



ADMINISTRATIVE REPORT

Report Date: July 3, 2015
Contact: Sarah Hicks
Contact No.: 604.873.7546
RTS No.: 11051
VanRIMS No.: 08-2000-20
Meeting Date: July 22, 2015

TO: Standing Committee on Planning, Transportation and Environment

FROM: Deputy Chief Licence Inspector

SUBJECT: 2110 Burrard Street - Cineplex Entertainment Limited Partnership
Liquor Primary Licence Application
Liquor Establishment Class 5 - Cineplex Cinemas Fifth Avenue - Movie Theatre

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 Cineplex Entertainment Limited Partnership (Cineplex Cinemas Fifth Avenue) for a 849 person Liquor Primary liquor licence (Liquor Establishment Class 5 - Movie Theatre) at 2110 Burrard Street subject to:

- i. A maximum combined capacity of 849 persons (includes lobby lounge and five auditoriums);
- ii. Hours of operation limited to 12 pm to 11 pm, seven days a week;
- iii. Liquor service is limited to one hour prior to, during and one hour after a film or broadcast;
- iv. Liquor to be served in conjunction with ticketed films or broadcasts;
- v. A Time-limited Development Permit;
- vi. Minors will not be permitted in the theatre; and
- vii. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

REPORT SUMMARY

Cineplex Entertainment Limited Partnership (Cineplex Cinemas Fifth Avenue) is requesting a Council resolution endorsing their application for a new Liquor Primary liquor licence for their existing movie theatre of 790 persons (dispersed amongst five theatres) and a lobby lounge of 59 persons (Liquor Establishment Class 5 - Movie Theatre) located at 2110 Burrard Street.

Cineplex Cinemas Fifth Avenue is an existing movie theatre (with five auditoriums) offering feature films. The theatre complex has been in existence since 1996. Cineplex Entertainment Limited Partnership took over as operators of the theatre in 2013. The applicant would like to provide liquor service in the five theatres and also in the theatre lobby lounge. Liquor will be served in conjunction with ticketed films or broadcasts only. As part of the theatre operations, they are planning to operate a bar/concession service within the lobby area. Liquor service will be limited to one hour before, during and one hour after a film or broadcast. The applicant currently operates two other licensed theatres in Coquitlam and Abbotsford.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

City role in liquor licence applications - The Liquor Control and Licensing Branch of the Provincial Government has the mandate to approve 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 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

Size and location of new establishments (Council July 14, 2005) - Council Policy states that no Class 5 venue shall be located within 750 meters of another Class 5 venue.

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.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of the foregoing.

REPORT

Background/Context

The applicant (Cineplex Entertainment Limited Partnership) is requesting a Council resolution endorsing their application for a 849 person Liquor Primary liquor licence (Liquor Establishment Class 5 - Movie Theatre) with standard hours of operation between 12 pm to 11 pm, seven days a week. Liquor to be served in conjunction with ticketed films or broadcasts only. Liquor service will be an amenity to patrons attending a film or broadcast. Minors will not be permitted in the theatre.

Cineplex Cinemas Fifth Avenue is an existing movie theatre (with five auditoriums) offering feature films. The theatre complex has been in existence since 1996. Cineplex Entertainment Limited Partnership took over as operators of the theatre in 2013. The applicant would like to provide liquor service in the five theatres and also in the theatre lobby lounge (refer to

Appendix B). As part of the theatre operations, they are planning to operate a bar/concession service within the lobby area. Liquor service will be limited to one hour before, during and one hour after a film or broadcast. The applicant currently operates two other licensed theatres in Coquitlam and Abbotsford.

Strategic Analysis

Staff support the proposed application based on the following analysis.

Results of the Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary application was conducted by circulating approximately 906 notices in the survey area (refer to 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. A total of ten responses were received in response to the application. Eight in support of the application and two were opposed to the application.

One of the respondents opposing the application expressed concerns with drinking and driving and that there are enough places to drink in the neighbourhood. The other respondent opposing the application did not elaborate on why they opposed the application.

