



ADMINISTRATIVE REPORT

Report Date: March 29, 2012  
Contact: Tom Hammel  
Contact No.: 604.873.7545  
RTS No.: 9489  
VanRIMS No.: 08-2000-20  
Meeting Date: May 2, 2012

TO: Standing Committee on Planning, Transportation and Environment  
FROM: Chief Licence Inspector  
SUBJECT: 1131 Mainland Street - Follie Deuce  
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 Mark James for a new 125 person Liquor Primary liquor licence (Liquor Establishment Class 2 - Neighbourhood Pub) with outdoor patio seating (25 seats) at 1131 Mainland Street subject to:

- i. Standard hours of operation for the first six months are limited to 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday; after which time Extended hours of operation may be considered which are limited to 9 am to 2 am, Sunday to Thursday and 9 am to 3 am, Friday and Saturday;
- ii. The outdoor patio ceasing all liquor service and vacated by 11 pm nightly;
- iii. A maximum total capacity of 125 persons inside and 25 persons on the patio;
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- v. No music or entertainment permitted on the patio;
- vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance and a licence agreement with Engineering Services with an initial one-year term for the patio;
- vii. A Time-limited Development Permit; and
- viii. Food service to be provided while the establishment is operating as well as on the patio when open.

## ***REPORT SUMMARY***

Mark James Group is requesting a Council resolution endorsing their application for a new 125 person Liquor Primary liquor licence (Liquor Establishment Class 2 - Pub) with a 25 seat outdoor patio on city property at 1131 Mainland Street. Should Council accept the recommendations in this report, the proposed "pub" will operate with both a liquor primary and food primary area. The food primary area (Restaurant Class 1) will have 57 seats with a 36 seat patio. The applicant intends on operating a modern pub style establishment with food and beverage service and no "live" entertainment except for the occasional DJ on the weekends.

The proposed location for this establishment was previously occupied by the old "Mini" dealership. The building is currently undergoing major renovations in order to accommodate this proposed pub on the ground level along with offices on upper floor levels.

This application meets current Council policy regarding size, location and hours of operation. A time-limited Development Permit and Good Neighbour Agreement will be required to ensure that the proposed 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.

A neighbourhood notification was conducted by circulating approximately 400 notices in the survey area. One response was received opposing the application expressing potential noise concerns. No other responses were received.

Staff is recommending approval of this application with standard hours of operation restricted to 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday for the first six months of operation. Staff will consider extended hours after six months.

## ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

*City role in liquor licence applications* - The Liquor Control and Licensing Branch of the Provincial Government has senior authority in approving liquor license applications. Their regulations require local governments to provide a Council resolution on any liquor primary licence application unless the local government decides to opt out of the application review process. Council policy has been to provide comments on these applications.

*Hours of service* - policy for this Downtown Primarily Mixed-Use area are:

Standard hours of liquor service:

- 11 am to 1 am, Sunday to Thursday
- 11 am to 2 am, Friday and Saturday

Extended hours of liquor service:

- 9 am to 2 am, Sunday to Thursday
- 9 am to 3 am, Friday and Saturday

*Size and location of new establishments* (Council July 14, 2005) - Council Policy states that no Class 2 venue shall be located within 100 meters of another Class 2 venue.

*Approval process/requirements* - Council policy requires new Liquor Primary liquor licences to be subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

*Sidewalk patios adjacent to liquor establishments* - On April 17, 2007, Council approved policy and guidelines that allow Liquor Primary liquor establishments to have sidewalk patios on public property subject to:

- food service being available to the patio
- a food preparation area large enough to safely handle the capacity increase
- closing time of no later than 11 pm
- outdoor seating limited to 20% of total seating capacity
- public consultation.

*Yaletown Guidelines* - On July 11, 1996, Council approved policy and guidelines that favourable consideration be given to endorsing applications for neighbourhood pubs (limited to 125 seats) and that the minimum distancing requirement be waived in Yaletown on a case-by-case basis, subject to polling nearby residents and property owners.

#### ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

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

#### ***REPORT***

##### ***Background/Context***

Staff are currently scoping a city wide liquor policy review. While that work is going on, specific applications are being carefully reviewed to ensure compliance with existing policies and to ensure neighbourhood compatibility.

The applicant (Mark James Group) is requesting a Council resolution endorsing their application for a 125 persons (interior) and 25 persons (outdoor patio) Liquor Primary liquor licence (Liquor Establishment Class 2 - Pub) with standard hours of operation between 11am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday for the first six months. Consistent with Council Policy, the outdoor patio will be required to vacate by 11 pm nightly.

Staff had discussions with the applicant starting in August 2011 to review the original proposal for a 190 person (interior) Liquor Primary establishment. That proposal did not meet Council Policy for Yaletown and would have resulted in a larger establishment than other Liquor Primary establishments in the area. After subsequent discussions with City staff, the applicant agreed to reduce the interior capacity to 125 persons which is in keeping with current Council Liquor Policy for the Yaletown area.

After six months of operation staff will consider a request for extended hours of liquor service if the applicant operates the establishment responsibly and without significant impact to the

community. Should staff grant this request, the requirement for the outdoor patio to be vacated by 11 pm nightly would continue.

The applicant intends on operating a pub style establishment with both liquor and food primary areas. (See Appendix B) The pub will have a strong focus on quality food for the diverse population and business community in Yaletown. Food Service will be provided to both the liquor and food primary areas from the pub's kitchen. It is the applicant's intent to have a pub/restaurant atmosphere during the day which will focus on attracting patrons to eat and socialize. During the evening hours, the liquor primary area will operate in more of a pub/lounge fashion while the food primary area continues to operate as a restaurant. The proposed entertainment will include background music and possibly the occasional DJ on the weekend.

With 34 years of successful experience in the hospitality industry, the applicant has deep roots in the Yaletown Community. The Mark James Group has three brewery/pubs, a restaurant/pub and three private liquor stores in the City, all having no enforcement issues.

This space was originally occupied by the old "Mini" dealership and the building is currently undergoing major renovations to accommodate this establishment on the ground level and offices on levels two through six.

The following table provides a summary of the number of seats and hours of operation:

Licence Category	Proposed Operation	
	Seats	Hours
<b>Food Primary:</b>		
Interior	57	11 am to 12 am, seven days a week
Patio	36	Patio hours to close at 11 pm, nightly
<b>Liquor Primary:</b>		
Interior	125	11 am to 1 am, Monday to Saturday 11 am to 2 am, Sunday
Patio	25	Patio hours to close at 11 pm, nightly
<b>Total Liquor Seats</b>	<b>243</b>	

### *Strategic Analysis*

Staff support the proposed application based on the following analysis.

### *Results of the Neighbourhood Notification*

A neighbourhood notification advising of the application for a 125 person Liquor Primary liquor establishment with a 25 person patio was conducted by circulating approximately 400 notices

in the survey area (See 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.

Only one response opposing the application was received. The respondent opposing the application was most concerned with increased noise issues for the neighbourhood.

In addition to the City's neighbourhood notification, the applicant also conducted his own neighbourhood notification which consisted of a mail-out of 1,272 brochures with an attached questionnaire regarding the proposal. A total of nine comments were received in support of the application and one response opposing the application. The respondent opposing the application is the same respondent who responded to the City's notification.

### *Location of Establishment*

Yaletown has been developing as a mixed use area, with housing and a variety of commercial and entertainment businesses. Current policy for Yaletown is to support new smaller neighbourhood pubs which are less intrusive to the surrounding community.

The subject site is located in the Downtown Primarily Mixed-use area. This block is made up of mainly commercial uses with the exception of a residential building located adjacent to the proposed establishment. Yaletown consists of 30% residential use and 70% commercial use. Old Yaletown is a mixed use area that is primarily commercial but also the home for residents. Over the past two decades Yaletown has emerged as a significant downtown destination due to the presence of many restaurants, many with patios on the loading docks, and the distinct character of the buildings. The large floor plates of the restored warehouses and adjacent loading docks are among the best suited in the central area for this type of business.

