



## ADMINISTRATIVE REPORT

Report Date: June 20, 2013  
Contact: Tom Hammel  
Contact No.: 604.873.7545  
RTS No.: 10121  
VanRIMS No.: 08-2000-20  
Meeting Date: July 10, 2013

TO: Standing Committee on City Finance and Services  
FROM: Chief Licence Inspector  
SUBJECT: Liquor Licence Application - Neighbourhood Pub  
8482 Granville Street - The Yard

### *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 The Yard (088717 BC Ltd.) for conversion of their existing food primary seats to a 48 person Liquor Primary liquor licence (Liquor Establishment Class 1 - Neighbourhood Pub) and an 11 person (outdoor) patio located at 8482 Granville Street subject to:

- i. A maximum total capacity of 48 persons inside and 11 persons outside;
- ii. Standard hours of operation for the first three to 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 the 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;
- iii. A Time-limited Development Permit;
- iv. 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;
- v. The outdoor patio ceasing all liquor service and vacated by 11 pm nightly;
- vi. No music or entertainment permitted on the patio;
- vii. Food service to be provided while the establishment is operating as well as on the patio when open; and
- viii. An acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements.

## ***REPORT SUMMARY***

Owners of The Yard are requesting a Council resolution endorsing their application to convert to a 48 person Liquor Primary liquor licence with an 11 person outdoor patio located at 8482 Granville Street via the conversion of the existing Food Primary liquor licence.

The establishment has operated at this location since 2010 and is an existing Restaurant Class 1 currently operating with a 48 person and 11 person outdoor patio Food Primary liquor licence.

Staff is recommending approval of this application considering the neighbourhood notification, consistency with Council policy and expectation that there will be little change with respect to how this establishment will operate. Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption. The requirement for a Development Permit and Good Neighbour Agreement will also ensure the premise operates in a manner conducive to the surrounding area.

## ***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 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.

*Expansion of Sidewalk Patio Program* - 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 applicant is requesting a Council resolution endorsing The Yard's application to convert to a 48 person Liquor Primary liquor licence (Liquor Establishment Class 1 - Neighbourhood Pub) with an 11 person outdoor patio located at 8482 Granville Street (refer to Appendix A), via the conversion of the existing 48 person (interior) and 11 person (outdoor) patio Food Primary liquor licence. Current hours of liquor service are 9am to 1am, Sunday to Thursday and 9am to 2am, Friday and Saturday and the patio must close by 11pm.

The applicant has owned and operated The Yard Café restaurant since August 2010 and also owns two other establishments in Vancouver; one 50 person Liquor Primary establishment and one 39 person Food Primary with a 20 person Liquor Primary establishment. Both of these establishments are well run and have no enforcement history.

***Strategic Analysis***

***Results of Neighbourhood Notification***

A neighbourhood notification advising of the application for a 48 person Liquor Primary liquor establishment and 11 person patio was conducted by circulating approximately 200 notices in the survey area (refer to Appendix B). A site sign was also 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 53 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	0	34	8	42
Opposed	4	1	6	11

Respondents opposing the application are most concerned with increased nuisance issues for the community including; noise, drunkenness and disturbances with patrons leaving the establishment, lack of parking and increased traffic for the area and that the proposed Liquor Primary establishment is not suitable for a residential neighbourhood. Concerns were also expressed that the proposed hours of operation were not appropriate for the area.

### *Location of Establishment*

This is a two storey commercial building located within the C-1 Commercial Zoning District. The current approved use of this building is Restaurant Class 1 with outdoor patio seating, Retail Dealer, Hall and General Office use. The surrounding area is a mixture of residential, retail, restaurants, office, and other commercial uses (refer to Appendix B).

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

There are no Liquor Establishment venues and approximately four licensed restaurants that hold a Food Primary liquor licence within a 1640 ft (500 metres) radius of the proposed site.

There are a no social facilities within close proximity to this establishment.

### *Hours of Operation*

The applicant will be required to operate within the Standard Hours of operation for the first three to six months after which time the extended hours of operation may be considered.

