



ADMINISTRATIVE REPORT

Report Date: April 30, 2013
Contact: Tom Hammel
Contact No.: 604.873.7545
RTS No.: 10009
VanRIMS No.: 08-2000-20
Meeting Date: May 28, 2013

TO: Vancouver City Council
FROM: Chief Licence Inspector
SUBJECT: 97 East 2nd Avenue - Steel Toad Brew Pub
Liquor Primary Liquor Licence Application
Liquor Establishment Class 3 - 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 Steel Toad Brewing Company Ltd. for a new 240 person Liquor Primary liquor licence (Liquor Establishment Class 3 - Neighbourhood Pub - 200 interior seats) with outdoor patio seating (40 seats) at 97 East 2nd Avenue subject to:

- i. Standard hours of operation for the first six months are limited to 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday; after which time Extended hours of operation may be considered which are limited to 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday;
- ii. The outdoor patio ceasing all liquor service and vacated by 10 pm nightly;
- iii. A maximum total capacity of 200 persons (inside) and 40 persons on the patio (outside);
- 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;
- 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

Steel Toad Brewing Company Ltd. is requesting a Council resolution endorsing their application for a new 240 person Liquor Primary liquor licence (Liquor Establishment Class 3 - Pub) with a 40 seat (40 seat patio is inclusive of the 240 person licence) outdoor patio at 97 East 2nd Avenue. 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 operate with 90 seats. The applicant will also be applying for a manufacturers licence (separately) for their small brewery which will operate in conjunction with the pub and restaurant. The applicant intends on operating a modern pub style establishment with food and beverage service. Entertainment will consist of background music and live music suitable for a pub environment. It will also include a few television monitors televising sporting events.

The proposed location for this establishment is in the restored Heritage "A" Opsal Steel building which was previously used for metal products manufacturing. The building is currently undergoing major renovations in order to accommodate the proposed pub. The pub/brew area will occupy the majority of the main floor and the restaurant will occupy the remainder of the main floor as well as the mezzanine.

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 300 notices in the survey area (See Appendix A). No responses were received regarding this application.

Staff is recommending approval of this application with standard hours of operation restricted to 11 am to 12 am, Sunday to Thursday and 11 am to 1 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 Non-Downtown Primarily Residential-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

Size and location of new establishments (Council July 14, 2005) - Council Policy states that no Class 3 Liquor Primary establishment shall be located within 500 meters of another Class 3 establishment. This policy only pertains to liquor primary establishments and not food primary establishments (restaurants).

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 private and 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.

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 (Steel Toad Brewing Company Ltd.) is requesting a Council resolution endorsing their application for a 200 persons (interior) and 40 persons (outdoor patio) Liquor Primary liquor licence (Liquor Establishment Class 3 - Pub) with standard hours of operation between 11am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday for the first six months. Consistent with Council Policy, the outdoor patio will vacate at 10 pm nightly.

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

Licence Category	Proposed Operation	
	Seats	Hours
Food Primary:		
Interior	90	11 am to 12 am, seven days a week
Liquor Primary:		
Interior	200	11 am to 12 am, Sunday to Thursday 11 am to 1 am, Friday and Saturday
Patio	40	Patio hours to close at 10 pm, nightly
Total Liquor Seats	330	

The applicant intends on operating a pub style establishment with both liquor and food primary areas (See Appendix B) as well as a small brew area (manufacturing in conjunction with the pub and restaurant). The pub will have a strong focus on quality food for the diverse population and business community in Southeast False Creek. 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 in conjunction with an on-site brewery and will focus on attracting patrons to eat and socialize. The liquor primary area will operate in more of a sports theme pub while the food primary area continues to operate as a restaurant. The proposed entertainment will include background music and live music on the weekend.

The Opsal Steel building which is listed as a Heritage “A” is currently being restored to accommodate this establishment on the ground level as well as constructing a new mezzanine which will accommodate the restaurant. This site will also contain a new 24-storey mixed-use building adjacent to the restored Opsal Steel building containing commercial on the ground floor, amenity area on the second storey, 175 dwelling units on the third through twenty-fourth storeys, two levels of underground parking and one level of open parking at grade accessed from the lane north of East 2nd Avenue.

