



ADMINISTRATIVE REPORT

Report Date: February 27, 2012
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VanRIMS No.: 08-2000-20
Meeting Date: March 28, 2012

TO: Standing Committee on Planning, Transportation and Environment
FROM: Chief Licence Inspector
SUBJECT: 823 Seymour Street - Vancouver Civic Theatres (Orpheum Annex)
Liquor Primary Liquor Licence Application
Liquor Establishment Class 4 - Venue

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 Vancouver Civic Theatres (Orpheum Annex) for a 369 person Liquor Primary liquor licence (Liquor Establishment Class 4 - Venue) at 823 Seymour Street subject to:

- i. A maximum combined capacity of 369 person (198 seat Theatre on Level 2 with 26 person lobby area/126 seat Gallery on Level 3 with 19 person lobby area);
- ii. Hours of operation limited to 11 am to 2 am, seven days a week;
- iii. Liquor service is event driven and only permitted in conjunction with pre-booked live events;
- iv. A Time-limited Development Permit;
- v. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements; and
- vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

REPORT SUMMARY

Vancouver Civic Theatres (Orpheum Annex) is requesting a Council resolution endorsing their application for a 369 person (Liquor Establishment Class 4 - Venue) Liquor Primary liquor licence located at 823 Seymour Street.

The Orpheum Annex is a live performing arts space operated by the City of Vancouver's Civic Theatres Department and is located in a new multi-use building, with mixed commercial and residential. The space will be used for presentations of live music, dance and theatre productions. As part of the theatre operations, they are planning to operate a bar/concession service within the lobby and event space.

Requested hours of operation are 11 am to 2 am, seven days a week which meets our standard hours of liquor service policy for this Downtown Primarily Commercial area.

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. The application also meets Councils policy regarding Live Performance Venues.

Although not generally permitted, the Liquor Control and Licensing Branch will permit minors in this venue as it is a performing arts theatre.

Two comments were received in response to the neighbourhood notification supporting the application. Both responses were from residents living within the notification area.

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 February 3, 2011, Council received for information an update on the Live Performance Venues Regulatory Review as outlined in the Administrative Report dated January 18, 2011, entitled "Cultural Services Regulatory Review for Live Performance Venues: Phase I".

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.

REPORT

Background/Context

The applicant, Vancouver Civic Theatres (Orpheum Annex) is requesting a Council resolution endorsing their application for a 369 person Liquor Primary liquor licence (198 seat Theatre on Level 2 with 26 person lobby area/126 seat Gallery on Level 3 with 19 person lobby area) with standard hours of operation (11 am to 2 am, seven days a week). This will be an event driven liquor licence which is restricted to live events only. Hours of service policy for this Downtown Primarily Commercial area are:

Standard Hours of liquor service:

- 11 am to 2 am, seven days a week

Extended Hours of liquor service:

- 9 am to 3 am, seven days a week

The Orpheum Annex is a live performing arts space operated by the City of Vancouver's Civic Theatres Department. The space will be used for presentations of live music, dance and theatre productions (for photos see www.360bc.ca/vt/OrpheumAnnex/photos.htm). As part of the theatre operations, the applicant is planning to operate a bar/concession service within the lobby and event space. The Orpheum Annex is located in a new multi-use building with a mix of commercial and residential uses. It is also located adjacent to the existing Orpheum Theatre. The Orpheum Annex is acoustically isolated from adjoining spaces and from the residential tower above (refer Appendix B).

The Orpheum Annex is an 'under 250 seat', high quality, flexible performing arts space, which is a type of presentation space that is named as one of nine priorities under the Cultural Facilities Priorities Plan. This priority is to ensure the ongoing incubation of emerging artistic organizations.

Minors are not generally permitted in a liquor primary establishment. However, the Liquor Control and Licensing Regulation permits minors in concert halls, convention centres, stadiums, trains, aircraft and motor vessels when allowed by the General Manager of Liquor Control and Licensing Branch. As the proposed establishment is a performing arts theatre (concert hall), the Liquor Control and Licensing Branch will consider allowing minors in this establishment.

Strategic Analysis

Council Policy

On February 3, 2011, Council received for information an update on the Live Performance Venues Regulatory Review as outlined in the Administrative Report dated January 18, 2011, entitled "Cultural Services Regulatory Review for Live Performance Venues: Phase I". This application meets Council policy for live performance venues and the direction the city is headed with respect to providing more live performance venues.