Letters of support were received from the President/CEO of British Columbia Restaurant and Foodservices Association and Executive Director of the Movie Theatre Association of Canada (refer to Appendix C).

Location of Establishment

The subject site is zoned CD-1 (Bylaw #332) and the space is approved as a theatre. For the purposes of liquor policy, it is considered to be located in the Non-Downtown Primarily Mixed-Use area. The surrounding area is a mixture of retail, office, health care office, community police office, residential, church and restaurant uses (refer to Appendix A).

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 proposal for liquor primary seats.

Within a 750' radius of the subject site, there is one Liquor Establishment Class 1 (up to 65 seats), one Liquor Establishment Class 2 (66 to 150 seats), three Liquor Establishment Class 3 (151 to 300 seats) and one Liquor Establishment Class 7 (Private Club).

There are no Liquor Establishment Class 5's located within 750 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 as follows (refer to Appendix B):

Auditorium 1 = 84 persons
Auditorium 2 = 160 persons
Auditorium 3 = 307 persons
Auditorium 4 = 129 persons
Auditorium 5 = 110 persons

Auditoria Total = 790 persons

Lobby Lounge = 59 persons

The hours of operation requested for the Liquor Primary liquor licence are 12 pm to 11 pm, seven days a week which are within the parameters of the Standard Hours permitted in the Non-Downtown Primarily Mixed-Use Area. The Liquor Control and Licensing Branch restricts liquor service in theatres to one hour before, during and one hour after a film or broadcast.

Noise

Staff have considered the impact for noise on the community and have no concerns at this time. Our records indicate that no noise complaints have been registered against this theatre.

Impact on the Community

Staff is generally in support of liquor licenses in theatre type venues. The Vogue Theatre, The Rio, Orpheum Annex and The Cultch's liquor licences allow liquor service in the seating area as well as in the lobby area in conjunction with performances.

The applicant currently operates movie theatres in Coquitlam and Abbotsford which hold liquor licenses. The Abbotsford Police Department have advised that they have no issues with the operation of the theatre in Abbotsford. They also noted that they have no record of attending any calls for liquor related matters at the theatre. A time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Implications/Related Issues/Risk (if applicable)