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 200 person Liquor Primary liquor establishment with a 40 person patio was conducted by circulating approximately 300 notices in the survey area (See Appendix A). Two site signs were 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 responses were received regarding this application.

Location of Establishment

Southeast False Creek has been developing as a mixed use area, with housing and a variety of commercial businesses. As the area is increasing in population, there needs to be a corresponding increase in choices for residents to go out for food and drink. If Council supports this application, it will allow residents in the area the ability to walk to this establishment without having to drive. With the overall number of residential units in the area combined with the potential for increased jobs in the I-1 district, this location is suitable for this type of business. Neighbourhood pubs are considered less intrusive to the surrounding community.

The subject site is located in the Non-Downtown Primarily Residential area. This area consists of mainly commercial and industrial uses as well as residential development.

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

The surrounding area is a mixture of commercial, industrial, office, 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.

There are no liquor primary establishments within an 800' radius of this proposed site. There are three food primary (restaurants) establishments within the 800' radius and one food primary establishment (restaurant) slated to open in late summer in the village. There is also one liquor retail store located within the 800' radius.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an maximum interior occupant load of 200 persons and a 40 person outdoor patio on February 19, 2013 (refer to Appendix B).

The hours of operation requested for the Liquor Primary liquor licence are 9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday which fall under the Extended Hours permitted for this area. For the first six months of operation, the applicant will be required to operate under the Standard Hours permitted in the Non-Downtown Primarily Residential area which are 11 am to 12 am, Sunday to Thursday and 11 am to 1 am, Friday and Saturday. 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 10 pm nightly in order to mitigate any noise concerns from the residents in the adjacent residential tower.

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

Noise

Staff have considered the impact for noise on the community and have no concerns at this time. 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.

Impact on the Community

Our experience indicates that neighbourhood pubs associated with breweries generally do not create significant negative impacts for area residents and businesses. The Vancouver Police Department (VPD) has also stated that these types of establishments do not create a burden on their resources. The proposed patio will require a time limited development permit which must be renewed on a yearly basis. This time limited permit along with the required 10 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. The business license operating requirements should minimize community impacts.

Furthermore, this application complies with Council's liquor policy for Venue Size and Hours of Liquor Service and Council's policy for outdoor patios. In recent discussions, Council has expressed interest in supporting brew pubs throughout the city where the zoning allows.