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

### *Traffic, Noise, Parking and Zoning*

The proposal for a Liquor Primary (similar to a Neighbourhood Public House) and an associated outdoor patio at this location will require a Development Permit application. The review process for this type of approval will involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, an on-site loading strategy, social and policing impacts and noise control. Traffic, parking and zoning will be considered further as part of this process.

### *Impact on the Community*

Very little is expected to change with the operation of the establishment. There have been no enforcement issues associated with this establishment and no complaints have been received related to the management of this business.

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, Good Neighbour Agreement and 11 pm closing time for the patio should address any potential problems and should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

The Vancouver Police Department have no immediate concerns with this application as they note that the establishment has had no impact on resources to date. It is also noted that the business model of the establishment will not change and historically, problems that occur with smaller establishments are easier to mitigate.

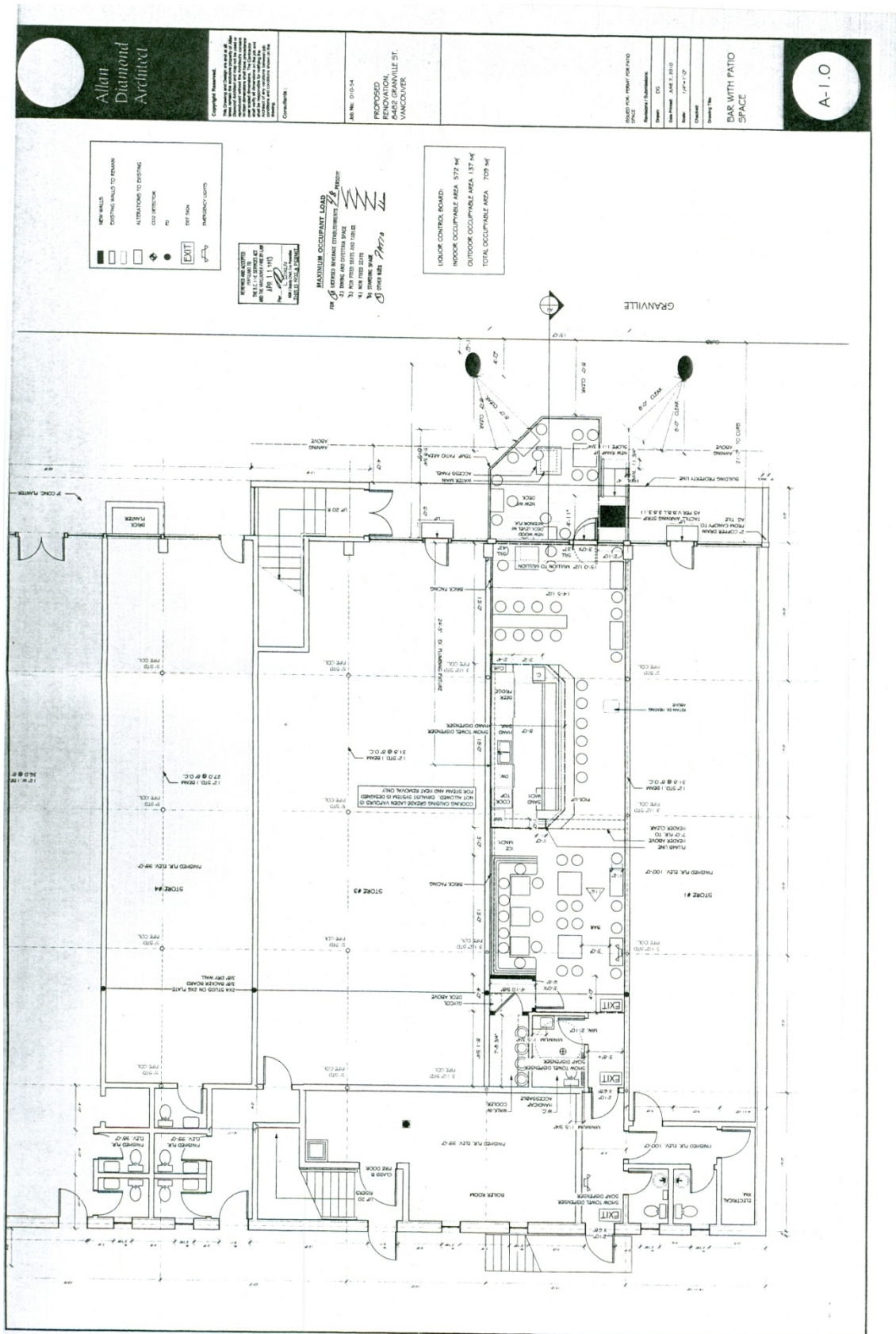
*Financial*

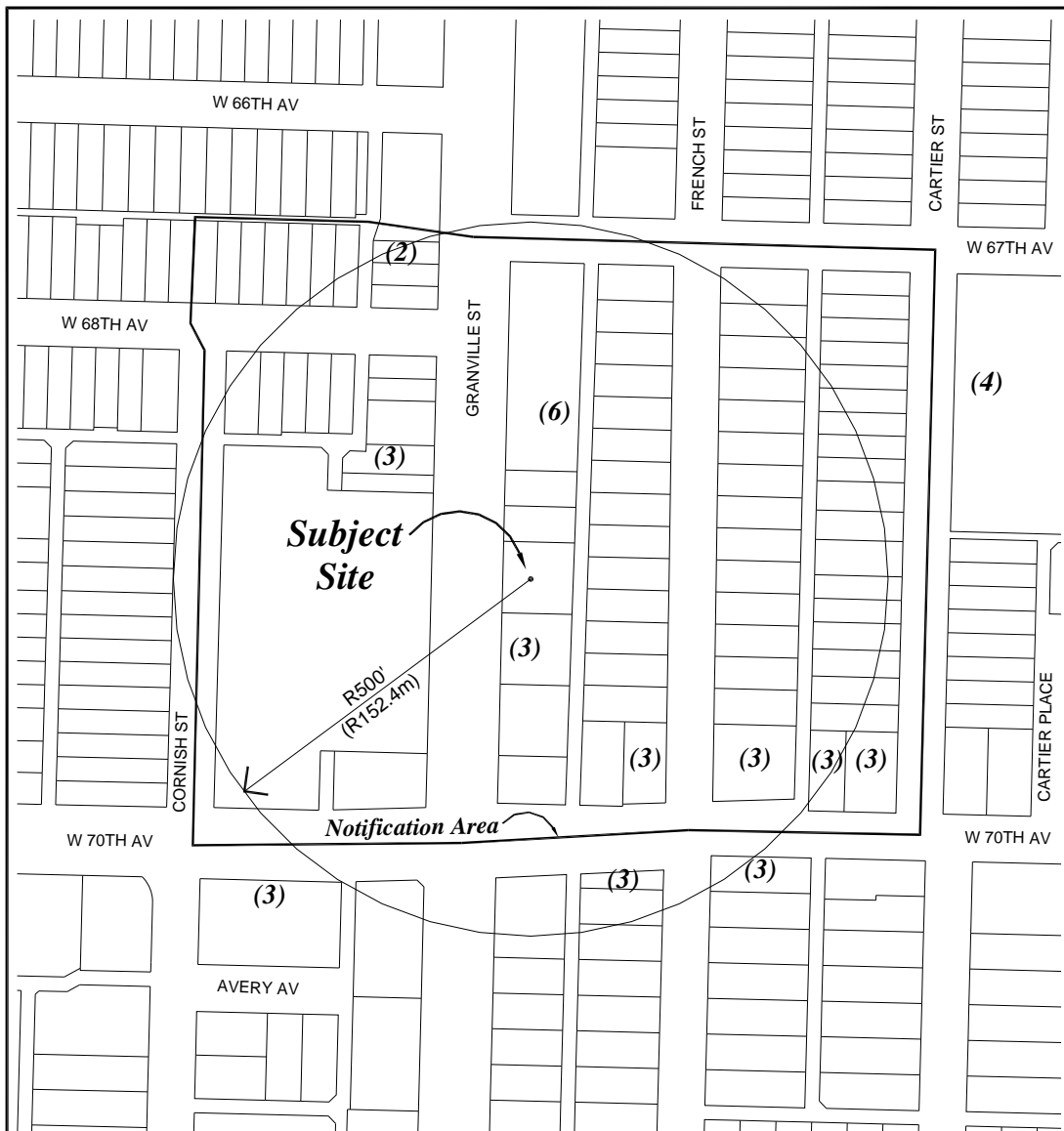
There are no financial implications.

