



ADMINISTRATIVE REPORT

Report Date: April 18, 2012  
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VanRIMS No.: 08-2000-20  
Meeting Date: May 16, 2012

TO: Standing Committee on Planning, Transportation and Environment  
FROM: Chief Licence Inspector  
SUBJECT: Liquor Primary Liquor Licence for an Outdoor Patio  
1407 Laburnum Street  
Royal Canadian Legion, Branch No. 176 (Billy Bishop)

**RECOMMENDATION**

THAT Council, having considered the opinion of area residents and business operators of the community as determined by neighbourhood notification, site sign, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in this Administrative Report endorse the application by the Royal Canadian Legion, Branch No. 176, for a new Liquor Primary outdoor patio (on private property) at The Billy Bishop located at 1407 Laburnum Street subject to:

- i. A maximum capacity of 50 persons;
- ii. A Time-limited Development Permit;
- iii. The signing of a Good Neighbour Agreement with the City;
- iv. The patio ceasing all liquor service and vacated by 9 pm, Monday to Saturday; 8 pm on Sunday;
- v. No smoking or entertainment permitted on the patio; and
- vi. Food service to be provided while the patio is open.

**REPORT SUMMARY**

The Royal Canadian Legion, Branch No. 176 (Billy Bishop) is requesting a Council resolution endorsing their application for a new 50 person outdoor patio to operate in conjunction with the existing 344 person Liquor Primary Club liquor licence (Liquor Establishment Class 7 - Private Club) at 1407 Laburnum Street.

The requested hours of operation for the outdoor patio are 11 am to 9 pm, Monday to Saturday; and 11 am to 8 pm, Sunday.

The response to the neighbourhood notification was generally supportive (30 in favour, 8 opposed). The eight responses received in opposition expressed concerns with increased noise, traffic and parking issues and general nuisance issues for the area.

Based on the review in this report, staff recommend that Council endorse this application.

### ***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 licence applications. Their regulations require local governments to provide a Council resolution on any Liquor Primary liquor licence application or amendments to existing Liquor Primary liquor licences unless the local government decides to opt out of the application review process. Council policy has been to provide comments on these applications.

*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 both public and private 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; and
- Public consultation.

Outdoor patios on private property adjacent to liquor primary establishments require amendments to existing Liquor Primary liquor licences and are subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

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

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

### ***REPORT***

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

The Royal Canadian Legion, Branch No. 176 (Billy Bishop) has been operating at 1407 Laburnum Street for the past 48 years. Over the years veteran membership has declined and the Legion has had to find other sources of income to keep the space viable, including opening up membership to local residents.

The applicant is a not for profit society run by volunteers and operates as a club, serving past and present veterans. Over the years as membership declined, the Legion has had to find alternative ways to finance the institution. The proposed patio is located on the north side of the building and has been used to hold member barbeques and events for approximately the past 25 years. The applicant has applied to the City of Vancouver and Liquor Control and Licensing Branch to operate an outdoor patio with liquor service on a temporary basis (temporary area extensions) during the summer months (May to October) since at least 1997. The applicant has decided to apply for a permanent outdoor patio in order to cut the costs of applying for a temporary outdoor patio every year. Also, the Liquor Control and Licensing

Branch have indicated that if the applicant wishes to continue operating an outdoor patio, they would be required to apply for a permanent patio.

The application complies with Council policy regarding outdoor patios adjacent to Liquor Primary establishments (on private property) which includes that outdoor seating is limited to 20% of total seating capacity and a closing time of no later than 11 pm. Food service is to be provided and no entertainment or smoking will be permitted on the outdoor patio.

### ***Strategic Analysis***

#### ***Results of Neighbourhood Notification***

A neighbourhood notification was conducted by circulating approximately 200 notices in the survey area (refer to Appendix A). A site sign was also erected advising the community of the application and where to send concerns or comments. A total of 38 responses were received in response to the neighbourhood notification:

	Within 500' radius of subject site	Outside 500' radius of subject site	No contact information	Total
Support	13	16	1	30
Opposed	6	0	2	8

Those in support of the application recognize the historical importance of the Legion (and Legions in general) and expressed that the establishment has been a good member and is culturally important to the Kitsilano community.