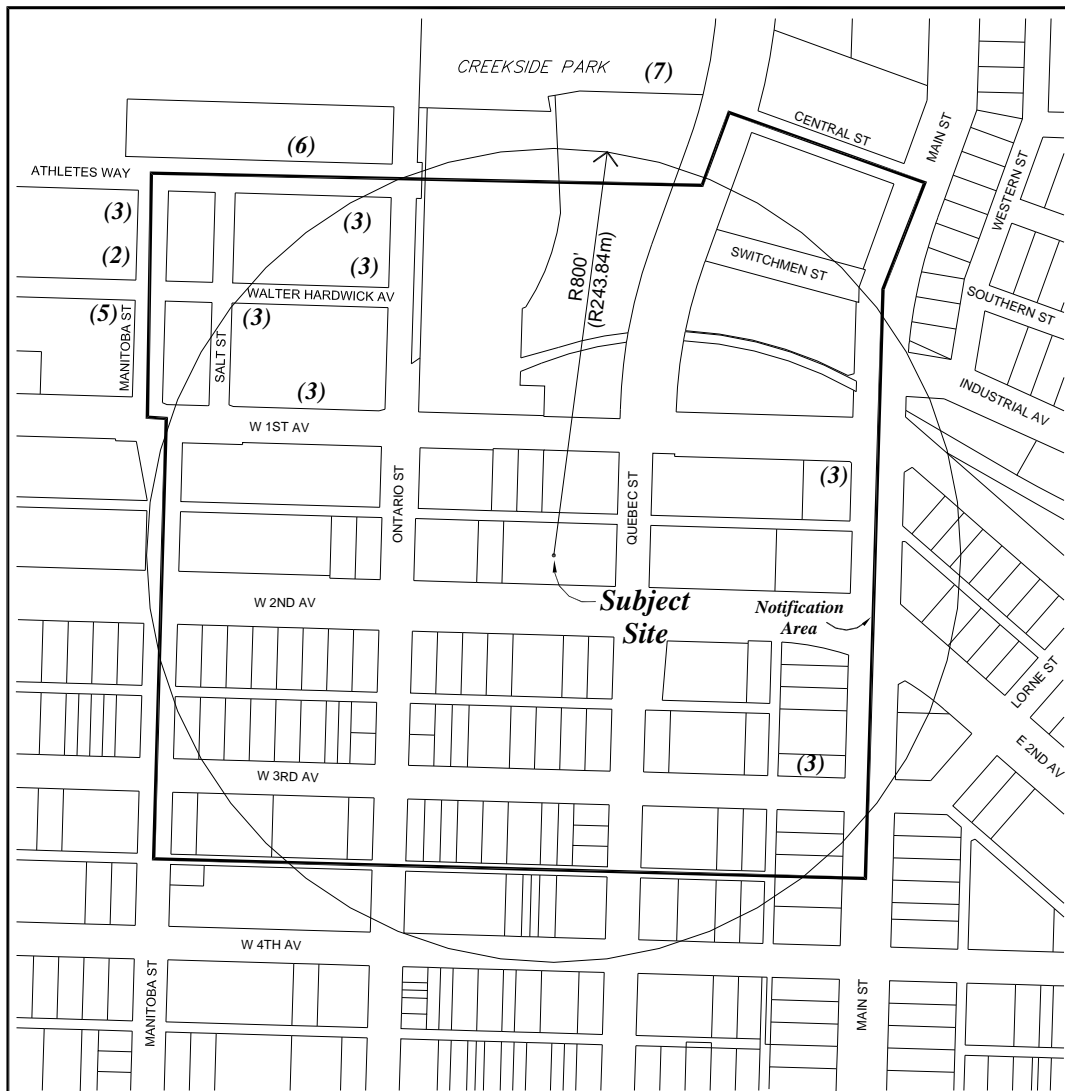
Financial

There are no financial implications.

CONCLUSION

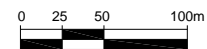
This application meets current Council policy for new liquor primary establishments. The Development Permit and Good Neighbour Agreement requirements will ensure the premise operates in a manner conducive to the surrounding area. The six month earlier closing time will provide an evaluation period for 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. Since no comments were 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 200 person Liquor Primary liquor licence with a 40 person patio, subject to the conditions noted in this report.