### *Proximity to other social or recreational facilities and to other Liquor Primary Establishments*

The surrounding area is a mixture of retail, office, hotel, neighbourhood pub, cabaret, restaurants, residential, and other commercial 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.

Within a 100 meter radius of this proposed site, there are two Liquor Establishment Class 2 venues of varying size (The New Oxford-1141 Hamilton St. which is currently under construction and the Yaletown Brew Pub-1111 Mainland St.). Staff feel that this establishment is located far enough away from these establishments to not warrant any concerns. Council policy states that the minimum distancing requirement may be waived in Yaletown on a case-by-case basis, subject to polling nearby residents and property owners.

### *Person Capacity and Hours of Operation*

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 125 persons and a 25 person outdoor patio on February 28, 2012 (refer to Appendix B).

The hours of operation requested for the Liquor Primary liquor licence are 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday for the first six months of operation. These hours are within the parameters of the Standard Hours permitted in the Downtown Primarily Mixed-use area. The applicant has indicated that they would like to request the Extended Hours of operation once the six months has elapsed. The proposed patio must cease all liquor service and vacate by 11 pm nightly.

The proposed seating capacity for the outdoor patio is consistent with Council's policy for outdoor patios.

### *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.

An acoustical report certifying that the establishment meets Noise Control By-law requirements will be required and this should mitigate negative impacts due to noise.

### *Relevant socio-economic information*

Staff have no concerns with respect to socio-economic impacts of the proposal.

### *Impact on the Community*

Our experience indicates that liquor establishments of this size generally do not create significant negative impacts for area residents and businesses. The Vancouver Police Department (VPD) has also stated that liquor establishments of this size do not create a burden on their resources. The proposed patio will require a licence agreement, initially with a one year term. This licence agreement along with the required 11 pm closing time, should address any potential impacts on the community.

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

As previously indicated strong food service will be a major component of this business and as such, will provide a mitigating factor to liquor service and consumption. Along with the applicant's 34 years of experience in the hospitality industry, with much success in Yaletown and other areas of the city, the business license operating requirements should minimize community impacts. It should also be noted that the City has had no enforcement issues associated with liquor licensed establishments operated by this applicant.

Furthermore, this application complies with Council's liquor policy for Venue Size and Hours of Liquor Service and Council's policy for outdoor patios. Council policy also supports the consideration of 'neighbourhood pubs' on a case-by-case basis in Yaletown.

