



ADMINISTRATIVE REPORT

Report Date: February 13, 2013
Contact: Tom Hammel
Contact No.: 604.873.7545
RTS No.: 9740
VanRIMS No.: 08-2000-20
Meeting Date: February 27, 2013

TO: Standing Committee on City Finance and Services

FROM: Chief Licence Inspector

SUBJECT: 1283 Hamilton Street - G.P. Sullivan Enterprises Ltd.
Liquor Primary Liquor Licence Application
Liquor Establishment Class 2 Neighbourhood Pub (Soho)

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notification, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by G.P. Sullivan Enterprises Ltd. for a 99 person Liquor Primary liquor licence (Liquor Establishment Class 2 - Neighbourhood Pub), with a games area, and an 18 person (outdoor) patio located at 1283 Hamilton Street subject to:

- i. A maximum total capacity of 99 persons inside and 18 persons outside;
- ii. Standard Hours of operation, limited to 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday;
- iii. The outdoor patio ceasing all liquor service and vacated by 11 pm nightly;
- iv. No music or entertainment permitted on the patio;
- v. A Time-limited Development Permit;
- vi. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- vii. Food service to be provided within all areas of the establishment, including the games area, while the establishment is operating as well as on the patio when open;
- viii. Signing a Good Neighbour Agreement with the City prior to business licence issuance and a Licence Agreement with Engineering Services with one-year renewal terms for the patio; and
- ix. The surrendering of the existing Food Primary liquor licence #165761 and the Restaurant Class 1 business licence #12-143966 at the time of issuance of the Liquor Primary liquor licence.

REPORT SUMMARY

G.P. Sullivan Enterprises Ltd. is requesting a Council resolution endorsing their application for a new 99 person Liquor Primary liquor licence with an 18 person outdoor patio located at 1283 Hamilton Street.

The establishment is an existing Restaurant Class 1 currently operating under a 59 person with a 32 person outdoor patio Food Primary liquor licence. This establishment also contains 8 pool tables along with a related Billiard Room Keeper Licence. The applicant seeks to replace the existing Food Primary liquor licence with a new Liquor Primary liquor licence (Neighbourhood Pub) and will continue to provide food service in a pub style environment along with pool tables. As a result of the change to a liquor primary licence, minors will no longer be permitted. The request is consistent with Council's liquor policy regarding size, location and hours of operation.

As there are a number of social housing and shelter facilities in close proximity to this establishment, consideration has been given to mitigate the impact to local residents. Therefore, approval of the application is subject to a good neighbour agreement, limits on hours and capacity as noted in this report.

Current Council policy does not support liquor service in billiard halls due to concerns around preventing the loss of social/recreation space for under-aged youth. Based on discussions with local youth agencies, City staff have indicated that the circumstances around youth gaming trends have changed significantly in recent years - there is a clear decline in youth using billiard halls for social and recreational purposes. Staff spot checks and an owner conducted survey confirm a low rate of usage of billiard tables at Soho by youth. Therefore, staff are recommending approval of this application with the understanding that youth will not be permitted in the establishment and this recommendation will not have an adverse effect on youth.

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 unless the local government decides to opt out of the application review process. Council policy is to provide comments on these applications.

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

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.

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.

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.

Liquor Service in Billiard Halls - On December 16, 2004, Council policy did not support liquor service in conjunction with billiard halls.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

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

REPORT

Background/Context

The applicant is requesting a Council resolution endorsing Soho Café Billiard's application for a new 99 person Liquor Primary liquor licence (Liquor Establishment Class 2 - Neighbourhood Pub) with an 18 person outdoor patio located at 1283 Hamilton Street (refer to Appendix A), via the conversion of the existing 59 person (interior) and 32 person (outdoor) patio Food Primary liquor licence. If this application is endorsed, the applicant will be required to terminate the Restaurant Class 1 business licence along with the current Provincial Food Primary liquor licence in support of this application.

