

Supports Item No. 10
CF&S Committee Agenda
May 16, 2013



ADMINISTRATIVE REPORT

Report Date: April 3, 2013
Contact: Tom Hammel
Contact No.: 604.873.7545
RTS No.: 9885
VanRIMS No.: 08-2000-20
Meeting Date: May 16, 2013

TO: Standing Committee on City Finance and Services
FROM: Chief Licence Inspector
SUBJECT: 1928 West Broadway - A-1 Marine Services Ltd. (Westside Grand)
Liquor Primary Liquor Licence Application
Liquor Establishment Class 2 - 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 A-1 Marine Services Ltd. (Westside Grand) for a 123 person Liquor Primary liquor licence (Liquor Establishment Class 2 - Venue) with two patios at 1928 West Broadway subject to:

- i. A maximum capacity of 123 persons inside and two patios (five person and two person);
- ii. Hours of operation limited to 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday;
- iii. Liquor service is event driven and only permitted in conjunction with pre-booked private events;
- iv. A Time-limited Development Permit;
- v. The patio ceasing all liquor service and vacated by 11 pm and no entertainment or music permitted on patio;
- vi. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements; and
- vii. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

REPORT SUMMARY

A-1 Marine Services Ltd. (Westside Grand) is requesting a Council resolution endorsing their application for a 123 person (Liquor Establishment Class 2 - Venue) Liquor Primary liquor licence with two patios (five person and two person) located at 1928 West Broadway.

Westside Grand has operated at this location since July 2009 as a retail Art Gallery and event space for catered private events such as corporate events, seminars, luncheons, fundraisers, workshops, weddings and receptions (space contains an open concept kitchen), relying upon special occasion licenses for liquor service during these events. Westside Grand is located on the second floor with access from West Broadway. The applicant would like to host pre-booked private events with liquor service. Food service (catered) will be a focal point to this operation.

Requested hours of operation are 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday which meets our standard hours of liquor service policy for this Non-Downtown Primarily Mixed-use area.

The application does not meet current Council policy regarding distancing from other liquor establishments of the same class (there is a Liquor Establishment Class 2-Pub across the street at 1941 West Broadway). For the reasons noted in this report, staff feel that the distancing policy should be relaxed in this case. 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. There are no enforcement issues associated with this establishment.

No comments were received in response to the neighbourhood notification. A letter of support was received from the Executive Director of the Kitsilano Chamber of Commerce supporting the application (refer to Appendix C).

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.

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.

REPORT

Background/Context

The applicant, A-1 Marine Services Ltd. (Westside Grand) is requesting a Council resolution endorsing their application for a 123 person (Liquor Establishment Class 2 - Venue) Liquor Primary liquor licence with two patios (five person and two person) with standard hours of operation (11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday). This will be an event driven liquor licence which is restricted to pre-booked private events only. Hours of service policy for this Non-Downtown Primarily Mixed-use area are:

Standard Hours of liquor service:

- 11 am to 12 am, Sunday to Thursday
- 11 am to 1 am, Friday and Saturday

Extended Hours of liquor service:

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

The applicant has been operating an art gallery at this location since July 2009 and also hosts three to four private events a month (of which one or two have liquor service) such as corporate events, seminars, luncheons, fundraisers, workshops, weddings and receptions (space contains an open concept kitchen), relying upon special occasion licenses for liquor service.

The request for a liquor primary liquor licence would allow the applicant to serve clients that pre-book private events such as corporate meetings, receptions, seminars, fundraisers and workshops without having to have the client apply for the "Special Occasion Licence" in order to serve liquor. The space is approximately 3000 square feet (refer to Appendix B) and provides conference type amenities such as video conferencing capabilities, audio visual equipment, 12-40" LCD screens with individual controls, wireless internet access, fine dining tableware and banquet tables with linens (see www.westsidegrand.ca). The applicant anticipates that they will host a maximum of three events per week some of which will not have liquor service.

Strategic Analysis

Results of Neighbourhood Notification

A neighbourhood notification was conducted by circulating 350 notices in the survey area (refer to Appendix B) 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.

