



ADMINISTRATIVE REPORT

Report Date: April 28, 2011
Contact: Lucia Cumerlato
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RTS No.: 08824
VanRIMS No.: 08-2000-20
Meeting Date: May 19, 2011

TO: Standing Committee on City Services and Budgets
FROM: Chief License Inspector
SUBJECT: 3255 West Broadway - TVL Investments Ltd.,
Liquor Primary Liquor Licence Application - Kitsilano Public House

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report dated April 28, 2011, entitled "3255 West Broadway - TVL Investments Ltd., Liquor Primary Liquor Licence Application" (Kitsilano Public House), endorse the request by TVL Investments Ltd. for a Liquor Primary liquor licence (Liquor Establishment Class 2) at 3255 West Broadway subject to:

- i. Standard hours of operation for the first six to 12 months 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 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 75 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;
- vi. Food service to be provided while the establishment is operating;
and
- vii. The surrendering of the existing Food Primary liquor licence #184543 and the Billiard Room Keeper business licence #11-108082 at the time of issuance of the Liquor Primary liquor licence.

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 December 16, 2004, Council decided to not support liquor service in conjunction with billiard halls.

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.

SUMMARY

TVL Investments Ltd. (doing business as Kitsilano Billiards), located at 3255 West Broadway, is seeking a Council resolution endorsing their application for a 75 persons Liquor Primary liquor licence (Liquor Establishment Class 2) which includes hours of licensing from 10 am to 1 am, Sunday to Thursday; and 10 am to 2 am, Friday and Saturday.

The request from TVL Investments Ltd. is consistent with Council's liquor policy for the area. The establishment is an existing Restaurant Class 1 currently with a Food Primary liquor licence and also holds a "Billiard Room Keeper" licence. The applicant seeks to replace the Food Primary liquor licence with a new Liquor Primary liquor licence (pub) and will continue to provide food service. If this application is endorsed, the applicant intends on terminating the Billiard Room Keeper licence in support of this application as per Council policy.

The applicant intends on operating a pub style establishment with food and beverage service and no "live" entertainment.

Of the 600 notices circulated, a total of 27 responses were received from area residents opposing the application. Two of the respondents were from outside the notification area and five of the respondents contained no address information. 10 of the respondents are from a residential strata complex located in close proximity to the establishment.

The respondents opposed are concerned about the potential for increased noise, increased drunkenness, disturbances, issues with loud music and a general feeling that there are already enough liquor establishments in the area.

It should be noted that only 4.2% of the notified residents and businesses within the area responded and over 95.8% of the notified residents and businesses within the area failed to

indicate positive or negative support for the application. Response to the public consultation was limited. Liquor establishments of this size generally do not generate complaints or negative issues with the surrounding residents and business operators. It is staff experience that due to the low number of comments received, the majority of the area residents and businesses have no concerns with the application.

Licensing staff is recommending Council endorse the applicant's request with the conditions noted.

PURPOSE

TVL Investments Ltd. is requesting a Council resolution endorsing their application for a 75 person Liquor Primary liquor licence (Liquor Establishment Class 2) at 3255 West Broadway.

BACKGROUND

Site History

The proposed location of this Liquor Primary liquor licence is in an existing Restaurant Class 1 with Billiard Hall situated in the Non-Downtown - Primarily Residential area. This business has been in this neighbourhood for over 40 years. The current operator has been operating since December 2000 catering to the diverse population of the Kitsilano community. The majority of the clientele to frequent this establishment range in age from approximately 20 to 60 years. No complaints have been received related to the management of this business. The current capacity on the food primary licence is 50 persons with a 10 person patio. The applicant will not be applying for a patio endorsement in order to minimize the potential for noise issues.

Application

The applicant is requesting a Council resolution endorsing their application for a 75 persons Liquor Primary liquor licence (Liquor Establishment Class 2) with hours of operation between 10 am to 1 am, Sunday to Thursday and 10 am to 2 am, Friday and Saturday. Hours of service policy for this Non-Downtown Primarily Residential area allows for standard hours of liquor service from 11 am to 1 am, Friday and Saturday and 11 am to 12 am, Sunday to Thursday. Furthermore, if certain criteria are satisfied, the operator can extend their hours of liquor service to 9 am to 2 am, Friday and Saturday and 9 am to 1 am, Sunday to Thursday. This approval would result in the cancellation of the existing Food Primary liquor licence (#184543- interior capacity 50 persons/10 person patio), which has hours of liquor service from 10 am to 2 am, Friday and Saturday and 10 am to 1 am, Sunday to Thursday. The hours of service will remain unchanged. This establishment will continue to be owner operated as it has been for the last 11 years. The conversion of this establishment from a food primary to liquor primary establishment is more appropriate and desirable for their patrons who would like to have a beverage while playing a game of billiards.

