

Supports Item No. 3
CS&B Committee Agenda
June 30, 2011



ADMINISTRATIVE REPORT

Report Date: May 31, 2011
Contact: Cathy Joe
Contact No.: 604.871.6988
RTS No.: 09100
VanRIMS No.: 08-2000-20
Meeting Date: June 30, 2011

TO: Standing Committee on City Services and Budgets

FROM: Chief Licence Inspector

SUBJECT: 2283 West Broadway - Golden Road Consulting Ltd.
Liquor Primary Liquor Licence Application - The Regal Beagle Grill
Liquor Establishment Class 1 (Neighbourhood Pub)

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by site signage, neighbourhood notification, noise impacts and relevant Council policy as outlined in this Administrative Report dated May 31, 2011, entitled "2283 West Broadway - Golden Road Consulting Ltd., Liquor Primary Liquor Licence Application - The Regal Beagle Grill, Liquor Establishment Class 1 (Neighbourhood Pub)", endorse the request by Golden Road Consulting Ltd., for a 40 person Liquor Primary liquor licence (Liquor Establishment Class 1) in conjunction with the existing Food Primary Liquor Licence (Food Primary liquor licence #176595) at 2283 West Broadway (The Regal Beagle Grill), subject to:

- i. A maximum capacity of 40 persons;
- ii. A Time-limited Development Permit;
- iii. Standard hours of operation for a minimum of one year limited to 11 am to midnight, Sunday to Thursday and 11 am to 1 am, Friday and Saturday; after which time 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;
- iv. An 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 the issuance of the new business licence; 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 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 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, Golden Road Consulting Ltd., is requesting a Council resolution endorsing their application for a 40 person Liquor Primary liquor licence (Liquor Establishment Class 1 - Neighbourhood Pub) in conjunction with the existing Restaurant Class 1 via the conversion of seats from the existing Food Primary liquor licence at The Regal Beagle Grill located at 2283 West Broadway. The applicant is requesting extended hours of operation from 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday.

BACKGROUND

Site History

The Regal Beagle Grill has been operating as a Restaurant Class 1 with a Food Primary liquor licence since 1997 catering to the diverse population and business community of Arbutus, Kitsilano, and West Broadway. The current capacity on the Food Primary liquor licence (#176595) is 73 persons (interior), 18 person lounge interior and a 23 person patio. The hours of operation under the existing Food Primary liquor licence are 12 pm to 2 am, seven days a week. Under the City of Vancouver Licence Bylaw, the restaurant's current allowable hours of operation are 12 pm to 1 am, Sunday to Thursday; and 12 pm to 2 am, Friday and Saturday. When conflicts arise between the City of Vancouver and Liquor Control and Licensing Branch (LCLB) hours of liquor service, the most restrictive regulation applies.

Application

The applicant, Golden Road Consulting Ltd., is requesting a Council resolution endorsing their application for a 40 person Liquor Primary liquor licence (Liquor Establishment Class 1 - Neighbourhood Pub) to operate in conjunction with the existing Restaurant Class 1 via the conversion of seats from the existing Food Primary liquor licence at The Regal Beagle Grill located at 2283 West Broadway (refer to Appendix B).

The applicant is requesting Extended Hours of operation for the Liquor Primary liquor licence which are from 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday.

The existing 23 seat patio will remain licensed under the Food Primary liquor licence and the operating hours of the patio will remain unchanged (12 pm to 11 pm, seven days a week).

The City of Vancouver hours of service policy for this Non-Downtown Primarily Mixed-use area allows for Standard Hours of liquor service from 11 am to midnight, Sunday to Thursday and 11 am to 1 am, Fridays and Saturdays. If certain criteria are satisfied, the operator can extend their hours of liquor service to their proposed hours of 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday.

The proposed Liquor Primary liquor licence will enable the establishment to provide enhanced service to their target market by permitting them to patronize the establishment without mandatory meal service that is required of all Food Primary liquor licensed establishments. The applicant feels that there is a demand for this type of establishment in the area and will help build the community and encourage socializing on a local level.