No comments were received in response to the neighbourhood notification. A letter of support was received from the Executive Director of the Kitsilano Chamber of Commerce supporting the application (refer to Appendix C). Event driven venues generally pose little concern to residents.

In addition to the neighbourhood notification and site sign, an "open house" was organized by the applicant and was held on February 13, 2013. Notices were delivered by the applicant to residents and businesses within a two block radius of their establishment. The Liquor Licence Coordinator also attended the open house. Approximately 11 people attended the open house. The open house resulted in 11 comments, all supporting the application.

Location of Establishment

The subject site is located in the C-3A Zoning District (Commercial District) and for the purpose of liquor policy, it is considered to be part of the Non-Downtown Primarily Mixed-use area. The approved use of this space is Retail-Art Gallery. 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 is one Liquor Primary Liquor Establishment located within the area (1941 W Broadway-Pub-100 seats).

Proximity to other social or recreational facilities

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 occupant load of 123 persons inside and two patios on the second floor (five person and two person outdoor patio) facing West Broadway (refer to Appendix B).

The hours of operation requested for the Liquor Primary liquor licence are 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday which are within the parameters of the Standard Hours permitted in the Non-Downtown Primarily Mixed-use area. The applicant has no intention of applying for extended hours of operation.

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.

Enforcement History

There are no enforcement issues associated with this establishment.

Proximity to other Liquor Primary Establishments

The proposed Liquor Establishment - Class 2 venue is located across the street from another Class 2 venue (pub). This is contrary to Council policy limiting Class 2 venues (seating of 66 -

150) from being located within 500 m of one another outside the downtown. The policy limits proximity of liquor establishments within the same Class (size) with the intent of encouraging variety in experience. The proposed establishment will operate differently from the pub across the street, and staff are proposing that the distancing policy be relaxed in this instance for the following reasons:

- The establishment will be event-driven and only operate during pre-booked private events. Event-driven venues are not open to the public daily and generally do not pose a problem for residents and police
- There is no history of enforcement issues with the operator
- Food service will be provided for the majority of events
- There is a low concentration of liquor primary establishments in the area. Other than the pub across the street, there are no other liquor establishments within 250 m of the site.

Noise

Staff have considered noise matters and have no concerns at this time. An Acoustic report will be required certifying that the establishment meets Noise Control By-law requirements and this should mitigate negative impacts due to noise.

Impact on the Community

There are few negative issues/complaints with liquor licences in small venues of this type which are event driven.

Staff are generally in support of liquor licenses in event driven venues. This application differs somewhat from other venues because the majority of these events are catered and liquor service will be a complement to the food service.

