



ADMINISTRATIVE REPORT

Report Date: August 26, 2011
Contact: Lucia Cumerlato
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RTS No.: 9202
VanRIMS No.: 08-2000-20
Meeting Date: September 22, 2011

TO: Standing Committee on Planning and Environment
FROM: Chief Licence Inspector
SUBJECT: 518 East Broadway - The Lido Public House Ltd.
Liquor Primary Liquor Licence Application
Liquor Establishment Class 1 (Neighbourhood Pub)

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 August 26, 2011, entitled "518 East Broadway - The Lido Public House Ltd., Liquor Primary Liquor Licence Application, Liquor Establishment Class 1 (Neighbourhood Pub)", endorse the request by The Lido Public House Ltd. for a Liquor Primary liquor licence (Liquor Establishment Class 1 - Neighbourhood Pub) at 518 East Broadway subject to:

- i. A maximum total capacity of 65 persons;
- ii. Standard Hours of operation, for 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;
- iii. A Time-limited Development Permit;
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements; and
- v. Signing a Good Neighbour Agreement with the City prior to business license issuance.

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

The Lido Public House Ltd. is requesting a Council resolution endorsing their application for a 65 person Liquor Primary liquor license (Liquor Establishment Class 1 - Neighbourhood Pub) located at 518 East Broadway.

BACKGROUND

Application

The premises at 518 East Broadway operated as a retail store for a number of years before operating as an art gallery in 2010. The applicant, The Lido Public House Ltd., is requesting a Council resolution endorsing their application for a 65 person Liquor Primary liquor licence (Liquor Establishment Class 1 - Neighbourhood Pub) at this location with operating hours of 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday (refer to Appendix A).

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 intends on operating a small boutique neighbourhood pub style establishment featuring local micro brewed beer, local wines and a selection of liquors catering to residents and businesses in the Mount Pleasant neighbourhood. A small kitchen will support a light dining menu consisting of small plates and entertainment will consist of theme nights such as foosball and open mike comedian nights. A television monitor will also be displayed to showcase sporting events and live entertainment will be provided once a week by local vocalists, acoustic groups and bands. It is also anticipated that the establishment will host artists groups who will gather at the establishment from time to time to exchange ideas and display works. The applicants' previous experiences include many years working locally as well as abroad in the hospitality and music/video production industries.

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-2C 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, residential, community associations, social assistant centres, schools, churches and restaurant uses (refer to Appendix B).

There are no Liquor Primary establishments or liquor retail stores within a 600' radius of the subject site. Two licensed restaurants, which hold a Food Primary liquor licence, are located within the survey area.

RESULTS OF NOTIFICATION

A neighbourhood notification advising of the application for a 65 person Liquor Primary liquor establishment was conducted by circulating approximately 400 notices in the survey area. 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 42 responses were received in response to the neighbourhood notification. The following table summarizes the results of the notification:

	Within Notification	Outside Notification	No contact information	Total
Support	5	10	18	33
Opposed	6	0	3	9

Respondents in opposition of the application are most concerned with nuisance issues including increased noise, traffic, vandalism and the lack of parking for the area. Many identified the area as being primarily residential and feel that this type of establishment is not appropriate in an area with many young families and children. Other concerns raised were that the proposed establishment is situated in an area that has a history of social issues and is located too close in proximity to existing social assistance facilities and a social housing development that is currently under construction. Some responses which expressed opposition to a Liquor Primary establishment at this location recognize that this stretch of East Broadway is a transition zone and that some form of a community presence is needed for the area. It was also suggested that there could be support for a Food Primary establishment which would serve food along with liquor and where entertainment is limited to minimize impacts on the neighbourhood.

In addition to the neighbourhood notification and site sign, a public information meeting was organized by the applicant and was held on August 3, 2011. Approximately 75 residents and business owners in the neighbourhood attended the meeting.

The majority of people present at the open house supported the application at this location and expressed that they felt that this establishment, if approved, would add to the revitalization of the area.

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 Mixed-use area. However, the applicant will be required to operate under Standard Hours for the area for the first six months of operation which are 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday. Once the six month trial period has elapsed, Staff could consider granting Extended Hours of operation if no issues/concerns have been received. The applicant is aware that the Extended Hours Liquor Establishment Class of business license is contingent on continued compliance with additional bylaw regulations.

Positive Proposal Aspects

The location and seating capacity for this establishment is a positive feature of the application. Small liquor establishments of this size generally do not create significant negative issues for the area community. 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 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 note that the 500 block of Broadway is a commercial area, predominantly consisting of retail and restaurants on both

sides. Residential areas surround the block to the south and the north of Broadway. Accessibility by emergency vehicles is not a concern at this time. Sensitive premises in the area include the temporary shelter at 600 East Broadway and the new social housing complex at Fraser and Broadway. There are no other Liquor Primary establishments in the immediate area. The applicants reside on the same property, in an adjacent house, and will be operating the establishment.

Smaller establishments have a minimal impact on services and the community as a whole. The total capacity requested in this application is 65 seats. Any disruptions and complaints emanating from establishments with reduced capacities are easier to mitigate. With this particular establishment, the operators will also reside on the property increasing the ability to work closely to address any types of complaints from the community. The police acknowledge that there will be an increase in calls to any Liquor Primary establishment, however, the impact on resources and the community is reduced with smaller places.

The applicant for this application has agreed to work with police to address concerns. A capacity of 65 seats is manageable from a resource perspective as well as responding to complaints from the community with respect to noise and nuisance calls.