The table below summarizes the application:

Licence Category	Current		Proposed		Recommended	
	Capacity	Hours	Capacity	Hours	Capacity	Hours
Food Primary (#165761)	59 (interior)	11 am to 1am, weekdays; 11 am to 2 am, weekends	Cancelled			
Liquor Primary	N/A		120	11 am to 1am, weekdays; 11 am to 2 am, weekends	99	11 am to 1 am, weekdays; 11 am to 2 am, weekends
Outdoor Patio	32 (Food Primary)	11 am to 11 pm, 7 days a week	18 (Liquor Primary)	11 am to 11 pm, 7 days a week	18 (Liquor Primary)	11 am to 11 pm, 7 days a week
TOTAL	59 (interior) 32 (exterior)		120 (interior) 18 (exterior)		99 (interior) 18 (exterior)	

The applicant has owned and operated Soho restaurant in Yaletown since 1996 and has operated at this specific location since 2007. Billiards is the primary entertainment for this establishment and is currently offered in a non-licensed games area. Should Council accept this recommendation, the establishment will continue to offer food service in a pub style environment catering to area residents and tourists however minors will no longer be permitted.

Strategic Analysis

Results of Neighbourhood Notification

A neighbourhood notification was conducted by circulating approximately 400 notices in the survey area (refer to Appendix B) advising the application for a 120 person with 18 person Liquor Primary liquor licence. 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 17 responses were received in response to the application.

The results of the notification are summarized as follows:

	Within 500' radius of subject site	Outside 500' radius of subject site	No contact information	Total
Support	2	2	7	11
Opposed	6	0	0	6

Respondents opposing the application are most concerned with increased nuisance issues for the community including; noise, drunkenness and disturbances with patrons leaving the establishment. As well, there was a general feeling that there are already enough liquor establishments (including restaurants) for the area.

In order to receive additional feedback from the residents, an open house was organized by the applicant. A notice was posted on the establishment's front entrance advising of the open

house. The applicant also sent an email to the property manager of a residential strata building whose residents had sent in comments opposing the application. This email contained information regarding the open house which was scheduled for September 24, 2012. Approximately 60 people attended the open house and the applicant reported that most were supportive of the application.

Location of Establishment

This application falls within the HA-3 (Yaletown Historic Area) Zoning District. For the purpose of liquor policy, it is considered to be part of the Downtown Primarily Mixed-use area. The current approved use of this building is Billiard Hall with ancillary Restaurant and Office. The surrounding area is a mixture of residential, hotel, retail, cabaret, restaurants, office, and other commercial uses (refer to Appendix B).

Yaletown consists of 30% residential use and 70% commercial use. 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 establishment is located on the edge of Old Yaletown adjacent to a number of residential buildings.

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

There are a number of social housing and shelter facilities with new upcoming market development projects close by to this establishment. As such, a Good Neighbour Agreement will be required along with limits on hours of operation and capacity to mitigate the impact to the local residents.

This location is also nearby the Roundhouse Community Centre.

There are no Liquor Establishment Class 2 venues within a 328' (100 metres) radius of the proposed site. One cabaret (Bar None - 1222 Hamilton Street) and one Hotel Lounge (Opus Hotel - 322 Davie Street) are located within a 500' (152.4 metres) radius of the proposed site. As well, there are also approximately six licensed restaurants that hold Food Primary liquor licences within the 1200 block of Hamilton Street. There is not a high concentration of liquor serving establishments (both Liquor and Food Primary) in this part of Yaletown.

Liquor Service in Conjunction with Billiard Halls

Current Council policy does not support liquor service in conjunction with billiard halls. In 2004, when Council policy surrounding liquor service and billiard halls was discussed, concern was raised regarding the loss of social/recreational space options for under-aged youth. The Director of Social Policy was consulted to get a more recent perspective on this issue and notes that the concern regarding the loss of entertainment options for youth is not as relevant today as other forms of socializing and interacting among youth, such as video games and the internet, have taken its place. As well, demographic trends in Yaletown indicate that the percentage of the population in Yaletown that are youth (10-19 years of age) is less than half the City-wide average. There also has been a decline in the number of billiard halls in the City of Vancouver operating from 20 to 10 as there is less demand for this type of

entertainment. This policy will be reviewed when an overall city wide liquor policy review takes place over the upcoming months. In the meantime, the proposed conversion of Billiard Hall to Liquor Primary is not expected to materially impact youth gaming opportunities. In addition, the applicant advises that the clientele that frequents this establishment tends to be over 19 years of age.

