neighbourhood less safe and less desirable. Some of the commenters expressed concern that the hours of service allowed at Bellagio's will set a precedent for other licensed venues that are leasing nearby sites, and that together these venues will transform the area into a party destination similar to the Granville Entertainment district. The business representative who commented on the proposal stated that the area was already saturated with drinking establishments, and argued that the late night closing time was inconsistent with existing closing times in the area, and may attract undesirable patrons to the area.

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
Hours of Service	Hours of service requested, 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday fall below the actual Standard hours permitted under the Business Premises Regulation of Hours Bylaw for this area
Area already saturated with drinking establishments	The majority of Liquor Primary establishments are located within the surrounding hotels. Two of the establishments are "Private Clubs"
Closing time inconsistent with closing times in the area	Requested hours of operation fall within the hours permitted for Food Primary (Restaurants) in the City (11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday)

DISCUSSION

Policy Issues

The subject site is located in the Downtown Primarily Commercial 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.

The proposed patio is not consistent with Council's policy for outdoor patios with respect to the permitted seating capacity. The policy states that outdoor seating for patios is limited to 20% of total seating capacity of the liquor primary establishment. For this application, policy would allow for a 11 person patio but the applicant is requesting approval for a 40 person patio. Staff support the request for a 40 person patio which will be located adjacent to the pedestrian and bikeway path to create distinctive and lively public place as per the Vancouver Convention Centre Guidelines adopted by Council on November 5, 2002. The time-limited development permit and 11 pm closing time for the patio should address any potential problems.

The Bellagio Café and Wine Bar is proposed for a site that was identified in the plan, zoning and development approvals for the new Trade and Convention Centre as one where businesses that included a need for patio seating would be found and for the animation of public spaces and areas fronting onto the pedestrian and bikeway path.

Hours of Operation

The hours of operation requested for the Liquor Primary liquor licence is 11 am to 1 am on weekdays and 11 am to 2 am on weekends, which are within the parameters of the Standard Hours permitted in the Downtown Primarily Commercial Area. The applicant will be required to operate within these hours for the first three to six months, after which time extended hours of operation may be considered. The proposed patio must cease all liquor service and vacate by 11 pm.

Positive Proposal Aspects

The proposed Liquor Primary establishment will be located within a larger venue whose primary purpose is food service. Moreover, the applicant's intent is to provide a relatively subdued, upscale cocktail lounge environment with full menu service and entertainment limited to background music and television monitors. Liquor establishments of this size and type generally do not create significant negative issues for area residents and business operators. With the exception of the patio, the application complies with Council's liquor policy for venue size and location, and hours of liquor service. However, as noted in the Policy Issues section of this report, Staff support allowing a 40 seat patio at this location with closing hours restricted to 11 pm even though the application does not comply with Council's seating capacity policy for outdoor patios.

In addition, this application supports the City's desire, as expressed in previous approvals, to animate the Convention Centre area with increased ground-level pedestrian and tourist serving facilities, including retail, restaurant, patios and liquor primary uses as per Council's Policy for the Vancouver Convention Centre Guidelines.

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 lounge-style Liquor Primary establishments within licensed restaurants generally create fewer neighbourhood impacts than stand-alone Liquor Primary venues. Nonetheless, noise control measures must be implemented and maintained to reduce potential impacts on area residents. For that reason, staff recommends that, as a condition of endorsement, an acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements.

Enforcement History

The applicant has no enforcement history with his current establishment, The Bellagio Café, at 773 Hornby Street. This establishment is an 87 seat food primary (restaurant) with a 25 seat patio.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

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

Liquor Primary seating capacity limited to 40 patio seats and 56 indoor seats. The inside Occupant Load must be larger than that of the patio to accommodate the patio closure at 2300 hours. The remainder of the seats must be Food Primary seats.

The patio will be required to close at 2300 hours and will have no amplified music.

The Central Area Planning Department has reviewed and supports this application with the following comments:

Staff supports this application. It was envisioned that the Trade and Convention Centre would include a variety of restaurants, retail stores, and bars. This proposal and others will assist in activating the public spaces adjacent to the Centre.

