



ADMINISTRATIVE REPORT

Report Date: February 3, 2012
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 9311
VanRIMS No.: 08-2000-20
Meeting Date: February 14, 2012

TO: Standing Committee on City Finance and Services
FROM: Chief Licence Inspector
SUBJECT: 1941 West Broadway - Manchester Public House Inc.
Liquor Primary Liquor Licence Application
Liquor Establishment Class 2 - 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, endorse the request by Manchester Public House Inc. for a 100 person Liquor Primary liquor licence (Liquor Establishment Class 2 - Neighbourhood Pub) to operate in conjunction with the existing Food Primary Liquor Licence (Licence #304383) at 1941 West Broadway subject to:

- i. A maximum total capacity of 100 persons inside;
- ii. Standard Hours of operation, for the first 12 months, limited to 11 am to 12 am, 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;
- iii. A Time-limited Development Permit;
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- v. Food service to be provided during operating hours, seven days a week; and
- vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

REPORT SUMMARY *

Manchester Public House Inc., is requesting a Council resolution endorsing their application for a 100 person (Liquor Establishment Class 2 - Neighbourhood Pub) Liquor Primary liquor licence located at 1941 West Broadway to operate in conjunction with the existing Restaurant Class 1 via the conversion of 100 seats from the existing 176 person Food Primary liquor licence with hours of operation from 9 am to 1 am, Sunday to Thursday; and 9 am to 2 am,

Friday and Saturday. Staff is recommending approval of this application with hours of operation restricted to 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday for the first 12 months of operation.

The application meets current Council policy regarding size, distance from other establishments and hours of operation and the requirement for a time-limited Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area. An acoustical report certifying that the establishment meets Noise Control By-law requirements will also be required to be submitted if the application receives approval from Council.

The proposed location is an existing Restaurant Class 1 establishment that has operated as a restaurant for many years under different operators. Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption. The proposed change to the liquor licence will allow the establishment more flexibility to serve and accommodate those clients that only wish to consume alcohol while still providing a food primary option for families with children.

A neighbourhood notification was conducted by circulating approximately 450 notices in the survey area. Seven responses and one petition with 15 signatures (from a residential building in close proximity to this establishment) opposing the application were received in response to the notification and three responses were received in support. With the exception of the one residential building, there was minimal response to our notification (see details on page 4).

COUNCIL AUTHORITY/PREVIOUS DECISIONS *

Council policy requires new Liquor Primary liquor licences and relocation of Liquor Primary liquor licences 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.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS *

The General Manager of Community Services recommends approval of the foregoing.

Background/Context *

Site History

The proposed location of this Liquor Primary liquor licence is in the Non-Downtown Primarily Mixed-use area. The current Restaurant Class 1 business operates under a 144 person (interior) with a 32 person interior lounge and 24 person outdoor patio Food Primary liquor licence catering to the diverse population of the Kitsilano community. This establishment has operated as a Restaurant Class 1 for many years under different operators. The current operator, the applicant, has been operating at this location since April 2011 and owns and operates several other Liquor Primary establishments in Downtown Vancouver, West Vancouver and Whistler. The existing restaurant hours of operation are 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday.

Application

The applicant is requesting a Council resolution endorsing their application for a 100 persons (indoor) Liquor Primary liquor licence (Liquor Establishment Class 2) to be operated in conjunction with the existing Restaurant Class 1 with hours of operation of 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday. 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.

Licence Category	Current		Proposed		Recommended	
	Capacity	Hours	Capacity	Hours	Capacity	Hours
Food Primary (#304383)	144 32 (lounge interior)	9 am to 1am, weekdays; 9 am to 2 am, weekends	76	No change	76	No change
Liquor Primary	N/A	N/A	100	9 am to 1am, weekdays; 9 am to 2 am, weekends	100	First 12 months: 11 am to 12 am, weekdays; 11 am to 1 am, weekends
Outdoor Patio	24 (Food Primary)		24 (Food Primary)		24 (Food Primary)	
TOTAL	176 (interior) 24 (exterior)		176 (interior) 24 (exterior)		176 (interior) 24 (exterior)	

The applicant initially submitted an application to convert all 176 seats and 24 seat patio from Food Primary to Liquor Primary but after reviewing the neighbourhood notification results and discussions with Staff, the applicant amended the application to convert only 100 seats to Liquor Primary and retaining 76 seats and the 24 seat patio as Food Primary.

The applicant intends to operate a pub style establishment catering to the diverse population of the Arbutus, Kitsilano and West Broadway areas with food and beverage service featuring typical pub type entertainment. The proposed neighbourhood pub will continue to provide quality food and beverage service from their newly renovated kitchen which will allow a food primary option for families with children. The proposed change to the liquor licence will allow the establishment more flexibility to serve and accommodate those clients that only wish to consume alcohol. The public perception of how this business operates should remain the same even after the conversion of a majority of the premise's seats to a Liquor Primary licence. The proposed entertainment will include background music and television monitors. Local artists will also be invited to play in the pub and showcase their live acoustical talents which will consist of a one or two person group. The footprint and layout of the establishment will be the same as the current layout (refer to Appendix B).