The operator was asked to keep a log asking patrons whether they were over or under 19 years of age. The operator reported that 7 out of 762 customers (less than 1%) that frequented the establishment during a two week period were under 19 years of age. In addition, City property use inspectors inspected the establishment on three separate occasions and reported that there were no under-age patrons inside.

It has also been noted that there are billiard tables and other recreational opportunities located nearby at the Roundhouse Community Centre for under-age youth to use.

The Director of Social Policy has reviewed and supports this application given there are no changes to the on-going operation of the business with the exception of minors no longer accessing the billiard area. Vancouver Police also reviewed and supports this application with the proposed limits on hours of operation and capacity.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an occupant load of 99 persons inside and 18 persons on the outdoor patio.

The applicant initially submitted an application for a 120 person (inside) with 18 person outdoor patio. Based on the size of the establishment, The Vancouver Fire Department would allow for this occupant load. However, as a result of the concerns expressed by the community and due to the establishment's close proximity to a number of residential buildings, Staff recommend that the interior capacity for this establishment should not exceed 99 persons based on the establishment's current operation of maintaining a games area which currently includes eight billiard tables and two foosball tables and continuing a seating area for 59 persons.

The applicant is requesting hours of operation of 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday which are within the parameters of Standard Hours permitted in the Downtown Primarily Mixed-use area. The applicant has no intention of applying for extended hours and the hours of operation will not change from the establishment's current hours. On that basis and to minimize potential noise impacts, Staff recommend that the establishment operate under Standard hours only.

The proposed outdoor patio must cease all liquor service and vacate by 11 pm, nightly. No entertainment or music will be permitted on the patio.

Traffic, Noise, Parking and Zoning

The proposal for a Liquor Primary (similar to a Neighbourhood Public House) at this location will require a Development Permit application. Traffic, noise, parking and zoning will be considered further as part of this process.

The outdoor patio seating area located on City property and will be subject to a Licence Agreement with Engineering Services with one-year renewal terms.

Impact on the Community

Other than one noise complaint in 2011, there has been no enforcement history with this establishment.

Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption. As well, the time-limited Development Permit and 11 pm closing time for the patio should address any potential problems.

The Time-limited Development Permit and Good Neighbour Agreement should also provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