The Food Primary licensed area within the establishment will still permit families with children to continue to enjoy food and service. There will be no menu changes, décor changes or entertainment changes. There will be a full kitchen in the establishment to support a full menu to be paired with the wines and liquor.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

Branch regulations allow liquor service between the hours of 9 am to 4 am seven days a week for Liquor Primary liquor 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 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 approved use of this space is Restaurant Class 1. The surrounding area is a mixture of retail, office, health care office, fitness centre, beauty salon, residential, church, and restaurant uses (refer to Appendix A).

There is one Liquor Establishment Class 2 (Lola's Bar - 138 seats) located at 2291 West Broadway and one liquor retail store (Kitsilano Cold Beer & Wine Store - 2289 West Broadway) that are located within an 800' radius of the subject site. There are also three licensed restaurants which hold Food Primary liquor licences in the area.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 700 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. Staff allowed three weeks for the community to respond with concerns or support for the application.

A total of 38 responses (23 emails, five telephone calls and four letters) were received in opposition of the application; 32 of the responses were received from within the notification area. Six responses opposing the application were also received but contained incomplete contact information.

Respondents opposing the application are most concerned with increased nuisance issues for the community including; noise, drunkenness, and disturbances with patrons leaving the establishment, lack of parking for the area, close proximity to residential buildings, and a feeling that the area would become a drinking destination if the application was approved.

A total of 45 responses (all emails) were received supporting the application; eight responses were received from within the notification area, 35 responses were from outside the notification area and two were submitted with no contact information attached.

It should be noted that only 5.7% of the notified residents and businesses within the notified area responded and over 94.3% of the notified residents and businesses within the area failed to indicate positive or negative support for the application.

A revised notice was sent to concerned parties with the proposal that Staff recommend endorsing the application with the condition that the applicant is to operate under Standard Hours (11 am to 12 am, Sunday to Thursday; 11 am to 1 am, Friday and Saturday) for a minimum of one year. Staff feel that under Standard Hours of operation, patrons of the proposed 40 person Liquor Primary liquor licence would be required to leave the establishment at 12 am, Sunday to Thursday and 1 am, Friday and Saturday (with a half hour tolerance period) and thereby reducing the capacity of the establishment by almost 50% at the required closing times. Staff feel that this would help mitigate and address the issues and concerns felt by residents in the surrounding area. An additional two weeks was provided for submittal of comments.

Fifteen email responses were received in opposition to the proposal for approval based on standard operating hours contained in the revised notice. Respondents feel that the revised recommendation would not make a difference to the concerns that were raised previously and that the neighbourhood would still be subject to negative impacts if the application was approved. An additional five email responses located from within the notification area expressed support for the application.

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.

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 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 Mixed-use Area. To address the issues and concerns expressed by area residents regarding the application, Staff is recommending that the hours of operation for the Regal Beagle Grill be restricted to Standard Hours which are 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday

for a minimum of one year. Once a minimum period of one year has elapsed and no issues/concerns arise during this time period, extended hours of operation may be considered.

Positive Application Attributes

- The applicant will be required to submit an Acoustical report certifying that the establishment meets Noise Control By-law requirements;
- The application complies with Council's liquor policy for venue size and location;
- Liquor establishments of this size and type generally do not create significant negative issues for area residents and business operators;
- A Time-limited Development Permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community;
- Very little is likely to change with respect to how the premise currently operates (food service will remain a component of the business which will provide a mitigating factor to the liquor service; and
- Should Council support the Liquor Primary application, then the applicant will have more flexibility to serve and accommodate those clients who only wish to consume alcohol.

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.

Enforcement History

Other than one noise complaint in 2010, the Licences and Inspections Department has no enforcement history with this establishment. The LCLB suspended The Regal Beagle Grill in May 2010 for a period of 10 days for not complying with the provisions of their Food Primary liquor licence.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed the application and note:

The VPD position with respect to this application for an increase in liquor primary seating in District Four is that there will be an associated increase in calls for Police service occasioned by the increased liquor consumption at this licensed premises. This is particularly significant during the spring/summer period when the beaches and the Yew Street corridor are high in calls for service related to liquor consumption.

In order to minimize community impacts, Police support the City's recommendation to limit hours for the Liquor Primary licence to Standard operating hours.