The Development Services Department has reviewed this application and has provided the following comments:

This application falls within the CD-1 (363) Comprehensive Development District. The current approved use of this building is a Convention Centre, including exhibition hall, associated ballrooms, meeting rooms and retail and services uses. The proposal for a Liquor Establishment Class 1 - Lounge (similar to a Neighbourhood Public House) and associated patio seating 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 notes that the applicant has received approval for a maximum occupant load of 56 persons for the interior liquor primary area and a 40 person liquor primary patio (see FI407885).

The Social Development Department and *Engineering 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.

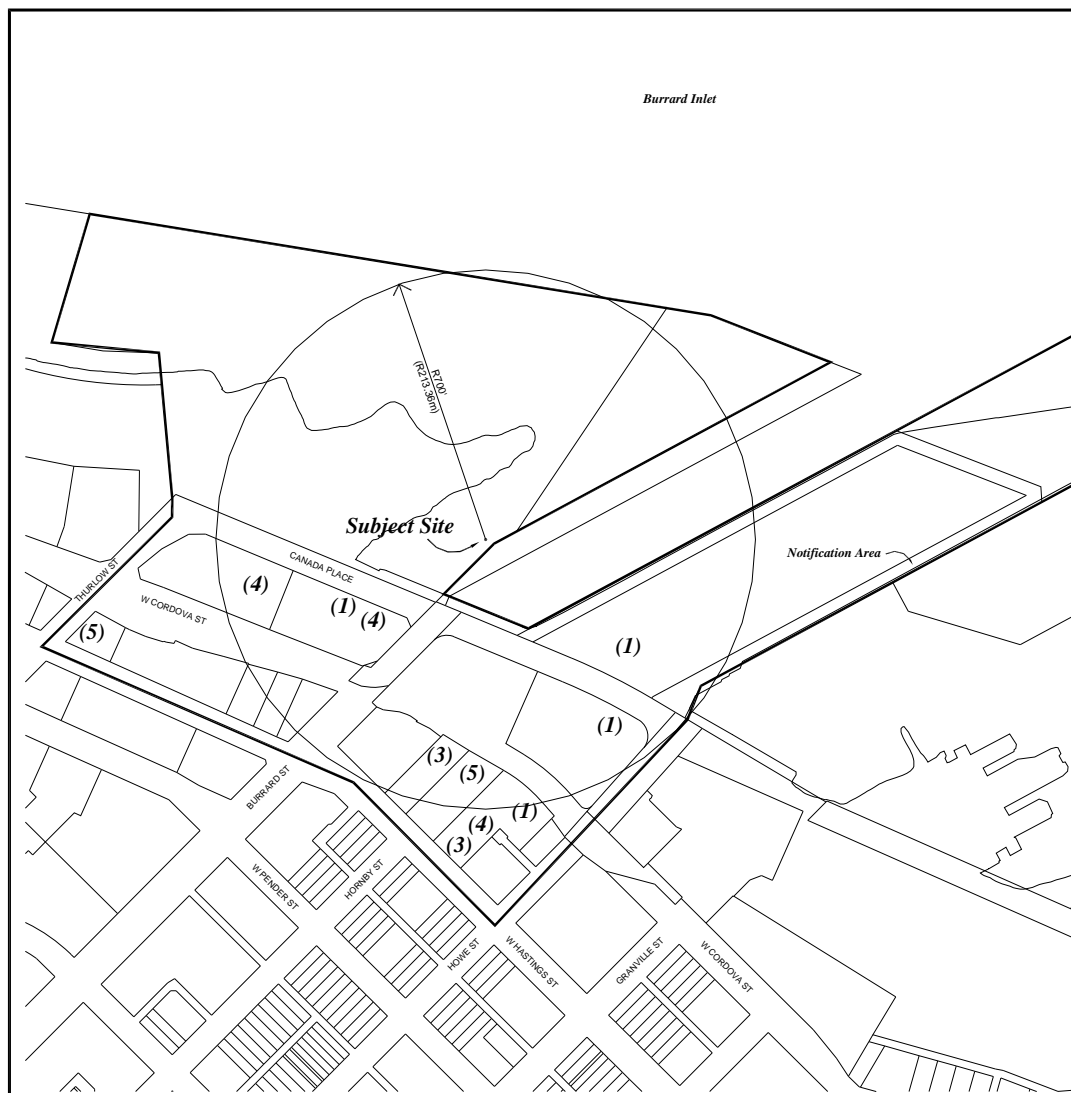
Traffic, noise, parking and zoning: Staff has considered traffic, noise, parking and zoning matters. Staff has no concerns with traffic, noise, parking and zoning at this time.

