



## ADMINISTRATIVE REPORT

Report Date: August 15, 2014  
Contact: Harley Machielse  
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RTS No.: 10677  
VanRIMS No.: 08-2000-20  
Meeting Date: September 17, 2014

TO: Standing Committee on City Finance and Services  
FROM: Chief Licence Inspector  
SUBJECT: 1011 Hamilton Street - The Parlour  
Liquor Primary Licence Application  
Liquor Establishment Class 2 - Pub/Lounge

### **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 H & R Restaurants Ltd. for a 120 person Liquor Primary licence (Liquor Establishment Class 2 - Pub/Lounge) with a 22 person (outdoor) patio located at 1011 Hamilton Street subject to:

- i. A maximum total capacity of 120 persons inside and 22 person outdoor patio;
- ii. Standard Hours of operation, for the first six months, limited to 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday; after which time Extended Hours of operation may be considered which are limited to 9 am to 2 am, Sunday to Thursday and 9 am to 3 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 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
- ix. The surrendering of the existing Food Primary liquor licence #305219 at the time of issuance of the Liquor Primary liquor licence.

## **REPORT SUMMARY**

H & R Restaurants Ltd. is requesting a Council resolution endorsing their application for the conversion of The Parlour's existing Food Primary licence to a new 120 person Liquor Primary licence in addition to a 22 person outdoor patio located at 1011 Hamilton Street.

The proposal for a new Liquor Primary establishment is consistent with Council's liquor policy for size and location. The application aligns with Council's Liquor Policy for Yaletown which states that favourable consideration be given to endorsing applications for smaller type establishments (limited to 125 seats). The proposed patio is also consistent with Council's policy for permitted seating capacity for outdoor patios when associated with a Liquor Primary.

Staff are recommending approval of this application noting it aligns with Council Policy and concerns by the public have been mitigated.

## **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 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.

*Approval process/requirements* - Council policy requires new Liquor Primary licences to 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

*Size and location of new establishments* (Council July 14, 2005) - Council Policy states that no Class 2 venue shall be located within 100 meters of another Class 2 venue.

*Yaletown Liquor Licensing Policy* - 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.

*Sidewalk patios adjacent to liquor establishments* - On April 17, 2007, Council approved policy and guidelines that allow Liquor Primary 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 city property adjacent to Liquor Primary establishments require amendments to existing Liquor Primary licences and are subject to a licence agreement with Engineering Services with an initial one-year term for the patio, 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 Parlour's application for a 120 person Liquor Primary licence (Liquor Establishment Class 2 - Pub/Lounge) and for a 22 person outdoor patio located at 1011 Hamilton Street (refer to Appendix A). The conversion from a Food Primary to a Liquor Primary licence will result in no changes to the existing capacity. The current Food Primary licence will be terminated if the Liquor Primary licence is approved. See table on the next page for the proposed changes.

Licence Category	Current		Proposed		Recommended	
	Capacity	Hours	Capacity	Hours	Capacity	Hours
Food Primary (#305219)	120	9am - 1am Sunday to Thursday  9am - 2am Friday and Saturday	N/A	N/A	N/A	N/A
Liquor Primary	N/A	N/A	120	9 am - 2am Sunday to Thursday  9am - 3am Friday and Saturday	120	11am - 1am Sunday to Thursday  11am - 2am Friday and Saturday
Outdoor Patio	22	11am - 11pm 7 days a week	22	11am - 11pm 7 days a week	22	11am - 11pm 7 days a week
<b>TOTAL</b>	<b>120 (interior) 22 (exterior)</b>		<b>120 (interior) 22 (exterior)</b>		<b>120 (interior) 22 (exterior)</b>	

The applicant has been operating at this location since December 2012 and intends to continue to offer full food service and live entertainment in a pub/lounge environment catering to area residents and business community. The establishment was already operating within a similar environment, as a result, very little is expected to change with the operation of the establishment. The applicant will also have more flexibility to serve and accommodate those clients that only wish to consume alcohol even though food service will remain the primary focus throughout the premise

### ***Strategic Analysis***

Staff support the proposed application based on the following analysis.