* * * * *



LEGEND

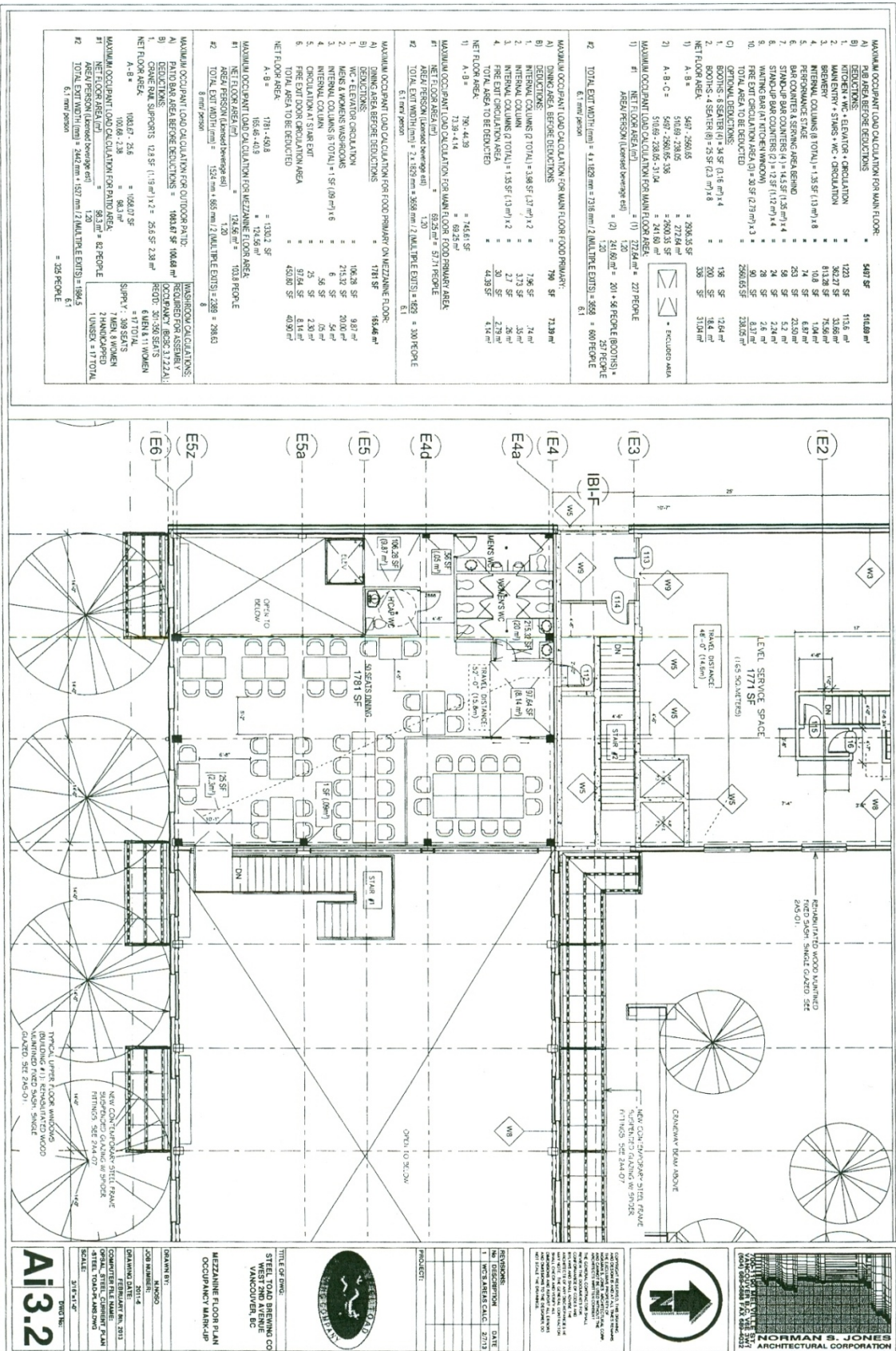
- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges {N/A}
- (2) Government or Private Liquor Stores {**The Legacy Liquor Store**}
- (3) Non-market/Market Housing
- (4) School {N/A}
- (5) Medical Clinic {**Medical Dental Clinic**}
- (6) Other Social facilities {**Creekside Community Centre**}
- (7) Parks {**Creekside Park**}
- (8) Churches {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3 - Neighbourhood Pub)
97 East 2nd Avenue – Steel Toad Brewing Company

map: 1 of 1





MAXIMUM OCCUPANT LOAD CALCULATION FOR MAIN FLOOR:	
A) REB AREA BEFORE REDUCTIONS	5487 SF
B) REDUCTIONS:	
1. KITCHEN + WC + ELEVATOR + CIRCULATION	1221 SF
2. MEN'S + WOMEN'S WASHROOMS	813.24 SF
3. PERFORMANCE STAGE	10.8 SF
4. INTERNAL COLUMNS (8 TOTAL) = 1.34 SF (1.3) x 8	10.8 SF
5. BAR COUNTER & SERVING AREA BEHIND	293 SF
6. STUNDOOR COUNTERS (4) = 14.34 SF (3.58) x 4	57.36 SF
7. STUNDOOR COUNTERS (4) = 14.34 SF (3.58) x 4	57.36 SF
8. WALKING BAR (AT KITCHEN WINDOW)	28 SF
9. FREE EXIT CIRCULATION AREA (10) = 20 SF (2.0) x 10	20 SF
10. TOTAL AREA TO BE DEDUCTED	2560.65 SF
C) OPTIMAL REDUCTIONS:	
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AI3.2

MEZZANINE FLOOR PLAN
OCCUPANCY MARK-UP

TITLE OF DRAWING:
STEEL TOAD BREWING CO
VANCOUVER BC

DATE:
2011-06-20

PROJECT:
MEZZANINE FLOOR PLAN

DATE:
2011-06-20

NORMAN S. JONES
ARCHITECTURAL CORPORATION