*CONCLUSION*

Staff are recommending Council endorse the applicant's request for a 48 person Liquor Primary liquor licence with 11 person outdoor patio subject to the conditions outlined in the Recommendation. The application meets current Council policy regarding size and distance from other establishments and there will be very little change to the operation of the establishment, including hours, as it exists currently under a Food Primary liquor licence. 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.

\* \* \* \* \*





**LEGEND**

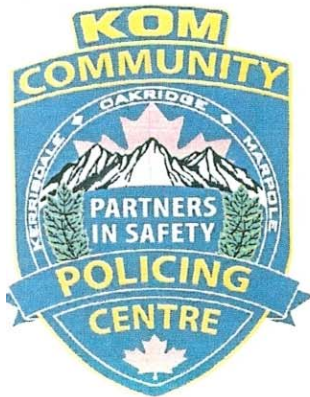
- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges {N/A}
- (2) Government or Private Liquor Stores {BC Liquor Store}
- (3) Non-market/Market Housing {1407 W 70th Av, 1425 W 70th Av, 1441 W 70th Av, 1445 W 70th Av, 1460 W 70th Av, 1440 W 70th Av, 1518 W 70th Av, 8536 Granville St, 8455 Granville St}
- (4) School {David Lloyd George Elementary School}
- (5) Medical Clinic {N/A }
- (6) Other Social facilities {Vancouver Public Library - Richard Marpole Branch }
- (7) Parks {N/A}
- (8) Churches {N/A}



LIQUOR ESTABLISHMENT CLASS 1 - NEIGHBOURHOOD PUB  
8482 Granville Street - The Yard

map: 1 of 1





Kerrisdale, Oakridge, Marpole  
Community Policing Centre  
6070 East Boulevard, Vancouver, BC V6M 3V5  
Tel. (604) 717-3434 / (604) 717-3433  
Fax (604) 717-3432  
Email: komcpc@shaw.ca  
Website: www.komcpc.com

April 16<sup>th</sup> 2013

To whom it may concern,

The Kerrisdale Oakridge Marpole Community Policing Centre has written this letter in support of The Yard Café's application to change its business license from a Food Primary Establishment to a Liquor Primary Establishment under 60 seats.

We have full confidence that owner Nigel Lutz will uphold the regulations required to maintain a liquor license after its acquisition, just as he upholds his own high standards in running his café.

The KOM CPC believes the Yard Café's acquisition of a liquor license will enhance the vibrancy of Marpole by retaining a clientele who may travel elsewhere for similar services. This also has the added benefit of reducing local traffic in the area, by encouraging walking and cycling.

The Yard Café is an active supporter of activities in the Marpole neighbourhood and shares our organization's common values of safety and community.

In closing, we support The Yard Café's application for a liquor license.

Sincerely,

Kerrisdale Oakridge Marpole  
Community Policing Centre



**Marpole Business Association**  
Box 201 – 8623 Granville St  
Vancouver, BC V6P 5A2  
tel 604-418-8232 \* fax 604-677-2750  
email marpolebia@marpoleonline.com

Lucia Cumerlato  
Liquor Licence Coordinator  
Licences & Inspections  
City of Vancouver  
453 West 12<sup>th</sup> Ave.  
Vancouver, BC  
V5Y 1V4

April 16, 2013

Dear Ms Cumerlato:

**Re: The Yard Cafe**

On behalf of the Marpole Business Improvement Association (BIA), I would like to offer our support for the Yard Café's request for a change in business licence.

We understand that the Yard Café wishes to ensure its compliance with the City of Vancouver's food service regulations and to ensure that its staff is more easily able to prevent minors from entering the premises. We understand that the hours of operation and day-to-day operations will remain exactly as they are now.

The Yard Café has been part of the Marpole community for the past three years, and is considered a valued and active member of our business community and BIA. The Yard provides the neighborhood with a problem-free and pleasant amenity space for people to sit down and socialize, within an easy walking distance for local residents and business people.

Please contact us should you have any questions or concerns.

Thank you for your consideration and assistance.

Best Regards,

THE MARPOLE BUSINESS ASSOCIATION

Claudia Laroye  
Executive Director