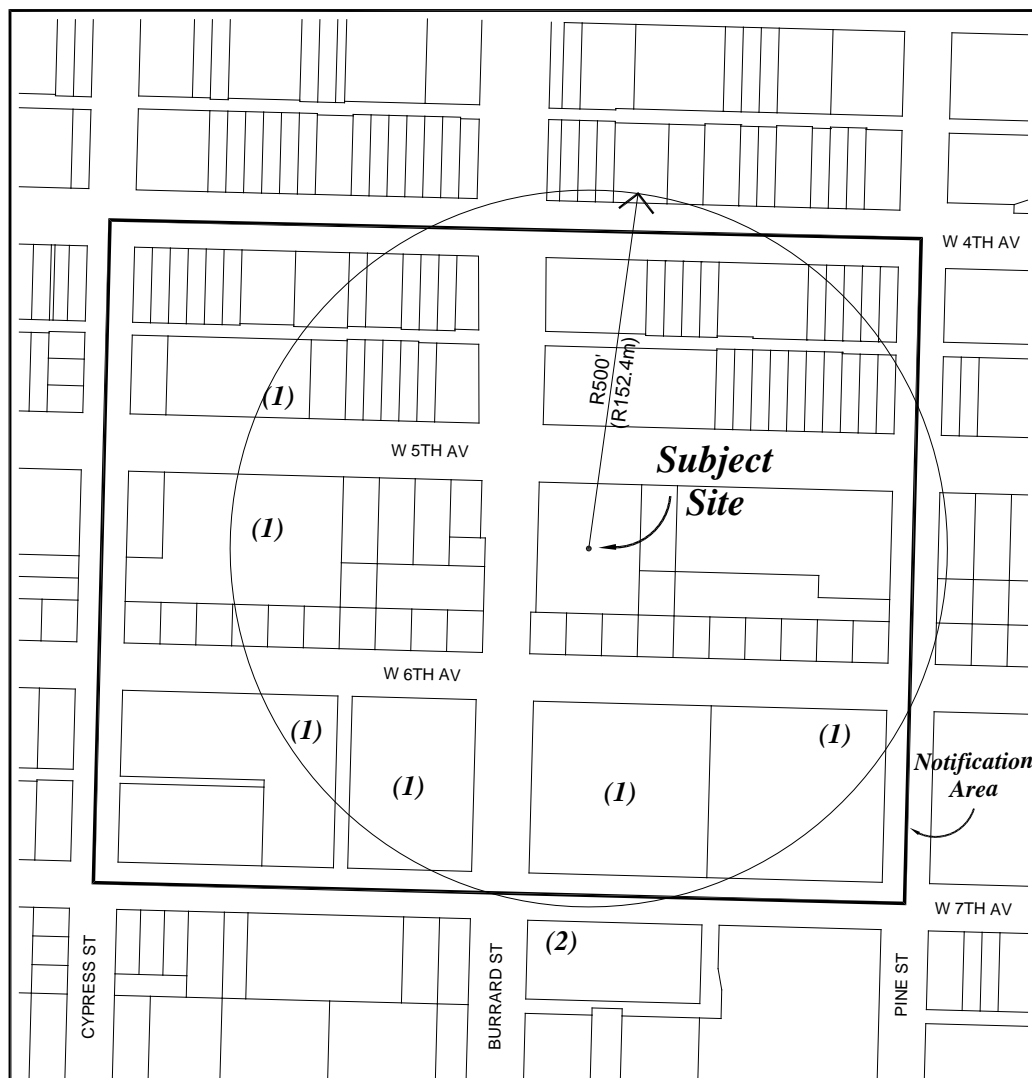
Financial

There are no financial implications.

CONCLUSION

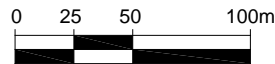
Staff recommend Council endorse the applicant's request for a Liquor Primary liquor licence for their movie theatre, subject to the conditions noted in this report. Staff's experience generally shows that liquor service in theatres is an amenity for patrons and not the primary focus of the business. As a result, staff receive few issues/complaints from community residents. Based on the results of the neighbourhood notification, residents are in support of the application.

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LEGEND

- (1) Residential Buildings
- (2) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {Carlos O'Bryan's Neighbourhood Pub}
- (3) Parks - {N/A}
- (4) School - {N/A}
- (5) Government or Private Liquor Stores {N/A}
- (6) Medical Clinic {N/A}
- (7) Social/Private Clubs - {N/A}
- (8) Churches - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 5) - Movie Theatre
2110 Burrard Street – Cineplex Cinemas Fifth Avenue