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

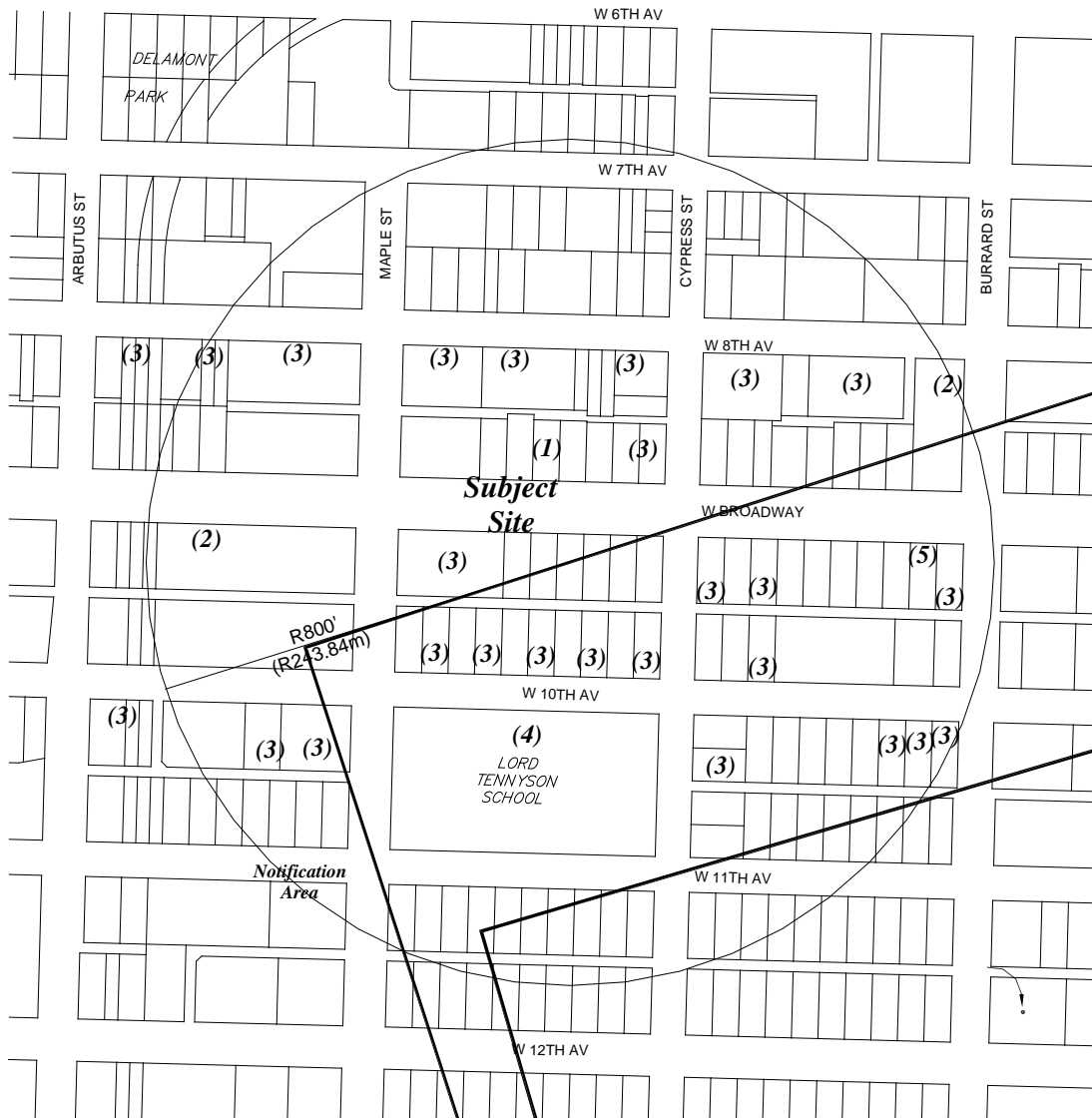
The Police Department has reviewed the application and have no concerns with respect to this application.

CONCLUSION

Staff recommend Council endorse the applicant's request for a Liquor Primary liquor licence, subject to the conditions noted in this report. Staff experience generally shows that liquor service in event driven 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. Should Council support the Liquor Primary application, the applicant will have more flexibility to serve and accommodate those clients who pre-book events and wish to serve alcohol as a complement to the food service. The requirement for a time-limited Development Permit and

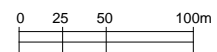
Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area. Also, the hours of operation should not cause any negative impacts to the surrounding community. The hours requested are earlier than the hours permitted for restaurants. Food service (majority of events will be catered) will also remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

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LEGEND

- (1) Liquor Primary - {Manchester}
- (2) Government or Private Liquor Stores {BCLS #117 & Burrard Street Liquor Store}
- (3) Non-market/Market Housing
- (4) School - {Lord Tennyson School}
- (5) Medical Clinic
- (6) Social/Private Clubs - {N/A}
- (7) Parks - {N/A}
- (8) Churches - {N/A}