Police are aware that the business owner has had a history of not complying with the provisions of their license. The most recent suspension from the LCLB was in May of 2010 for a period of 10 days. Conditions on the license should be on the basis of the operator complying

with the provisions of their licenses and agreeing to sign a good neighbor agreement as noted by the Planning Department. The operator would need to provide a security plan with steps and procedures that they will be taking to minimize the impact on the surrounding residents.

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.

The proposal for a "Neighbourhood Pub" (Liquor Primary) at this location in conjunction with the existing restaurant 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, noise control and an assessment of required on site parking. 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 approves the application and the proposed exiting for this site.

The Social Development Department has reviewed the application note that the proposed application is for a 40 seat liquor primary pub and will be operated in conjunction with the existing restaurant. Staff would like to point out that there are approximately 9,000 residential units including approximately 300 non-market housing units in the two block radius. There are also 2 private schools, 3 daycare centres, and a neighbourhood house in the immediate area. Should Council approve this application, extra consideration should be given to mitigate impacts to the surrounding community.

The Central Area Planning Department has reviewed the application and support the owner's application for the conversion of 40 of the food primary seats to liquor primary seats. Planning staff also recognize that residents associate late night noise and nuisance behaviour in their neighbourhood with this or other establishments in the area with liquor licenses. However, Broadway is one of Vancouver's most significant commercial arterials extending across most of the city and also a major transit corridor.

A business with a liquor primary licenses is a permitted use on this site. Although it is anticipated that Broadway will continue to be redeveloped with commercial and residential development, if Council wishes to consider applications for liquor primary licenses outside the downtown, then Broadway is an appropriate location for these types of businesses. It would be difficult for businesses with liquor primary licenses to find sites in areas without housing on adjacent sites or blocks because residential development is permitted on almost all lands within the city with the exception of parks, industrial areas, Central Broadway (between Oak St. and Yukon St.) and the central business district in the core of the downtown.

This business is a modest size which is appropriate in locations outside the central area where there is a significant amount of housing in the surrounding area. Staff support is also based on the business maintaining its food primary license because it is important that their patrons have the option of having a meal with their beverage.

Should Council wish to favourably consider the application of 40 liquor primary seats it should be on the basis of them agreeing to a good neighbour agreement and completing an acoustic study to ensure the premise meets the Noise Control By-law provisions and thereby, minimizing the impact of their business on the surrounding residents.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Person capacity and hours of operation: as outlined above.