### ***Results of the Neighbourhood Notification***

A neighbourhood notification was conducted by circulating 2,519 notices in the survey area (refer to Appendix B). 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 seven 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	4	0	0	4
• O p p o s e d	•	•	•	•

Respondents opposing the application are most concerned with nuisance issues for the community including; noise, drunkenness and disturbances with patrons leaving the establishment and the close proximity to residential buildings. As well, respondents generally felt that there are currently sufficient liquor establishments in the area.

***Location of Establishment***

The subject site is located in Historic Yaletown (HA-3) Zoning District and for the purposes of liquor policy, it is considered to be located in the Downtown Primarily Mixed-Use area. The approved use of this space is Restaurant Class 1. The surrounding area is a mixture of retail, office, health care office, beauty salon, residential (market and non-market), pub/lounge and restaurant uses (refer to Appendix B).

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

There are no social or recreational facilities in the immediate area that would create a potential conflict with the proposed application.

Within a 500' radius of the subject site, there are four Liquor Establishment Class 1 (up to 65 seats) and one Liquor Establishment Class 2 (66 to 150 seats), and approximately 12 licensed restaurants within the survey area. There are no Liquor Establishment Class 2 located within 100 meters of the subject site; therefore, this application meets Council Policy for distancing requirements.

***Person Capacity and Hours of Operation***

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 120 persons and an additional 22 persons on the outdoor patio.

The hours of operation for the first six months will be 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday. Extended hours of 9 am to 2 am, weekdays and 9 am to 3 am, weekends may be considered after the first six months if no issues/concerns have been received. The 22 person outdoor patio will operate until 11 pm. No entertainment or music will be permitted on the patio.

The six month restriction on the business operation will provide an evaluation period for staff and the business to address any potential issues.

**Noise**

The applicant will be required to submit and adhere to an acoustic report which stipulates the sound levels permitted inside the establishment in order to comply with the Noise Control Bylaw and this should mitigate potential negative community impacts due to noise.

***Impact on the Community***

There has been no enforcement history with this establishment.

The Time-Limited Development Permit will provide ongoing reviews to ensure the land use/business remains compatible with the surrounding community. In addition, the Good Neighbour Agreement will set out the City expectations that the business needs to be responsive in dealing with any issues and responsible for creating a positive relationship with the community.

The Police Department has reviewed the application and have no concerns about this application.