CONCLUSION

Staff recommends that Council endorse the applicant's request for a 56 person with a 40 person outdoor patio Liquor Primary (Liquor Establishment Class 1) liquor licence subject to the conditions outlined in Recommendation A. The application complies with Council's policy for venue size, location, and hours of liquor service, and provides ground-level pedestrian and tourist serving facilities as envisioned for this area. Concerns about increased noise and disorder have been expressed by some area residents. In order to minimize these impacts, staff recommends that the applicant be required to submit, as a condition of endorsement, an acoustic report certifying that the establishment meets Noise Control By-law requirements, as well as a signed Good Neighbour Agreement. Staff acknowledge that this application does not meet Council policy for outdoor patios (seating for patios is limited to 20% of total seating capacity of the liquor primary establishment), but given the proposed patio location, the requirement for a time-limited Development Permit and 11 pm closing time, staff do not anticipate any significant impacts from the operation of this patio. The patio does meet the Vancouver Convention Centre Guidelines adopted by Council which included the need for patio seating and to create a distinctive and lively public place.

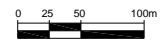
With these conditions, and given the relatively low-key lounge atmosphere proposed by the applicant, staff anticipates that negative impacts to the surrounding primarily commercial community should be minimal. Based on these findings, staff recommends that Council approve the applicants request.

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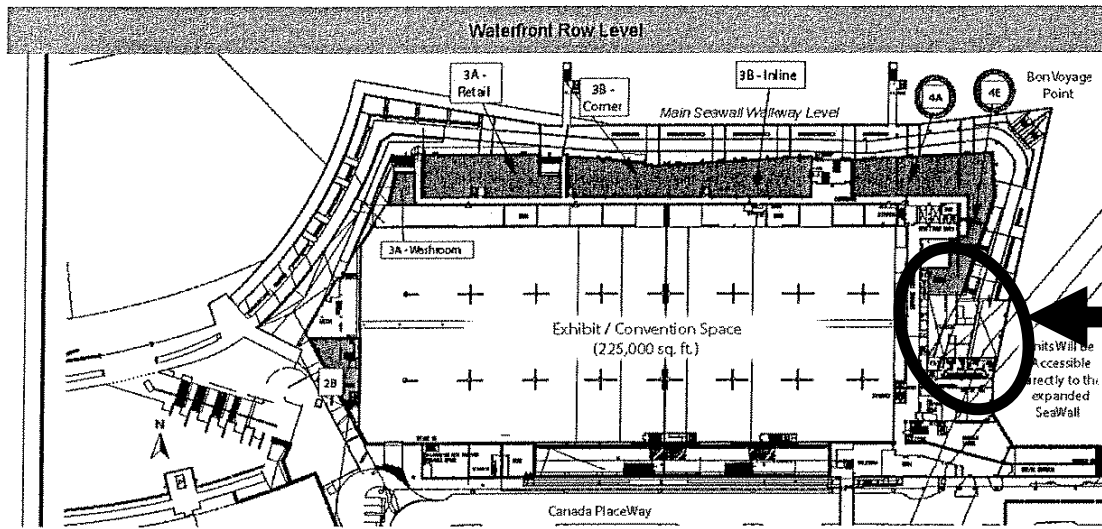