If this application is endorsed, the applicant will be required to terminate the Billiard Room Keeper licence in support of this application. Section 11.1.5 of the Provincial Liquor Regulations states (Entertainment and games in food primary licensed establishments):

"games that require the patron to get up from the table and which are likely to shift the primary focus of the establishment away from the service of food are not permitted in the licensed area, including: darts, shuffleboard, foosball, billiards, pool, video arcade style games, basket ball, ice or roller hockey, curling, and bowling; these and other stand-up

games may be offered in an unlicensed area next to the food primary establishment, provided the two areas are properly separated."

The applicant intends on operating a pub style establishment catering to the diverse population of Kitsilano with food and beverage service featuring billiards as the main form of entertainment. If the application is endorsed by Council, the applicant will be permitted to serve alcoholic beverages to patrons in the billiards area. No "live" entertainment will be provided. The footprint and layout of the establishment will be the same as the current layout except for a reduction in the number of billiard tables (refer to Appendix B).

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-2C1 Zoning District (Commercial District) and for the purposes of liquor policy it is considered a non-downtown primarily residential area. The approved use of this space is a Restaurant Class 1 and Billiard Hall. The surrounding area is a mixture of retail, office, preschool, adult day centre, residential, church and restaurant uses. (refer to Appendix A).

There is one Liquor Primary Liquor Establishment Class 1 (The Fringe - 50 seats) and one Liquor Retail Store (Point Grey Beer and Wine Cellar) located within a 600' radius of the subject site. Also, 10 licensed restaurants are within the area which hold Food Primary liquor licenses.

RESULTS OF NOTIFICATION

A neighbourhood notification advising of the application for a 75 person Liquor Primary liquor establishment was conducted by circulating approximately 600 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 27 responses were received in opposition of the application which included 17 emails, one letter, and nine telephone calls. Two of the respondents came from outside the notification area and five of the respondents did not include an address. No responses were received supporting the application.

Ten of the respondents located within the notification area reside in a residential strata complex located in close proximity to the establishment.

It should be noted that only 4.2% of the notified residents and businesses within the area responded and over 95.8% 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 increased noise, increased drunkenness, and disturbances when patrons are leaving the establishment, issues with loud music and a general feeling that there are already enough liquor establishments in the area.

In addition to the neighbourhood notification and site sign, an "open house" was organized by the applicant and was held on October 21, 2010 (refer to Appendix C). The Liquor Licence Coordinator and the VPD Liquor Coordinator were also in attendance. Approximately 16 people attended the open house. The open house resulted in eight comments, all supporting the application. The majority of the people who attended the open house were regular clientele and a few local residents. No comments were received in opposition.

DISCUSSION

Policy Issues

The subject site is located in the Non-Downtown Primarily Residential area. The proposed Liquor Establishment - Class 2 venue is greater than 500 metres away from another Liquor Establishment Class - 2 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.

Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

Hours of Operation

The applicant is requesting hours of operation which are within the parameters of the extended hours permitted in the Non-Downtown Primarily Residential area. Maximum permitted extended hours for the area are 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday. The applicant has requested hours of operation from 10 am to 1 am, Sunday to Thursday and 10 am to 2 am, Friday and Saturday. The applicant will be required to operate within the Standard Hours of operation for the first six to 12 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.

Positive Proposal Aspects

- The applicant will be required to submit an Acoustical report certifying that the establishment meets Noise Control By-law requirements;
- Food service to be provided during operating hours, 7 days a week;
- Owner operated establishments tend to create less issues for the city since the owner is regularly on site and in charge;
- The patio will be eliminated if this application is endorsed by Council in order to minimize noise concerns;
- Door staff will be employed to control any outside noise disturbances;
- The applicant has a positive track record with the operation of the existing restaurant (Kitsilano Billiards Café); and
- The application complies with Council's liquor policy for venue size and location.

Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption. Very little is likely to change with respect to how the premise currently operates. Staff acknowledges that impacts will likely remain minimal from the current levels and that the new Liquor Establishment Class 2 business licence has

significantly more operating regulations than the current restaurant business. The application 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 note that there is currently a high concentration of Food Primary Licences in the immediate and surrounding area of this application, including two other Liquor Primary Licence in the 2200 and 3100 block of West Broadway. Because of noise and disorder issues typically associated with Liquor Primary establishments, these types of establishments have an impact on police resources.

In order to minimize impact on the local community, the VPD concurs with the recommendation of Community Services Group, Licences and Inspections; that the hours of operation be restricted to midnight closing during the week and 1 am closing on the weekends.

The Development Services Department support the application and advise this application falls within the C-2C1 zoning district. The approved use of this building is Billiard Hall and Restaurant Class 1. The proposal to use this space as a Liquor Establishment Class 2 (similar to a Neighbourhood Public House) will 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 advise FI408481 was issued on January 25, 2011 for a total maximum occupant load of 75 persons.

The Social Development Department has reviewed the application and would like to bring the following to Council's attention:

- The conversion of billiard hall to liquor primary establishment would contribute to an overall loss in the city of social and recreation space, which is accessible to children and youth under the age of 19;
- Billiard Hall currently constitutes one of the few businesses that offer affordable youth recreation and congregation opportunities - especially in the evenings. However,

there is no reliable data on current usage of private billiard halls by children and youth;

- The Civic Youth Strategy (1995) commits the City “to ensure that youth have ‘a place’ in the city...assuring adequate ‘user-friendly places’ for youth to frequent...”.

The Central Area Planning Department have no comments on this application 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 and have no concerns at this time. These matters will be considered further as part of the Development Permit process.

CONCLUSION

Staff are recommending Council endorse the applicant’s request for a 75 person Liquor Primary liquor licence subject to the conditions outlined in the Recommendation. This application meets current Council policy regarding size and distance from other establishments. The requirement for a Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area and the 12 month earlier closing time will provide an evaluation period for staff, Vancouver Police Department 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.

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REVIEWED AND ACCEPTED
PURSUANT TO
THE B.C. FIRE SERVICES ACT
AND THE B.C. FIRE SERVICES REGULATIONS
ON **JAN 28 2011**
BY: C. SCHEIN
1400 / 1400th Street, Vancouver
THIS IS NOT A PERMIT

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THE KITSILAND PUBLIC HOUSE
8888 W. BROADWAY
VANCOUVER, B.C.