***Implications/Related Issues/Risk (if applicable)***

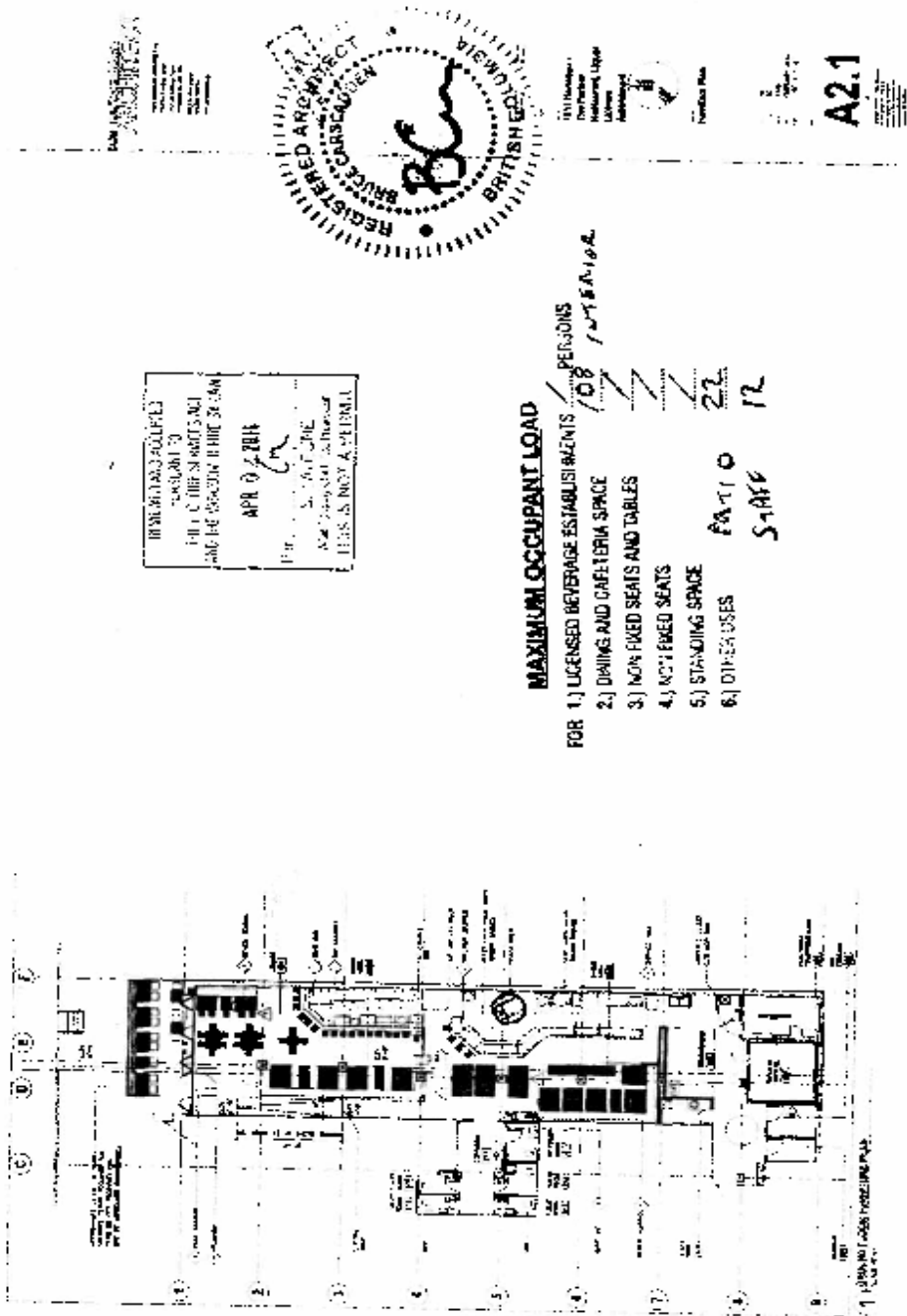
***Financial***

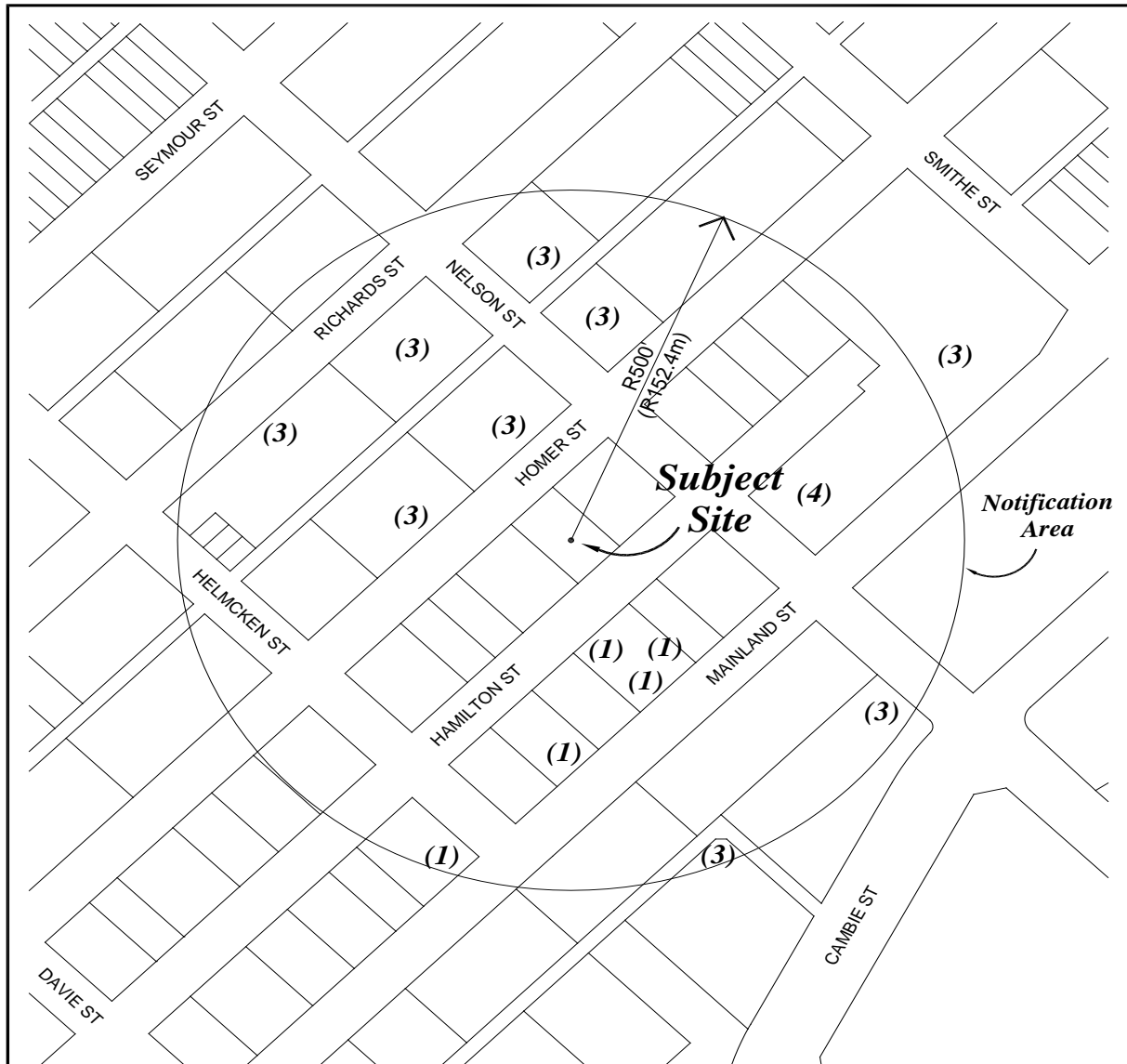
There are no financial implications.

**CONCLUSION**

Staff are recommending Council endorse the applicant's request for a 120 person Liquor Primary liquor licence with a 22 person patio subject to the conditions outlined in the Recommendation. Should Council support the Liquor Primary application, the applicant will have more flexibility to serve and accommodate those clients that only wish to consume alcohol even though food service will remain the primary focus throughout the premise. The applicant also has a positive track record with the operation of the existing restaurant. This application meets current Council policy regarding size and distance from other establishments and the relatively small size should limit any negative impacts in the surrounding community. This application reflects the intent of Council policy for smaller type liquor licenses in the Yaletown area and the role and function of this area of the city as a home for a variety of businesses. The requirement for a Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area and the six month earlier closing time will provide an evaluation period for staff and the operator.

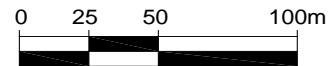
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**LEGEND**

- (1) Cabarets, Neighbourhood Pubs & Lounges - {Afterglow}, {Pierre's}, {Raw Canvas}, {Romer's Burger Bar}, {Yaletown Brewing Company}
- (2) Government or Private Liquor Stores - {N/A}
- (3) Residential buildings
- (4) Parks - {Yaletown Park}
- (5) Community facilities - {N/A}
- (6) Churches - {N/A}
- (7) Schools - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2) 1011 Hamilton Street - The Parlour	map: 1 of 1 
<b>City of Vancouver - Licenses &amp; Inspections</b>	date: 2014-07-23