Strategic Analysis *

Policy Issues

The subject site is located in the Non-Downtown Primarily Mixed-Use area. The proposed Liquor Establishment - Class 2 venue is greater than 500 metres away from another Liquor Establishment Class 2. 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. The applicant will be required to operate within the Standard Hours of operation for the first 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 Extended Hours of operation may be considered.

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-3A Zoning District (Commercial District). The approved use of this space is a Restaurant Class 1. The surrounding area is a mixture of retail, office, health care office, residential (market and non-market), church, school and restaurant uses (refer to Appendix A).

There are two retail liquor stores and four licensed restaurants which hold Food Primary liquor licences located within 800' radius of the subject site. There are no Liquor Primary Liquor Establishments located within the area.

Results of Notification

A neighbourhood notification advising of the application for a 176 person Liquor Primary liquor establishment with a 24 person patio was conducted by circulating approximately 450 notices in the survey area (See Appendix A) as well as several email notifications to Property Management companies of surrounding strata buildings. 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 10 responses were received in response to the neighbourhood notification. In addition, one petition with 15 signatures in opposition was received from a nearby building which contains a total of 46 dwelling units.

The following table summarizes the results of the notification:

	Within Notification	Outside Notification	No contact information	Total
Support	3	-	-	3
Opposed	6	-	1	7

Respondents opposing the application are most concerned with increased nuisance issues for the neighbourhood including; noise, drunkenness and disturbances with patrons leaving the establishment, lack of parking for the area, close proximity to residential buildings, and a concern that West Broadway will become a drinking destination if the application is approved.

The applicant met with a few of the residents from the nearby residential building to address their concerns. Their operating hours will not change from their current hours of operation and the parking issue should not be a problem because of the "resident only" parking restriction in the surrounding residential area. A Good Neighbour Agreement will also provide adequate controls to ensure the establishment complies with all bylaw requirements.

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 is to be provided during operating hours, seven days a week;
- The applicant has several years of experience operating Liquor Primary establishments and currently owns and operates several other liquor primary establishments in Vancouver, West Vancouver and Whistler;
- A time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community and;
- If Council endorses this application, the proposed liquor primary establishment will comply with Council's liquor policy for venue size, location, hours of liquor service and size of patio.

Negative Proposal Aspects

Approval of the establishment may result in increased street noise and other related nuisance behaviour for area residents and business operators. Strong management and sound operational practices should limit this type of activity from having a negative impact on the surrounding community.

Based on neighbourhood response, Staff met with the applicant who has agreed to convert only 100 of the 176 seats to Liquor Primary. This revised proposal should mitigate potential negative impacts associated with a Liquor Primary establishment.

Enforcement History

There are no enforcement issues associated with this liquor licensed establishment at this time. One complaint was received in 2011 regarding noise coming from music in the establishment, and this was dealt with satisfactorily.

Financial *

There are no financial implications.

COMMENTS

The Police Department has reviewed the application and note that the VPD position in respect of this or any other 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 any 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.

This conversion from restaurant operation to liquor primary operation needs to be considered in the context of the total number of liquor primary seats which are approved or in process for the area between 4th/Broadway/Hemlock/Vine, notably Ceili's and Bimini's coming into operation later this year.

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 176 persons (100 person Liquor Primary and 76 person Food Primary) with an outdoor sidewalk patio capacity of 24 persons (Food Primary) on January 30, 2012.

The Planning Department has reviewed the application and Planning staff have no comments at this time.

The Development Services Department has reviewed the application and note that this site is located in a C-3A zone and records show that the approved use of this building is Restaurant Class 1.

The proposal for a "Neighbourhood Pub" (Liquor Primary) use at this location will constitute a change of use and 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, noise control and a review of on site parking and loading to determine whether there is an increased demand with this proposed use that can be accommodated on site. As well, this application would be reviewed in accordance with the provisions of the Neighbourhood Public House Guidelines adopted by City Council.

The Social Development Department has reviewed and supports this application.

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 *

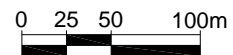
Staff are recommending Council endorse the applicant's request for a 100 person Liquor Primary liquor licence to operate in conjunction with the existing Food Primary Liquor Licence subject to the conditions outlined in the Recommendation. Should Council support the Liquor Primary application, the applicant will have more flexibility to serve and accommodate those clients that only wish to consume alcohol as well as provide a food primary option to cater to families with children. The application meets current Council policy regarding size and distance from other establishments and the requirement for a time-limited Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area. Also, by restricting the hours of operation to Standard Hours for the first 12 months will provide an evaluation period for staff, VPD 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.

* * * * *



LEGEND

- (1) Cabarets, Neighbourhood Pubs & Lounges - {N/A}
- (2) Residential buildings
- (3) Government or Private Liquor Stores - {2555 Maple St}, {2401 Burrard St}
- (4) Social/Private Clubs - {N/A}
- (5) Parks
- (6) Churches - {2028 W 7th}, {1949 W 10th}
- (7) Other Social Facilities (medical clinics)
- (8) Schools - {Lord Tennyson School}, {Dorset College}, {Madrona School}



<p>Liquor Establishment Class 2 – Neighbourhood Pub 1941 West Broadway - Manchester Public House</p>	<p>map: 1 of 1</p>	
<p>City of Vancouver - Licenses & Inspections</p>	<p>date: 2011-10-03</p>	