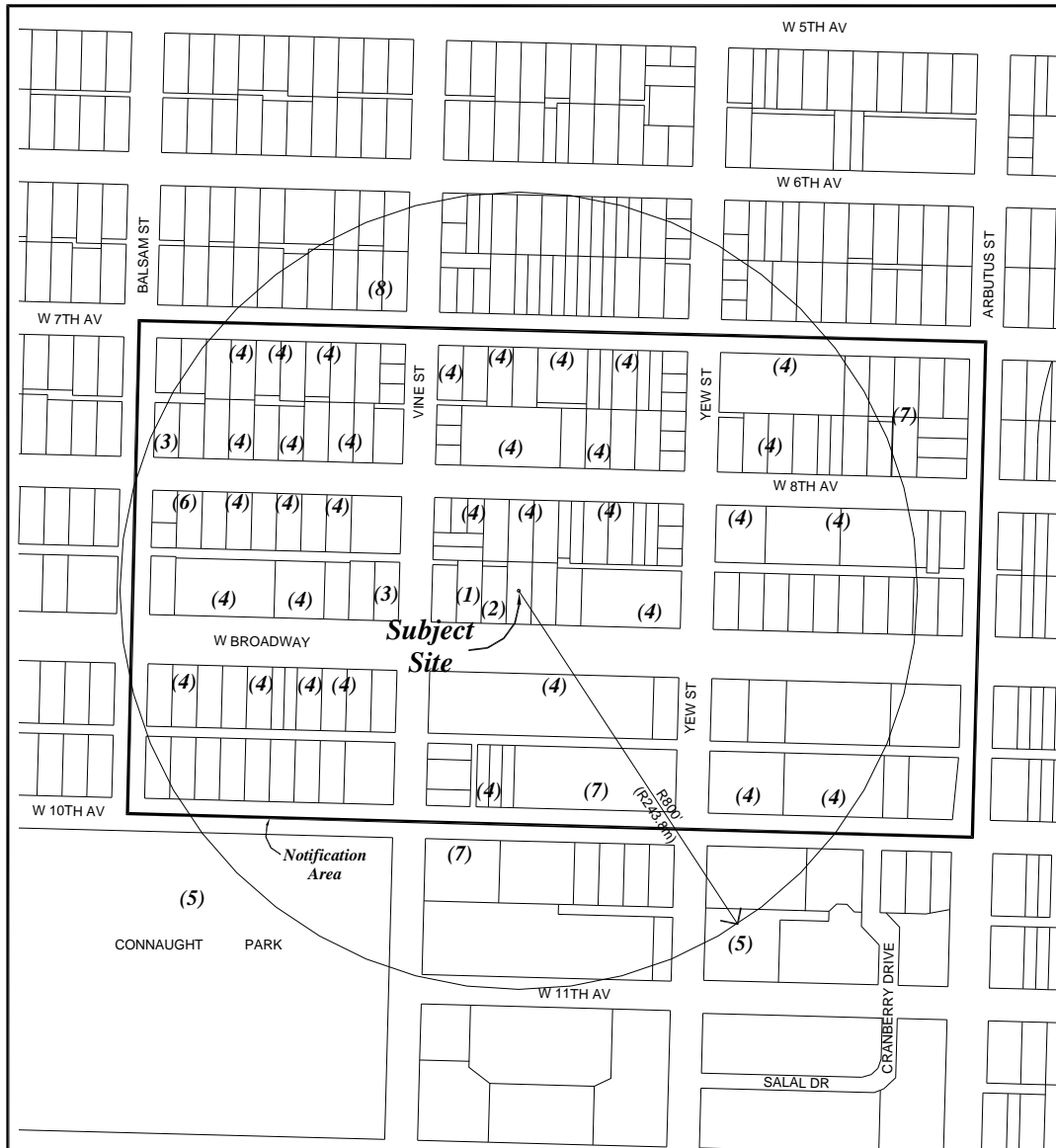
Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

Traffic, noise, parking and zoning: Staff have considered traffic, noise, parking and zoning matters and have no concerns at this time. The zoning is C-3A (Commercial District) which considers "neighbourhood public house" use a "conditional" use within this zone. 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 40 person Liquor Primary liquor licence subject to the conditions outlined in the Recommendation. The 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 restriction to Standard Hours 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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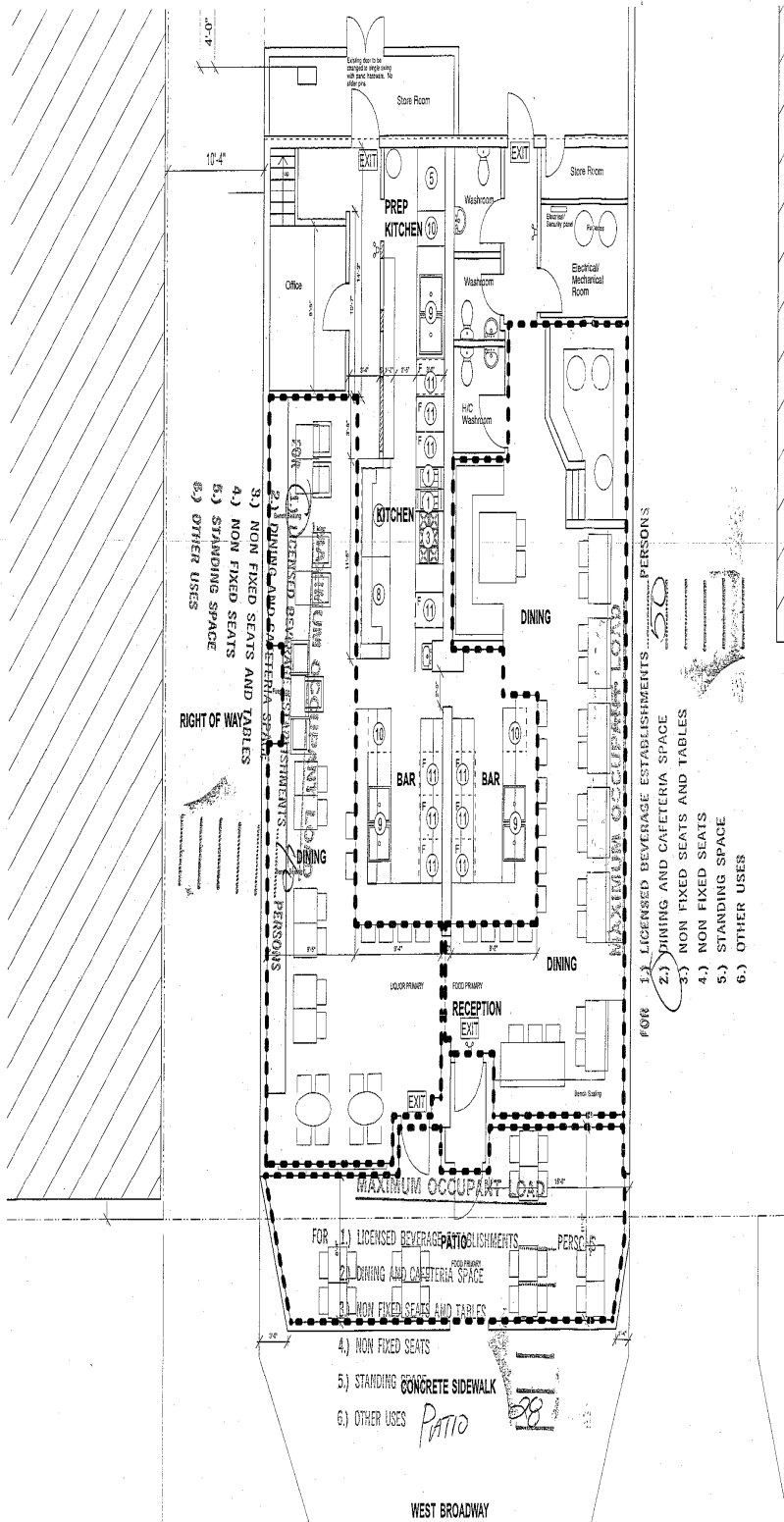