Respondents opposing the application are concerned that as the establishment is located in a primarily residential neighbourhood there will be increased nuisance issues for the neighbourhood.

In addition to the neighbourhood notification and site sign, the Royal Canadian Legion Branch No. 176 (Billy Bishop) organized an open house on April 14, 2012 inviting area residents. Approximately 300 notices were distributed and approximately 10 people attended the open house. An additional fifteen responses were received in support of the application as a result of the applicant's neighbourhood notification and open house.

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

The surrounding area is primarily a residential district. There are no social or recreational facilities in the immediate area that would create a potential conflict with the proposal for a liquor primary outdoor patio.

There are no liquor establishments within a 500' radius (surveyed area) of the subject site. There is one licensed restaurant (Boathouse Restaurant) located at 1305 Arbutus Street which holds a Food Primary liquor licence.

### *Person Capacity and Hours of Operation*

The Vancouver Fire Department has reviewed the application and approved an occupant of 50 persons on the proposed outdoor patio on April 5, 2012 (refer to Appendix B).

For liquor purposes, the Legion is considered to be located in the Non-Downtown Primarily Residential area. The hours of operation requested for the outdoor patio are 11 am to 9 pm, Monday to Saturday; and 11 am to 8 pm on Sunday which is earlier than the 11 pm closing time permitted under Council's policy for outdoor patios on private property. The Legion intends to operate the outdoor patio as they have with past temporary extension requests and are requesting an hour later closing time of 9 pm Monday to Saturday to allow for some flexibility with guests who may wish to stay out on the patio longer during the summer months.

### *Traffic, noise, parking and zoning*

Staff have considered traffic, parking and zoning matters and have no concerns at this time. These matters will be considered further as part of the Development Permit process.

The proposed outdoor patio area has been the subject of recent complaints as smokers tended to use the space to socialize. Those complaints have subsided due to the Legion not allowing any smokers in the proposed space at any time. The operator has also erected a sign on the patio advising that no smoking is permitted.

Noise complaints have been received from area residents during times when the Legion has rented out the second storey hall for events. Staff have met with the operator to discuss these issues and as a result, steps have been taken by the operator to mitigate the issues that have been raised by area residents.

The proposal to operate a 50 person Liquor Primary patio will require a Development Permit as an accessory use to the club. As is the standard practice for patios, any approval would be subject to a Time-limited Development Permit in order to assess the success of the operation of the patio.

The Development Permit, Good Neighbour Agreement and the required closing time of 9 pm, Monday to Saturday and 8 pm on Sunday of the patio should address any potential impacts on the community regarding the proposed application. The operator has also been responsive in dealing with issues that have arisen and is interested in continuing a positive relationship with the community.