Results of Neighbourhood Notification

A neighbourhood notification advising of the application for a 369 person Liquor Primary liquor establishment (live performance venue) was conducted by circulating approximately 400 notices in the survey area (refer 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 two responses were received in response to the neighbourhood notification supporting the application and no responses were received opposing the application.

Location of Establishment

The subject site is located in the Downtown Primarily Commercial area.

Proximity to other social or recreational facilities

The surrounding area is a mixture of retail, office, health care office, residential (market and non-market), clubs and restaurant uses (refer to Appendix A). There are no social or recreational facilities in the immediate area that would create a potential conflict with the proposal for liquor primary seats.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 369 persons (198 seat Theatre on Level 2 with 26 person lobby area/126 seat Gallery on Level 3 with 19 person lobby area) on May 27, 2010.

The hours of operation requested for the Liquor Primary liquor licence are 11 am to 2 am, seven days a week which are within the parameters of the Standard Hours permitted in the Downtown Primarily Commercial Area.

Proximity to other Liquor Primary Establishments

The proposed Liquor Establishment - Class 4 venue is greater than 100 metres away from another Liquor Establishment Class 4. Since there are no liquor establishments in this class within 100 metres of the site, the proposed establishment complies with Council's liquor policy for venue size and location.

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.

Sound isolation was an important factor when designing the Orpheum Annex building and this was factored in during the construction phase. The Orpheum Annex is acoustically isolated from the adjoining spaces and from the residential tower above. However, the applicant will be required to submit an Acoustical report certifying that the establishment meets Noise Control By-law requirements and this should mitigate negative impacts due to noise.

The current proposal for event driven liquor service does not alter the approved land use for this site, however, in the event that this liquor licence application is endorsed by Council, a Time-Limited Development Permit will be required to reflect conditions imposed by Council.

Relevant socio-economic information

Staff have no concerns with respect to socio-economic impacts of the proposal. This will be an event driven liquor licence located in the primarily commercial area of the City, and the live venue will service the arts minded community.

Impact on the Community

There are few negative issues/complaints with liquor licences in venues of this type (Queen Elizabeth Theatre, Stanley Industrial Alliance Theatre, Centre for Performing Arts).

Staff are generally in support of liquor licenses in theatre type venues. The Queen Elizabeth Theatre, Centre for Performing Arts and Stanley Industrial Alliance Theatre provide liquor service in conjunction with performances in their lobby area. This application differs somewhat from these other venues because liquor service will be provided in the seating area of the theatre. The Vogue Theatre liquor licence allows liquor service in the seating area.

The applicant currently operates the Queen Elizabeth Theatre, the QET Plaza, the existing Orpheum Theatre and the Vancouver Playhouse which all have liquor licences. A time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Financial

There are no financial implications.

