

Report Date: June 24, 2013
Contact: Tom Hammel
Contact No.: 604.873.7545
RTS No.: 10136
VanRIMS No.: 08-2000-20
Meeting Date: July 10, 2013

TO: Standing Committee on City Finance and Services

FROM: Chief Licence Inspector

SUBJECT: 3255 West Broadway - The Colony Bar Ltd. (Colony)
Increase in Person Capacity and New Outdoor Patio

RECOMMENDATION *

THAT Council, having considered the opinion of local area residents and business operators as determined by site sign, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by The Colony Bar Ltd. (Colony) for an increase in person capacity for the Liquor Primary Liquor Licence (#304543) from 75 interior seats to 100 interior seats (Liquor Establishment Class 2-Pub) and a new 14 seat outdoor patio at 3255 West Broadway subject to:

- i. A maximum interior capacity of 100 persons and a 14 person patio;
- ii. An amendment to the existing Development Permit;
- iii. The patio ceasing all liquor service and vacated by 10 pm for the first 12 months;
- iv. No entertainment or music permitted on patio;
- v. A Licence Agreement with an initial one-year term for the patio;
- vi. Food service to be provided while the patio is open; and
- vii. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

REPORT SUMMARY *

The applicant, The Colony Bar Ltd., is requesting a Council resolution endorsing their application for an increase in person capacity to their existing Liquor Primary liquor licence from 75 persons to 100 persons (Liquor Establishment Class 2-Pub) at Colony. The hours of operation would remain unchanged from the current operation (10 am to 1 am, Sunday to Thursday; 10 am to 2 am, Friday and Saturday). The increase in interior capacity (net increase of 25 seats) is due to renovations which were carried out in the building. The applicant is also requesting a new 14 person outdoor patio which will operate until 10pm for the first year after which time the 11pm closing time may be considered if no issues/concerns have been received.

Colony has held a liquor primary licence at this location since July 2011. Prior to July 2011, they operated a food primary establishment at this location for over 40 years. The current operator has been operating since December 2000 catering to the diverse population of the Kitsilano community. Food service is a focal point to this operation.

Eight comments were received in response to the neighbourhood notification. Five responses were in favour of the application and three responses were opposed. The respondents opposed are concerned about the potential for increased noise with the patio closing at 11pm. The applicant has agreed to close the patio at 10pm for the first year in order to deal with any potential noise issues and to address neighbours concerns.

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

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

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 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 *

The applicant is requesting a Council resolution endorsing their application to increase the interior person capacity of their existing Liquor Primary liquor licence from 75 persons to 100 persons (Liquor Establishment Class 2 - Pub) due to renovations which included relocating the kitchen and removing some pony walls in the pub (refer to Appendix A). The applicant is also requesting approval for a new 14 person patio. This establishment has been operating at this location since July 2011. Prior to July 2011, the applicant operated a food primary (restaurant) at this location since 2000 with a ten person patio. The hours of operation would remain unchanged from the current operations. Food service will remain a component of the business.

Strategic Analysis *

A site sign was erected on the building 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 eight comments were received in response to the application. The results of the notification are summarized as follows:

	Within 2 blocks of subject site
Support	6
Opposed	2

The respondents opposed are concerned about the potential for increased noise with the patio closing at 11pm. In response to the concerns, the applicant has agreed to close the patio at 10pm for the first year in order to deal with any potential noise issues and to address neighbours concerns regarding the patio. If no issues arise with the operation of the patio after the first year, the applicant can apply to extend the hours of the patio up to 11pm.

Location of Establishment and Proximity to Other Liquor Primary Establishments

The subject site is located in the C-2C1 Zoning District (Commercial District). The approved use of this space is a Liquor Primary-Pub. The surrounding area is a mixture of retail, office, preschool, adult day centre, residential, church and restaurant uses (refer to Appendix B).

There is one Liquor Primary Liquor Establishment Class 1 (The Fringe - 50 seats) and one Liquor Retail Store (Point Grey Beer and Wine Cellar) located within a 600' radius of the subject site. Also, 10 licensed restaurants are within the area which hold Food Primary liquor licenses.

Hours of Operation

The hours of operation would remain unchanged from the current operation (10 am to 1 am, Sunday to Thursday; 10 am to 2 am, Friday and Saturday). The 14 person outdoor patio will operate until 10pm for the first year after which time the 11pm closing time may be considered if no issues/concerns have been received. No entertainment or music will be permitted on the patio.

Noise

The applicant has submitted an acoustic report which stipulates the sound levels permitted inside the pub in order to comply with the Noise Bylaw.

The Time-Limited Development Permit, Good Neighbour Agreement, Licence Patio Agreement with Engineering Services with one-year renewal term and the required closing time of 10pm, seven days a week 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.

Impact on the Community

There has been no enforcement history with this establishment. Following the erection of the site sign, two noise complaints were filed in late May and early June. The operators were advised of the complaints and have committed to rectify the noise issues. They have agreed to have the large sliding doors closed by 9pm. Their door staff will monitor patrons entering the pub, smokers and patrons outside on the sidewalk and patio noise.