### *Implications/Related Issues/Risk (if applicable)*

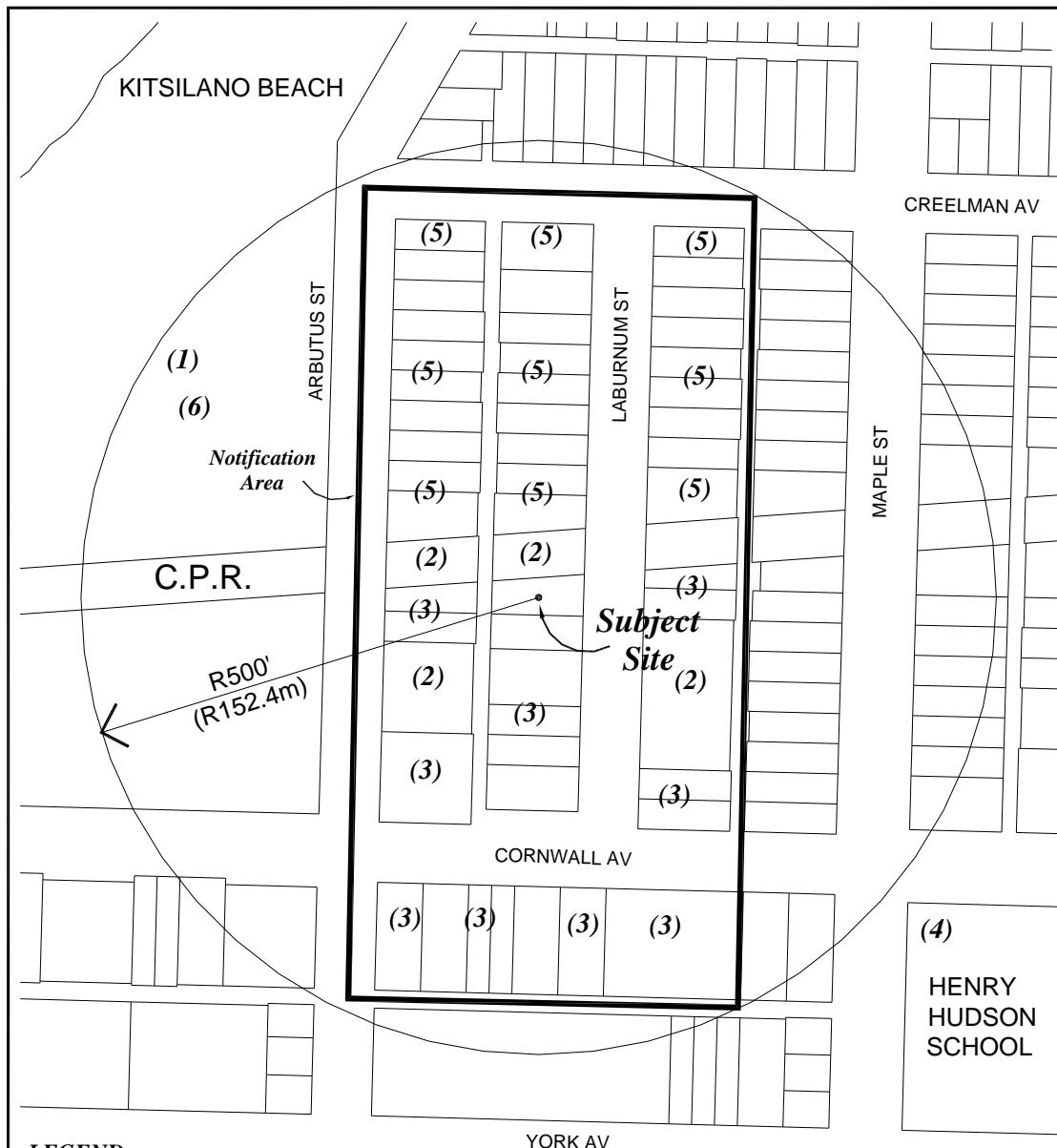
#### *Financial*

There are no financial implications.

*CONCLUSION*

Given the proposed patio location, size, proposed hours of operation, and the long history of a veteran's club at this location, staff are RECOMMENDING Council endorse the applicant's request for a 50 person Liquor Primary liquor licensed patio located at 1407 Laburnum Street. The application meets Council's policy regarding outdoor patios and the requirement for a Time-limited Development Permit and Good Neighbour Agreement will ensure that the premise operates in a manner conducive to the surrounding area. The facility has been at this location for many years and is considered to be an asset for the neighbourhood as a space which is available to the community and for special events.

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**LEGEND**

- (1) Restaurants - {Boathouse Restaurant}
- (2) Strata Buildings
- (3) Rental Apartments
- (4) Schools - {Henry Hudson Elementary}
- (5) Single Family Dwellings
- (6) Parks - {Kitsilano Beach Park}
- (7) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {N/A}
- (8) Government or Private Liquor Stores - {N/A}
- (9) Social/Private Clubs - {N/A}
- (10) Churches - {N/A}
- (11) Other social facilities - {N/A}



<p>LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 7 - Private Club) 1407 Laburnum Street</p>	<p>map: 1 of 1</p>	
<p><b>City of Vancouver - Licenses &amp; Inspections</b></p>	<p>date: 2012-04-16</p>	