map: 1 of 1



MAXIMUM OCCUPANT LOAD

FOR LICENSED BEVERAGE ESTABLISHMENTS - PERSONS

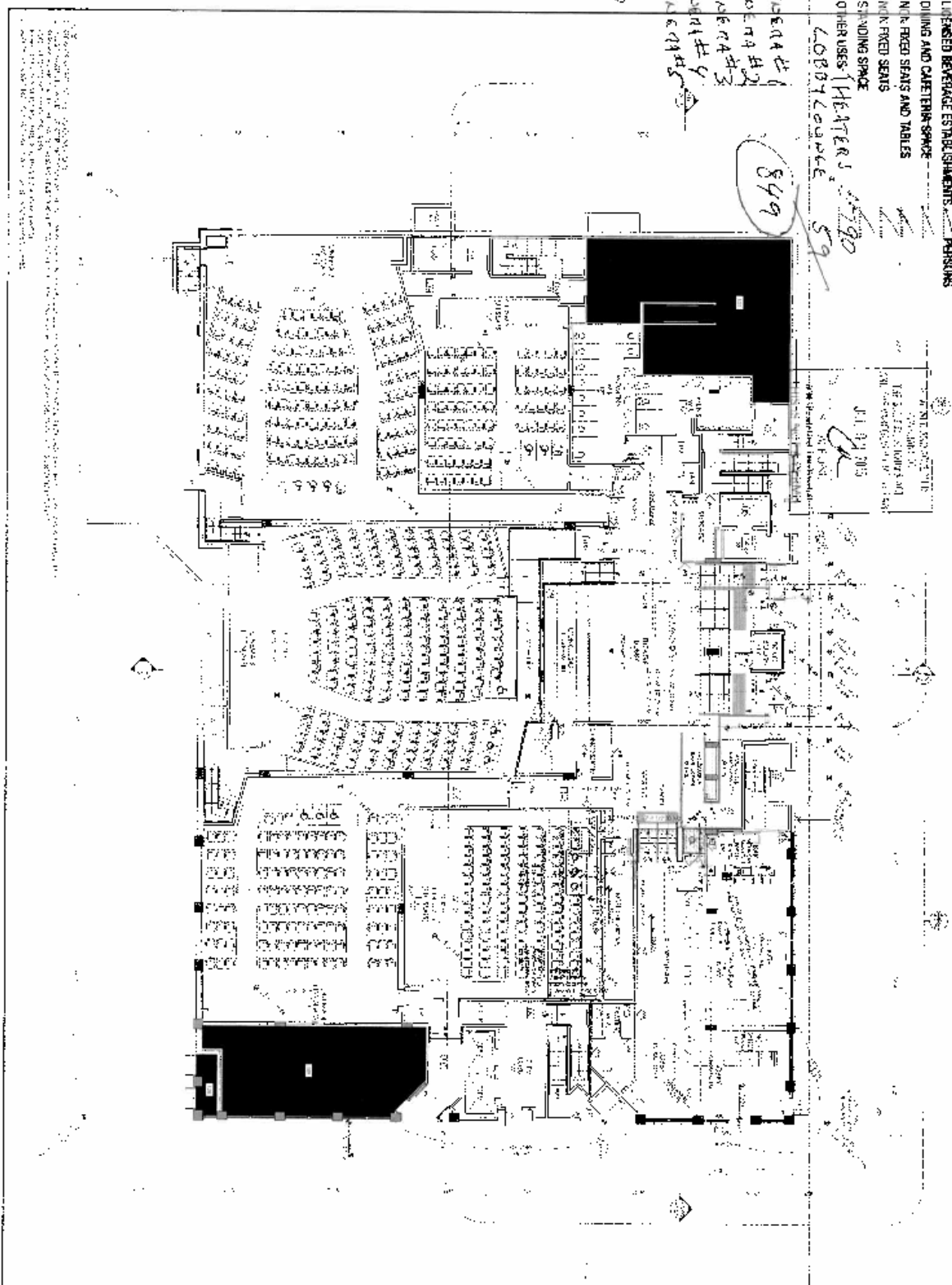
- 2) DINING AND CATERING SPACE
- 3) NON-FIXED SEATS AND TABLES
- 4) NON-FIXED SEATS
- 5) STANDING SPACE
- 6) OTHER USES - THEATERS

60876 square

59

84 CLIENT #1
160 CLIENT #2
307 CLIENT #3
129 CLIENT #4
110 CLIENT #5

849



<p>DATE: 11/21/2013 PROJECT: 5TH AVENUE CINEMAS DRAWING: A2.04</p>	<p>FORMWERKS ARCHITECTURAL</p>	<p>5TH AVENUE CINEMAS 1100 BROADWAY NEW YORK, NY 10018</p>	<p>LEVEL: 1 A2.04</p>
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July 13, 2015

Dear Mayor and Members of Council

Re: Application for a liquor primary license at Fifth Avenue Cinemas, 2110 Burrard Street, Vancouver, B.C.

I understand that City staff is assessing an application for a liquor primary license for the existing Fifth Avenue Cinemas and that the application will eventually be considered by Council.