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 10 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 not concerned with this capacity increase request (25 seats) and given the size of the patio, the License Agreement subject to terms, and staff's recommended 10pm closing time, staff do not anticipate any significant impacts from the operation of the patio. Staff are therefore RECOMMENDING Council endorse the applicant's request for an increase in person capacity (interior) to their existing Liquor Primary liquor licence located at 3255 West Broadway from 75 persons to 100 persons and for a new 14 person Liquor Primary outdoor sidewalk patio subject to the conditions outlined in the Recommendation. Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption. The applicant has been operating a pub at this location since July 2011 and a restaurant for many years prior to July 2011. This establishment is considered to be an asset for the neighbourhood which is in walking distance for many residents who do not want to commute outside their neighbourhood in order to go to a pub.

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MAXIMUM OCCUPANT LOAD

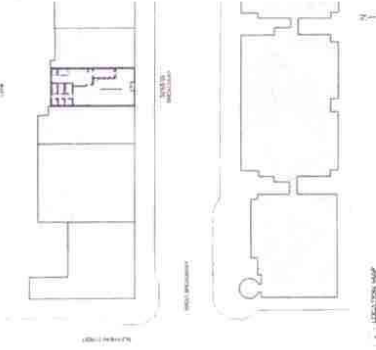
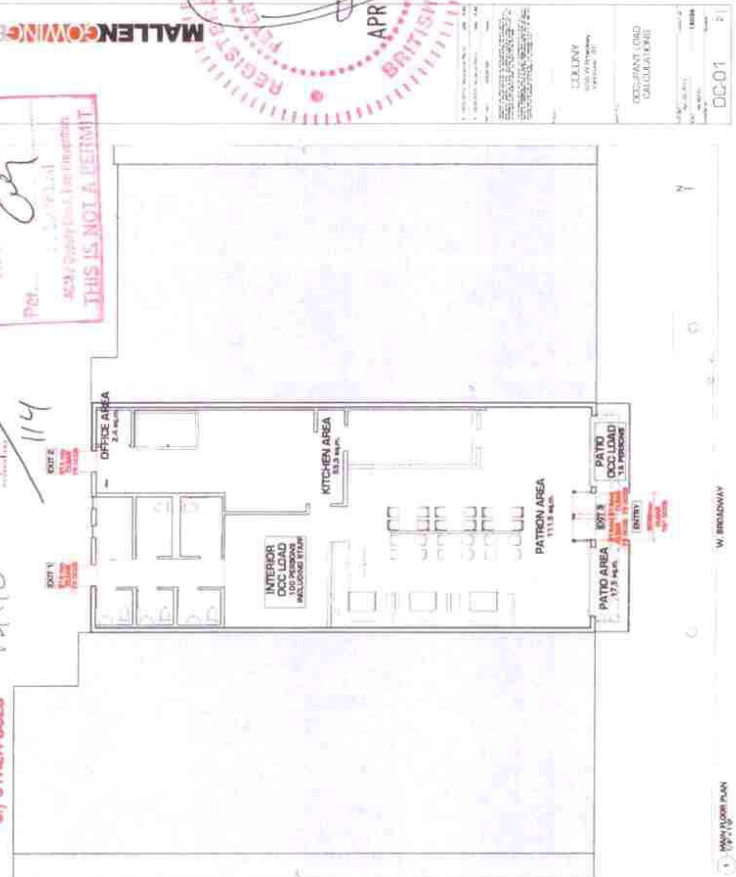
- FOR 1.) LICENSED BEVERAGE ESTABLISHMENTS, 63 PERSONS
 2.) DINING AND CAFETERIA SPACE
 3.) NON FIXED SEATS AND TABLES
 4.) NON FIXED SEATS
 5.) STANDING SPACE
 6.) OTHER USES

122 LODGES 75 STAFF

REVIEWED AND ACCEPTED
 I WANT TO
 THE B.C. FIRE SAFETY ACT
 AND THE VARIATION FIRE BY-LAW
 APR 18 2013
 THIS IS NOT A PERMIT.
 ANY SUPPLY LOADS FOR FIREWORKS

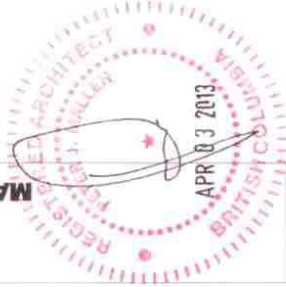
14
 114

PATIO



OCCUPANT LOAD CALCULATIONS - INDOOR	
AREA	107.0 sq m
USE	RESTAURANT
SEATING CAPACITY	63 PERSONS
STANDING CAPACITY	122 PERSONS
TOTAL CAPACITY	185 PERSONS
STAFF	75 PERSONS
TOTAL OCCUPANT LOAD	260 PERSONS

OCCUPANT LOAD CALCULATIONS - OUTDOOR	
AREA	30.0 sq m
USE	PATIO
SEATING CAPACITY	14 PERSONS
STANDING CAPACITY	114 PERSONS
TOTAL CAPACITY	128 PERSONS
STAFF	75 PERSONS
TOTAL OCCUPANT LOAD	203 PERSONS



MALLENKOWNEBERGINS

COLONY
 1000 10th Street
 Vancouver BC
 V6Z 1Y8
 TEL: 604.681.1111
 FAX: 604.681.1112
 WWW.COLONYARCHITECTS.COM

OCCUPANT LOAD CALCULATIONS
 DC-01