The Vancouver Fire Department has reviewed the application and approved an Occupant Load on June 8, 2011 for 65 persons under FI408890.

The Planning Department has reviewed the application and support the proposed liquor primary liquor licence at this location. The business is proposed for East Broadway which is one of Vancouver's busiest arterials and a shopping district which is the appropriate location for businesses with liquor primary licences. Also, the small size of venue is appropriate for locations outside the downtown because it minimizes impacts on adjacent residents.

The Development Services Department has reviewed the application and note that this site is located in C-2C1 zoning. Our records confirm the approved use of this building as Retail with Residential units above.

The proposal for a "Neighbourhood Pub" (Liquor Primary) use 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.

The applicant will also need to address how the on site parking demand will be met and provide an operational plan and strategy as part of the application which demonstrates how the tenant will accommodate the loading requirement on site associated with this type of operation. As well, this application would be reviewed in accordance with the provisions of the Neighbourhood Public House Guidelines adopted by City Council.

It appears from the information submitted that they can only accommodate two parking spaces at the rear. This use based on a calculation of approximately 1400 square feet of floor area accessible to the public, will require seven parking spaces plus an additional three spaces for the residential units above and one loading space. Due to the nature of the use, we will need to understand how and when deliveries are made as well as the frequency.

The Social Development Department has reviewed the application and has 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. 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 65 person Liquor Primary liquor license subject to the conditions outlined in Recommendation. This application meets current Council policy regarding size and distance from other establishments and the size of the establishment should limit any negative impacts in the surrounding community. The requirement for a Development Permit, Acoustic Report and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area and the six month earlier closing time will provide an evaluation period for staff and the operator.

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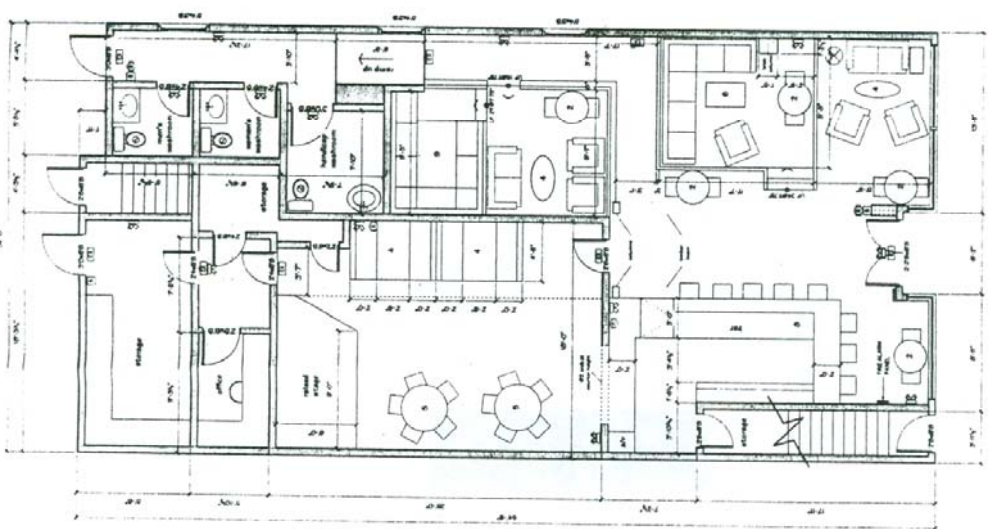
Project: THE EAST BECH...
 Drawing Title: MAIN FLOOR 1 SITE PLAN
 Formw Architects logo and contact information.

FIRE SERVICES LEGEND

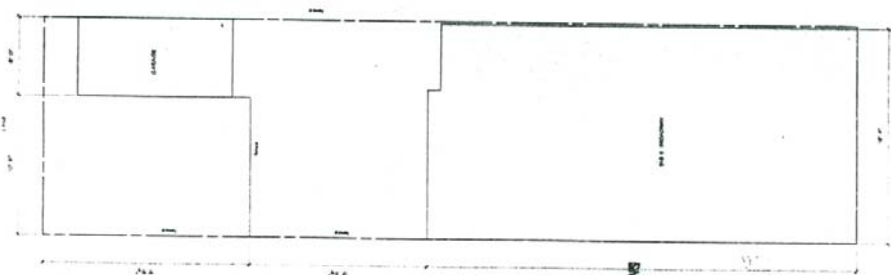
- EMERGENCY LIGHTING
- EXIT SIGNS
- FIRE ALARM PANEL
- PULL STATION
- FIRE ALARM BELL

WALL LEGEND

- PROPOSED WALL WITH GLAZING
- EXISTING WALL



MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"



SITE PLAN
SCALE: 1/8" = 1'-0"

PROJECT DATA
 CITY ADDRESS: 1400...
 LEGAL DESCRIPTION: ...
 ZONING: C-2...

FLOOR AREA OF PROPOSED PUBLIC HOUSE:

REMOVED AND ACCEPTED
 THE B.C. ACT
 JUN 9 2011
 L. SZIKLAI
 THIS IS NOT A PERMIT

MAXIMUM OCCUPANT LOAD

1) LICENSED BEVERAGE ESTABLISHMENTS **65** PERSONS
 2) DINING AND CAFETERIA SPACE
 3) NON FIXED SEATS AND TABLES
 4) NON FIXED SEATS
 5) STANDING SPACE
 6) OTHER USES