On behalf of the British Columbia Restaurant and Food Services Association I want to express our full and strong support for this application. It is my submission that the mature visitors to the Fifth Avenue Cinemas should be able to enjoy a glass of wine or beer for a modern movie experience similar to that provided in other jurisdictions.

The Fifth Avenue Cinemas cater primarily to the residents of Vancouver and particularly those living on the West Side. It is very much a community theatre facility catering to the residents of the area. I understand that guests over 50 years of age account for over 50% of the admissions. The highest attendance of visitors is between 3 to 9 pm daily. Therefore, it is not a problematic time or visitor profile. Also on average the daily attendance per time slot for all five auditoriums was only 186 persons combined in 2014.

I understand that the City staff concern with this application is that if the entire establishment was at its maximum occupant load there could be 790 people. However, as previously pointed out the highest average daily attendance was 186 visitors in 2014 per time slot for all 5 auditoriums. This combined with the profile of the visitors all point to no impact on the community. Also it should be noted that of the visitors to Cineplex theatres over 50 years of age only 13% of them purchase alcohol and that 83% of the actual beverages are purchased prior to the film. Again, there appears to be nothing to suggest a negative impact on the community.

Our association has been actively involved with the Liquor Policy Review underway by the Province and we applaud the work and support of the City for the licensing of the Rio Theatre, the Improv Theatre on Granville Island, the Vancouver International Film Centre on Seymour Street and other theatre and cultural venues in the City. The licensing of the Fifth Avenue Cinemas is very similar to the licensing of these venues and they do not result in any problems because the service of liquor is only an added amenity to the primary business of a

theatre and is only provided to visitors who have paid an admission to attend an event or movie.

The City support of this application would be consistent with the approval of other theatre licensing the City has approved.

If further information is required, please do not hesitate to contact me.

Thank you for your consideration.

Yours truly,

Ian Tostenson



1235 Bay Street, Suite 400, Toronto, ON M5R 3K4

Nuria Bronfman
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June 10, 2015

Mayor and Members of Council
City of Vancouver
Vancouver City Hall
453 West 12th Avenue
Vancouver, B.C. V5Y 1V4

VIA EMAIL: mayorandcouncil@vancouver.ca

Dear Mayor and Members of Council:

Re: *Application for a liquor primary license at Fifth Avenue Cinemas, 2110 Burrard Street, Vancouver, B.C.*

On behalf of the Movie Theatre Association of Canada and its members, I want to express our full and strong support for this application. Over the past several years we have been asking that movie theatres in British Columbia be able to provide this concessions choice to their patron as we are able to do in other jurisdictions in Canada. Our guests have been requesting this service, and it is important for theatres to be able to increase their concessions revenues in a responsible manner.

In the past decade, theatres in British Columbia, and Cineplex in particular, have made stringent efforts to attract the 50+ demographic back to the movie theatres. Entertainment options are so readily available that theatres must be inventive in their offerings to be able to compete with not only in-home entertainment options but other out of home experiences as well. The Fifth Avenue Cinemas has always been considered a "local" theatre that attracts over 50% of this highly sought after demographic.

It has come to our attention that the concern with this application is that if the entire establishment was at its maximum occupant load there could be 790 people. The highest average daily attendance in 2014 per time slot for all 5 auditoriums was between 185-200 people, and that is not likely to change going forward. The impact of selling alcohol in this location is not likely to affect the community as there are plenty of restaurants in the area that already do so with no negative effects.

Our association has been actively involved with the Liquor Policy Review underway by the Province for the past several years. We applaud the work and support the City for some of its latest licensing approvals, and believe that the licensing of the Fifth Avenue Cinemas is another step in the responsible approval process of allowing movie theatres to serve their adult clientele with the concessions choices that they have indicated they would like to be able to purchase.

If further information is required, please do not hesitate to contact me.

Thank you for your consideration.

Yours truly,

Nuria Bronfman