LEGEND

- (1) Cabarets, Neighbourhood Pubs & Lounges - {Lola's - 2281 West Broadway}
- (2) Government or Private Liquor Stores - {Kitsilano Cold Beer & Wine Store - 2289 W Broadway}
- (3) Social Housing facilities
- (4) Residential buildings
- (5) Parks
- (6) Churches - {The Lord's Grace Church - 2396 W 8th Avenue}
- (7) Schools/Community Centre - {St. John's - 2215 W 10th Avenue}, {St. Augustine's - 2145 W 8th Avenue}, {Fraser Academy - 2294 W 10th Avenue},
- (8) Social/Private Clubs - {Kitsilano Neighbourhood House - 2325 W 7th Avenue}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 1) 2283 West Broadway	map: 1 of 1
City of Vancouver - Licenses & Inspections	date: 2011-05-10



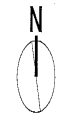
Occupancy Calculation

Area	Room	Allowed
Liquor Primary	47.05m	1.2 40
Food Primary		
Restaurant	60.5m	1.2 50
External Patio	33.35m	1.2 28
Total	141.15m	1.2 118

as per VBCL 2007 3.2.3.4.1.b
as per VBCL 2007 3.1.17.1
A2 Occupancy
Exit Width To Occupancy Load
Cumulative Exit Width 2.745m / (6mm) = 342 people

KITCHEN EQUIPMENT LEGEND

- ① Deep Fryer
- ② Griddle
- ③ Element Gas
- ④ Stock Pot
- ⑤ Prep Counter
- ⑥ Panini
- ⑦ Hot Plates
- ⑧ Cooler
- ⑨ Sinks
- ⑩ Dishwasher
- ⑪ Under-counter fridge
- ⑫ Wine Fridge



b²architecture inc.
2605 maple street
vancouver, bc
v6j 3t7
1-604-714-1633
1-604-714-1655
info@b2arch.ca

**Regal Beagle
Restaurant**

2283 West Broadway
Vancouver, BC

scale	date
As shown	10.12.03
project code	status
BAR	
drawn	checked
bb	

**Seating layout/
Occupancy
Loading**

drawing number	revision
A1	#

1 Seating Plan
1/8" = 1'-0"