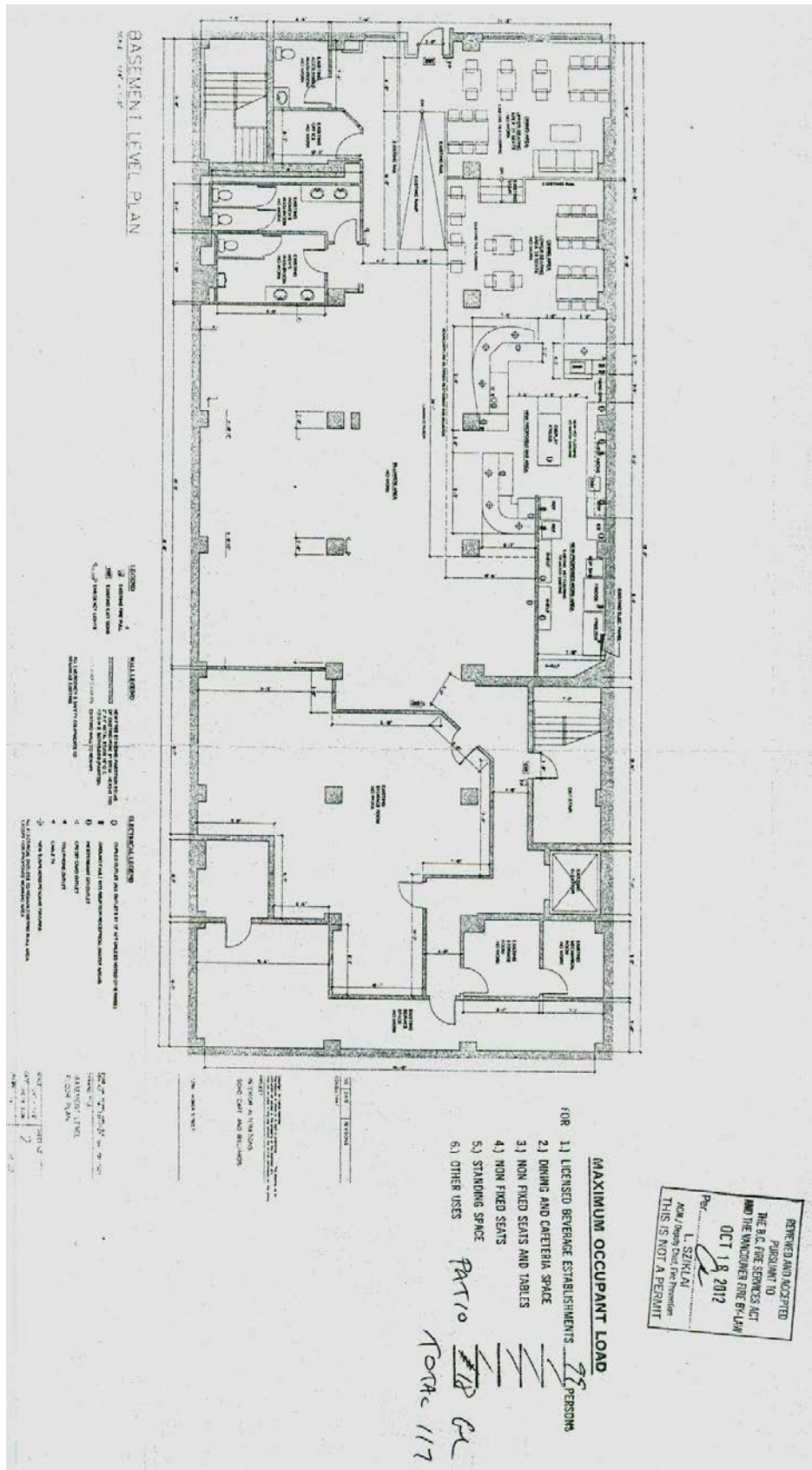
Financial

There are no financial implications.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 99 person Liquor Primary liquor licence with 18 person outdoor patio subject to the conditions outlined in the Recommendation. The application meets current Council policy regarding size and distance from other establishments. The requirement for a Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area. Food service will also remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

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REMOVED AND ACCEPTED
 PERMIT TO
 THE B.C. FIRE SERVICES ACT
 AND THE MANICURE FIRE BY-LAW
 OCT 18 2012
 Per: L. SZKULIA
 Acting Chief Fire President
 THIS IS NOT A PERMIT

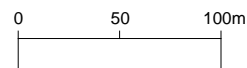


LEGEND

- (1) Liquor Primary - {**Bar None**}, {**Opus Lounge**}
- (2) Residential Buildings - {**Pacific Point**}, {**Governors Tower**}, {**Grace**}, {**Bayside Property Services**}
- (3) Social Housing - {**Bridgeview Place**}, {**Sidney Manor**}
- (4) Medical Clinic
- (5) Social/Private Clubs - {**N/A**}
- (6) Parks - {**N/A**}
- (7) Churches - {**N/A**}
- (8) Schools - {**N/A**}

LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2)
1283 Hamilton Street - Soho

City of Vancouver - Licenses & Inspections



map: 1 of 1

date: 2012-09-24