OCC. LOAD PLAN

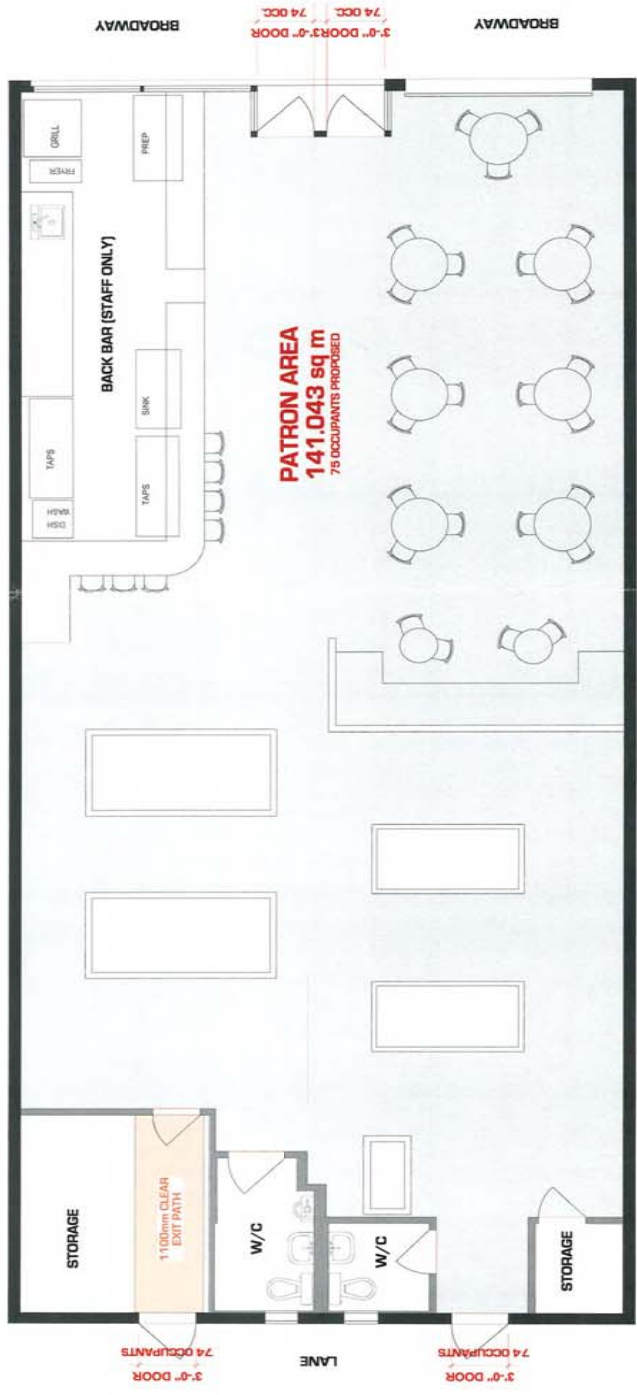
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CHECKED BY: J.M.
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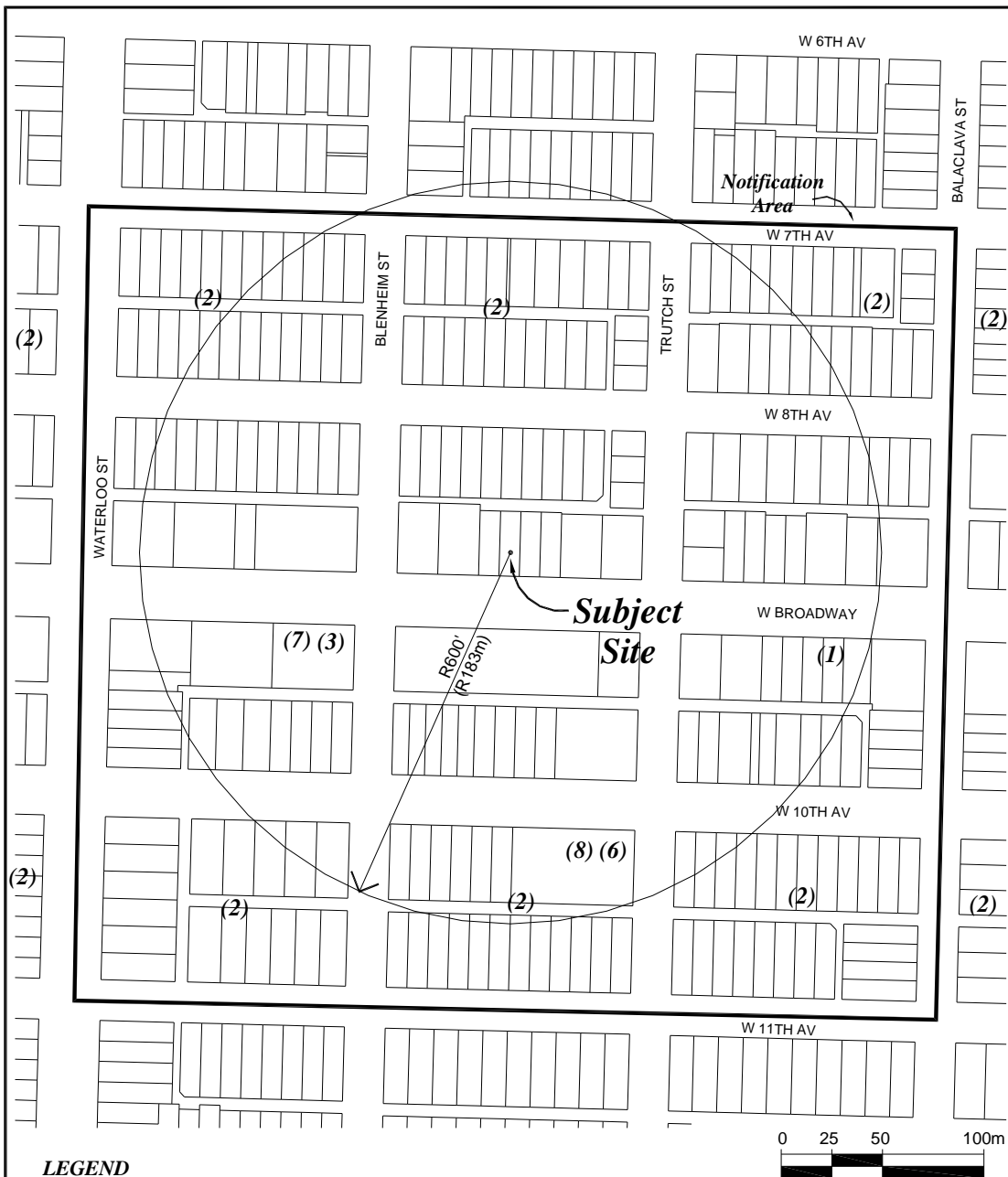