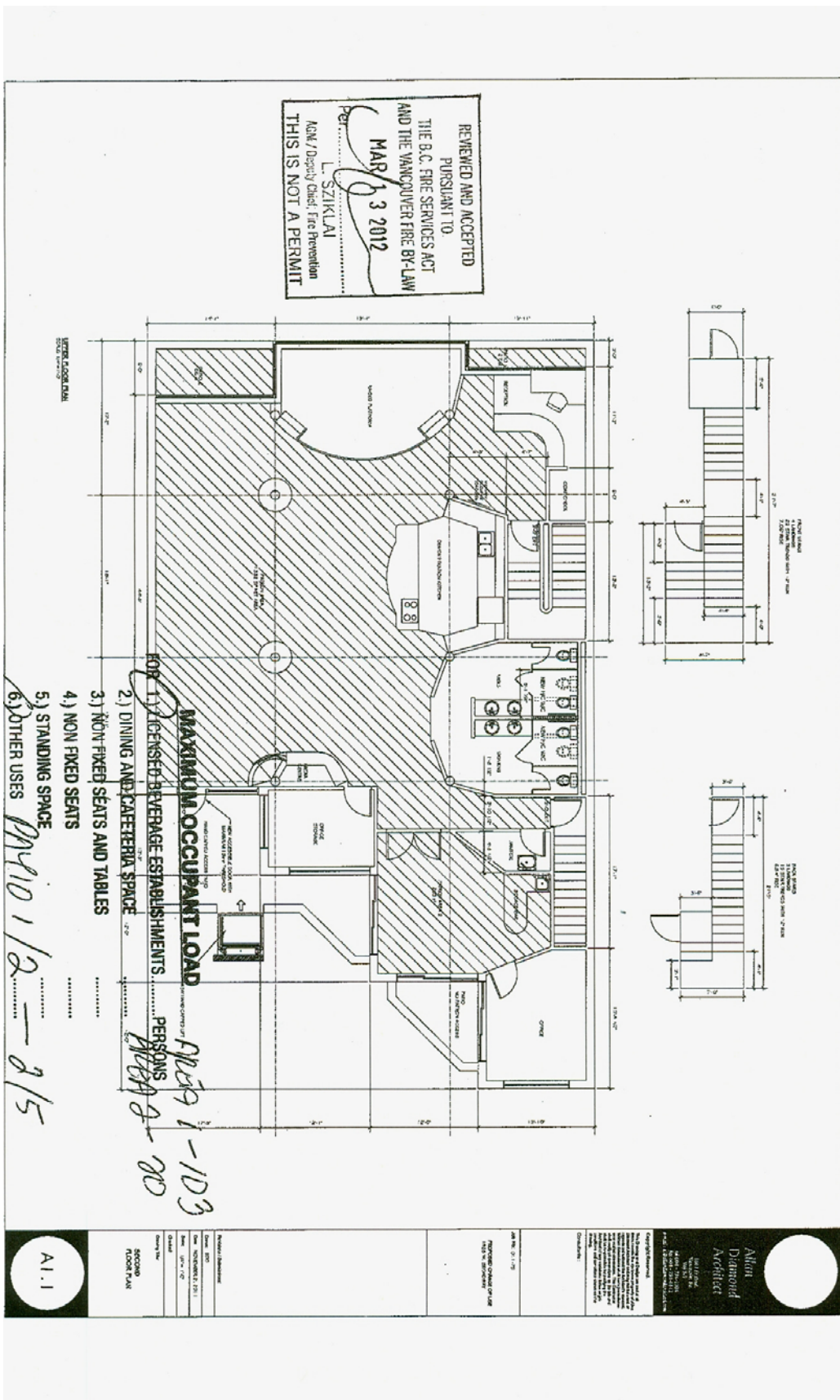


LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2 - Venue)
1928 West Broadway - Westside Grand

map: 1 of 1

City of Vancouver - Licenses & Inspections

date: 2013-03-13





February 6, 2013

Ms. Lucia Cumerlato
Liquor Licence Coordinator
Licences & Inspections
City of Vancouver
453 West 12th Avenue
Vancouver, B.C., V5Y 1V4

Dear Ms. Cumerlato,

RE: Westside Grand
Liquor Primary Licence Application
at 1928 West Broadway, Vancouver, B.C. V6J 1Z2

On behalf of the Kitsilano Chamber of Commerce, I would like to register my support for the above Application for a Liquor Primary Licence.

As a representative of more than 600 myriad small businesses in Vancouver, I am aware of the need in our community for an upscale licensed rental venue which focuses on corporate meetings and social gatherings. We currently have very few venues to accommodate member events and educational workshops. The Westside Grand offers an ideal location and amenities.

I would encourage the approval of this application.

Yours truly,

A handwritten signature in black ink, appearing to read 'Cheryl Ziola', written over a light grey background.

Cheryl Ziola,
Executive Director
Kitsilano Chamber of Commerce

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