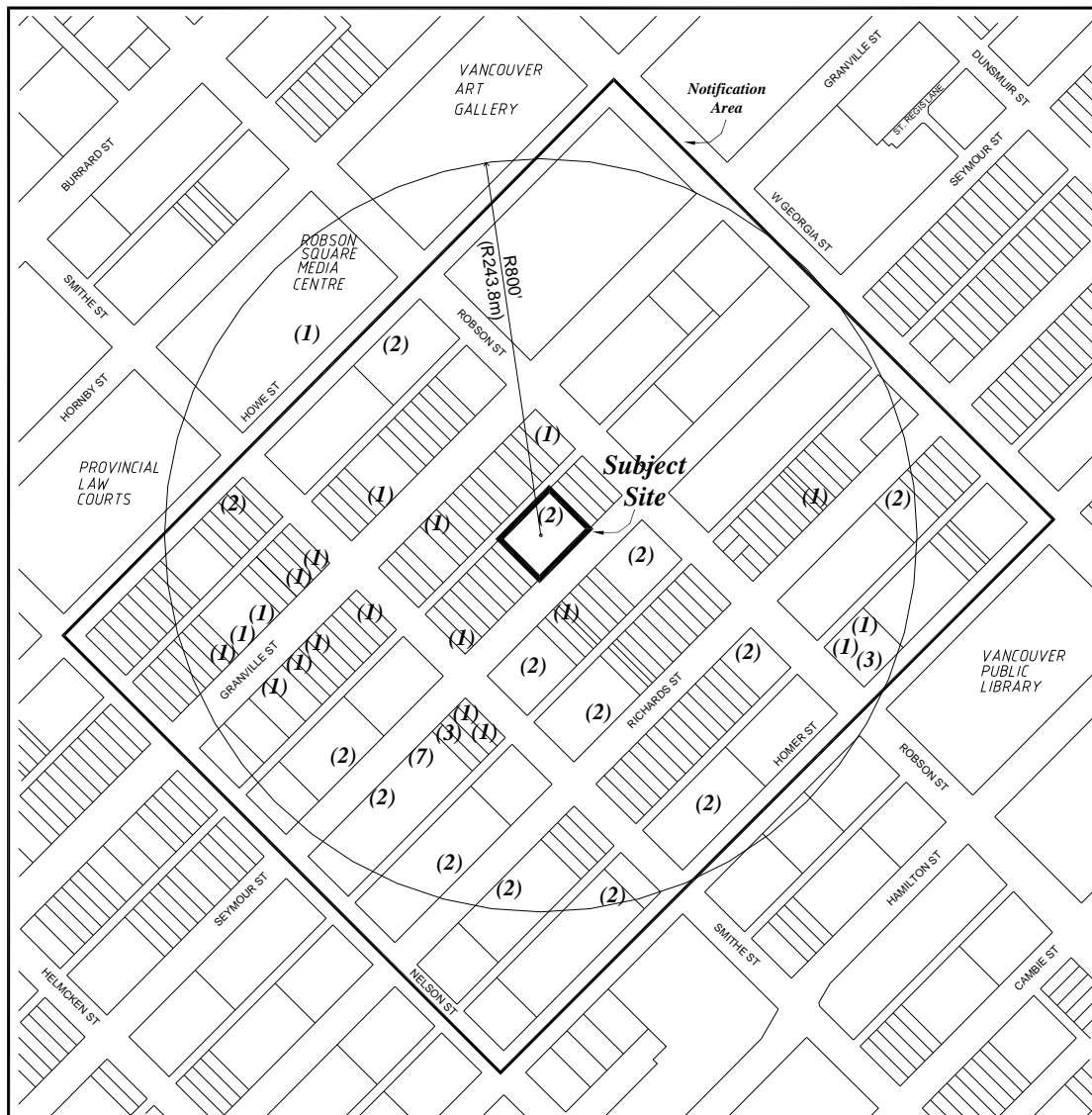
POLICE DEPARTMENT COMMENTS

The Police Department has reviewed the application and have no concerns with respect to this application.

CONCLUSION

Staff recommend Council endorse the applicant's request for a Liquor Primary liquor licence for their live venue theatre, subject to the conditions noted in this report. Staff experience generally shows that liquor service in these venues is an amenity for patrons and not the primary focus of the business. As a result, staff experience few issues/complaints from community residents. The liquor licence will somewhat provide revenue to support the theatre function and arts program. The application meets current Council policy regarding live performance venues. The Orpheum's commitment to supporting arts and cultural programs is of benefit along with providing their venue to local artists. The Orpheum along with the new Orpheum Annex is an important cultural venue in the city and we welcome and encourage its preservation and ongoing cultural use.

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LEGEND

(1) Cabarets, Neighbourhood Pubs & Lounges

- | | | |
|---------------------------|----------------------------------|---------------------|
| - The Lennox | - The Commodore | - Venue |
| - Cinema Public House | - Ceili's Irish Pub & Restaurant | - Joe's Apartment |
| - Vogue Theatre | - Roxy Cabaret | - Tom Lee Music Co. |
| - The Granville Room | - Republic | - Caprice Nightclub |
| - Hollywood North Cabaret | - Orpheum Concert Hall | - Uva Wine Bar |
| - Red Card Sports Bar | - Kingston Taphouse & Grille | - Law Courts Inn |
| - Jimmy's Tap Hous | - Westin Grand Hotel | |

(2) Residential buildings

(3) Government or Private Liquor Stores

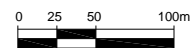
(4) Social/Private Clubs - {N/A}

(5) Parks - {N/A}

(6) Churches - {N/A}

(7) Social facilities (medical clinics)

(8) Schools - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 4 - Venue)

823 Seymour Street - Orpheum Annex

map: 1 of 1



City of Vancouver - Licenses & Inspections

date: 2012-02-27