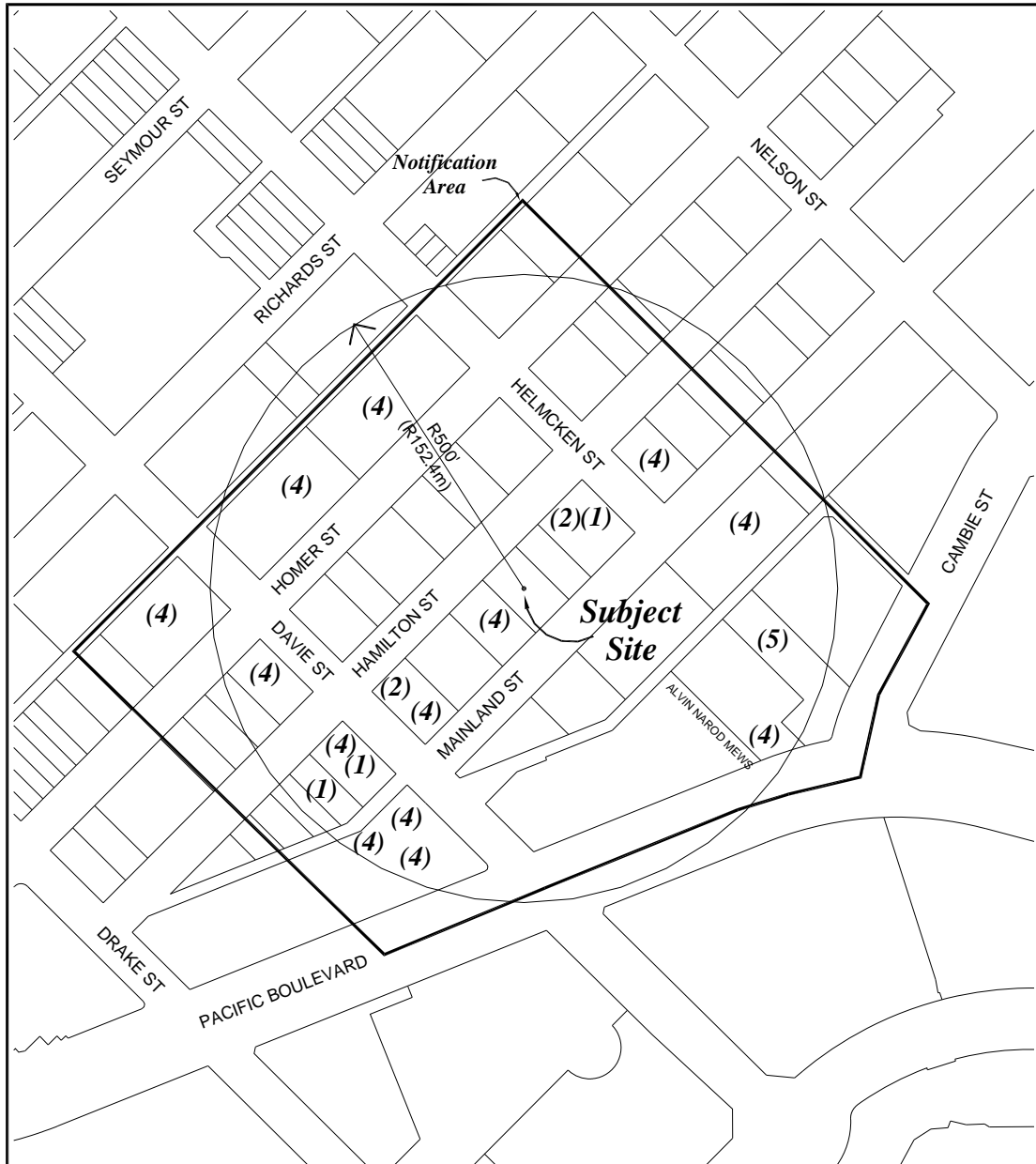
### *Financial*

There are no financial implications.

### *CONCLUSION*

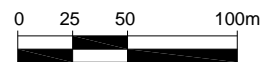
This application meets current Council policy for new liquor primary establishments in Yaletown. The Development Permit and Good Neighbour Agreement requirements will ensure the premise operates in a manner conducive to the surrounding area. The six month earlier closing time will provide an evaluation period for staff, VPD and the operator before considering extension to liquor service hours. Staff do not anticipate any significant impacts from the operation of the patio. With food service being a major focus for this establishment, liquor consumption will be mitigated. Due to the low number of comments received, staff have concluded that the majority of the area residents and businesses have no concerns with the application. In conclusion, staff is recommending Council endorse the applicant's request for a 125 person Liquor Primary liquor licence with a 25 person patio, subject to the conditions noted in this report.

\* \* \* \* \*



**LEGEND**

- (1) Cabarets, Neighbourhood Pubs & Lounges - {Yaletown Brewing Co Pub}, {Opus Lounge}, {Bar None}
- (2) Government or Private Liquor Stores - {Yaletown Liquor Store}, {Swirl Wine Store}
- (3) Social/Private Clubs - {N/A}
- (4) Residential Buildings
- (5) Parks
- (6) Churches - {N/A}
- (7) Social facilities (medical clinics) - {N/A}
- (8) Schools - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2 - Neighbourhood Pub)  
1131 Mainland Street

map: 1 of 1



**City of Vancouver - Licenses & Inspections**

date: 2012-03-21