- MAXIMUM OCCUPANT LOAD**
- FOR 1.) LICENSED BEVERAGE ESTABLISHMENTS 15 PERSONS
- 2.) DINING AND CAFETERIA SPACE
- 3.) NON FIXED SEATS AND TABLES
- 4.) NON FIXED SEATS
- 5.) STANDING SPACE
- 6.) OTHER USES

OCCUPANT LOAD CALCULATIONS	
LIQUOR PRIMARY AREA:	
GROSS FLOOR AREA: 228.1 sq. m.	NET FLOOR AREA: 141.0 sq. m.
# OF EXITS: 4	@ 1.2 sq. m./person = 117 Occupants
	@ 12.27m ² /person = 250 Occupants
PROPOSED OCCUPANT LOAD: 75 Occupants	
TOTAL PROPOSED OCCUPANT LOAD: 75 Occupants	



1 FLOOR PLAN
3/8" = 1'-0"



LEGEND

- (1) Cabarets, Neighbourhood Pubs & Lounges - {The Fringe - 3124 West Broadway}
- (2) Residential buildings
- (3) Government or Private Liquor Stores - {Point Grey Beer & Wine Cellar - 3338 W Broadway}
- (4) Social/Private Clubs - {N/A}
- (5) Parks - {N/A}
- (6) Churches - {The Lord's Grace Church - 3214 West 10th Ave}
- (7) Other Social Facilities (clinics, rehabs, hospitals, etc.) {Cross Reach Adult Day Centre - 3348 West Broadway}
- (8) Schools/Community Centre - {St. James Community Centre/Japanese Preschool - 3214 West 10th Ave}

<p>LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2) 3255 West Broadway</p>	<p>map: 1 of 1</p>	
<p>City of Vancouver - Licenses & Inspections</p>	<p>date: 2011-02-14</p>	

KITSILANO BILLIARDS

3255 WEST BROADWAY

604. 739.9544
kitsbillards@gmail.com

Please feel free to contact us at anytime. We are here to answer your questions.

Thank you for your feedback and your continued support!



This information pamphlet is a brief summary of our pending application to the City of Vancouver to change our current operating license. We are not a new business application. Kitsilano billiards has been a part of the community for over 40 years. We wish to change our current license in a minimal way, and have worked with City Hall and the Vancouver Police Department to reach compromises that should alleviate any concerns our neighbours might have. We are very aware of noise issues on Broadway, being owner operated we do our very best to make sure our establishment and patrons respect our neighbours.

The purpose of this event was to answer any questions and address any concerns that you, our neighbours, may have.

Thank you for attending.

IMPORTANT DETAILS

- Over 40 years in business in the neighbourhood
- Great relationships with our neighbouring businesses
- No history of Police issues
- No liquor license contraventions
- Change from Food Primary to Liquor Primary gives greater disciplinary power to the Liquor Inspector and City
- Signing of a Good Neighbour Agreement also provides greater assurance and accountability to the City and Police
- **PATIO WILL BE ELIMINATED FROM LICENSE PROPOSAL TO DECREASE NOISE**
- **NO CHANGE FROM CURRENT HOURS**
- Continue to be owner operated - owners on site and in charge
- Back door has been converted to allow *exit only*
- Security cameras recently installed - inside and alley
- Kitchen will stay open all ours of operation
- Capacity is only increasing from 60 (current) to 75
- Billiards will remain as the main form on entertainment
- A door man will be employed on weekends
- Taxis to be made available around closing time to help get patrons home and off the street quickly