LEGEND

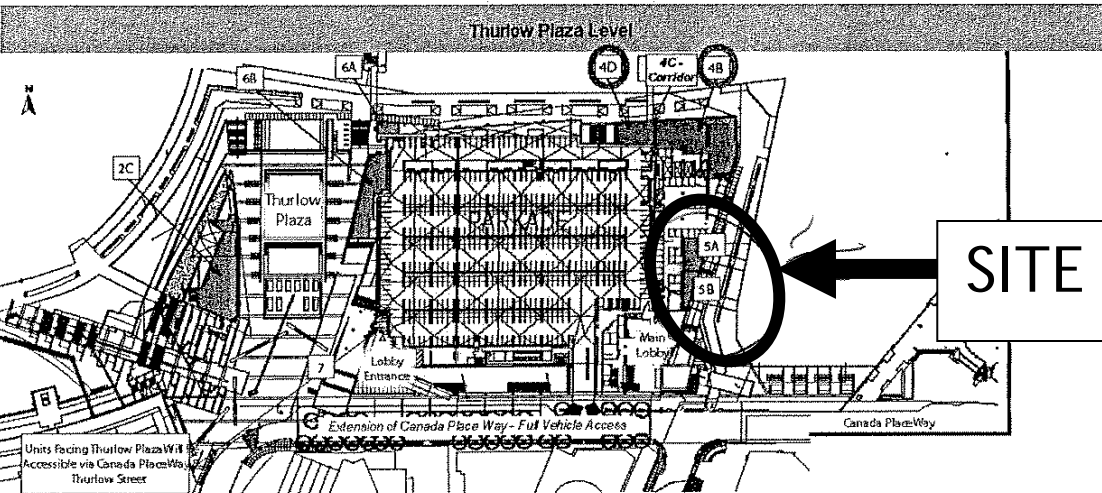
- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {**Pan Pacific Hotel**}, {**Fairmont Waterfront Hotel**}, {**Lion's Pub**}, {**Fairmont Pacific Rim Hotel**}
- (2) Government or Private Liquor Stores - {N/A}
- (3) Social/Private Clubs {**Terminal City Club**}, {**Vancouver Club**}
- (4) Residential buildings {**Shaw Tower**}, {**Fairmont Pacific Rim Estates**}, {**Terminal City Club**}
- (5) Parks {**Portal Park**}, {**901 W. Hastings**}
- (6) Churches - {N/A}
- (7) Schools - {N/A}
- (8) Social Housing - {N/A}
- (9) Other social facilities (clinics, rehabs, hospitals, etc.) - {N/A}



LIQUOR ESTABLISHMENT CLASS - LOUNGE 22 - 1055 Canada Place Way	map: 1 of 1 
City of Vancouver - Licenses & Inspections	date: 2010-10-12



SITE



SITE

Units facing Thurlow Plaza Will Be Accessible via Canada Place Way & Thurlow Street

**Amend
F1409885**



MAXIMUM OCCUPANT LOAD
 1) UD PERSONS
 2) 56 PERSONS
 3) 56 PERSONS
 4) 56 PERSONS
 5) 56 PERSONS
 6) 56 PERSONS

MAXIMUM OCCUPANT LOAD
 1) 97 PERSONS
 2) 97 PERSONS
 3) 97 PERSONS
 4) 97 PERSONS
 5) 97 PERSONS
 6) 97 PERSONS

- Issue Dates**
- 17 Apr 2009 issued for Vision Review
 - 21 Apr 2009 Revised for Vision Review
 - 11 Apr 2009 issued for Fabric Review
 - 16 Apr 2009 issued for Structural Loadings
 - 16 Apr 2009 issued for Light Control and Egress
 - 17 Apr 2009 issued for Life Safety
 - 17 Apr 2009 Revised for Mechanical and Electrical
 - 17 Apr 2009 Revised for Fire Protection
 - 17 Apr 2009 issued for information for the contractor
 - 17 Apr 2009 issued for Landlord / Owner review
 - 17 May 2009 Structural Coordination for Life Safety Tables
 - 17 May 2009 issued for 3D
 - 03 Aug 2009 issued for Construction
 - 02 Aug 2009 Revision 1: Rail for a Ramp
 - 18 Aug 2009 Fabric Review
 - 15 Sept 2009 Fabric issued for Final Review
 - 03 Oct 2009 Kitchen and Coffee Bar Redesign based for Team
 - 04 Oct 2009 Fabric Revised for Final Review

REVIEWED AND ACCEPTED
 THE B.A. ACT
 OCT 21 2010
 L. SZYBALSKI
 REGISTERED ARCHITECT
 THIS IS NOT A CONTRACT

Bellagio Cafe
 Main Floor Plan
 1/4" = 1'-0"
 A1.01

