



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: June 8, 2007
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VanRIMS No.: 11-4600-22
Meeting Date: July 12, 2007

TO: Standing Committee on Planning and Environment

FROM: Chief Licence Inspector

SUBJECT: 3624 Fraser Street - Unit 400 - Royal Canadian Legion Collingwood Branch No. 48
Liquor Primary Liquor Licence

CONSIDERATION

A. THAT Council, having considered the opinion of area residents and business operators of the community as determined by neighbourhood notifications, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in the Administrative Report dated June 8, 2007, entitled "3624 Fraser St Unit 400 - Royal Canadian Legion Collingwood Branch No. 48 - Liquor Primary liquor licence", endorse the application by the Royal Canadian Legion Collingwood Branch No. 48 for a Liquor Primary liquor licence (Liquor Establishment Class 2) in Unit 400 at 3624 Fraser Street subject to:

- i. A maximum total capacity of 95 persons;
- ii. Hours of operation limited to 10:00 a.m. to 12:00 a.m., Monday to Thursday; 11:00 a.m. to 1:00 a.m., Friday and Saturday; and 11:00 a.m. to 12:00 a.m. on Sunday; and
- iii. A signed Good Neighbour Agreement prior to business licence issuance.

OR

B. THAT Council, having considered the opinion of area residents and business operators of the community as determined by neighbourhood notifications, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in the Administrative Report dated June 8, 2007, entitled "3624 Fraser St Unit 400 - Royal Canadian Legion Collingwood Branch No. 48 - Liquor Primary liquor

licence", NOT endorse the application by the Royal Canadian Legion Collingwood Branch No. 48 for a Liquor Primary liquor licence (Liquor Establishment Class 2) in Unit 400 at 3624 Fraser Street.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services submits the foregoing for CONSIDERATION.

COUNCIL POLICY

Council policy requires new Liquor Primary liquor licenses to be subject to a Time-limited Development Permit, Good Neighbour Agreement, and public consultation.

On May 16, 2006, Council enacted amendments to the Business Premises Regulation of Hours By-law that implements the Hours of Liquor Service policy for the city bars into by-law regulation.

On July 14, 2005, Council approved amendments to the Licence By-law to provide new definitions for businesses in which the primary function is the sale and consumption of alcohol on the premises (Standard Hours Liquor Establishment Classes 1 - 7) and endorsed policy and guidelines relating to their size and location.

On November 18, 2004, Council adopted the Hours of Liquor Service Policy that established a new model for regulating hours of liquor service for Liquor Primary establishments, based on an area approach and incorporating a two-tiered licensing system and impact reduction measures.

SUMMARY

The applicant, Royal Canadian Legion Collingwood Branch No. 48, located in Unit 400 at 3624 Fraser Street, is seeking a Council resolution endorsing their application for a 95 persons total capacity Liquor Primary liquor licence (Liquor Establishment Class 2) which includes hours of operation of 10:00 a.m. to 12:00 a.m., Monday to Thursday; 11:00 a.m. to 1:00 a.m., Friday and Saturday; and 11:00 a.m. to 12:00 a.m. on Sunday. The applicant is a registered society. The request is consistent with Council's liquor policy for venue size and location.

The response to the neighbourhood notification was general opposition to the application with residents expressing concerns with increased noise, nuisance issues for the area, and increase in traffic and parking issues. Residents located in the same building as the Legion expressed concerns related to the use of the parkade, noise outside, noise from music and problems associated with the previous licences.

Given the long history of a veteran's club at this location and the fact that the liquor licence would be restricted to a non-profit club, staff would generally support the application and therefore put this issue forward for Council consideration.

PURPOSE

The Royal Canadian Legion Collingwood Branch No. 48 is requesting a Council resolution endorsing their application for a 95 persons total capacity Liquor Primary liquor licence (Liquor Establishment Class 2) in Unit 400 at 3624 Fraser Street.

BACKGROUND

Site History

This location has been a site for the Royal Canadian Legion and the Army, Navy and Air Force Veterans Club for the past 79 years. In 1993, the Legion Branch No. 68 decided to demolish the building and re-develop the site. Approval was granted for 28 units of seniors housing along with the Veterans Club on the main floor. Unfortunately, the membership of the Club decreased and it ceased operating in 2005.

In 2006, the Royal Canadian Legion Collingwood Branch No. 48 purchased the strata unit containing the club as their Kingsway site was being re-developed. Branch No. 48 then discovered that the previous liquor licence had been cancelled and therefore could not be transferred to the new club.

Branch No. 48 has now applied to the Liquor Control and Licensing Branch for a new Liquor Primary liquor licence. The LCLB regulations require a Council resolution endorsing the application prior to consideration of the licence.

This site is zoned CD-1 (299) and the existing space is approved as "club" use in accordance with Development Permit DP215679, approved October 7, 1993 to construct a mixed-use building on this site. The building also provides 28 dwelling units on the two floors above. Of these 28 dwelling units, a minimum of 8 dwelling units are to be provided as subsidized rental accommodation. There is underground parking for 55 vehicles having vehicular access from East 20th Avenue.

Application

The applicant is requesting a Council resolution endorsing their application for a 95 persons total capacity Liquor Primary liquor licence (Liquor Establishment Class 2) with hours of operation of 10:00 a.m. to 12:00 a.m., Monday to Thursday; 11:00 a.m. to 1:00 a.m., Friday and Saturday; and 11:00 a.m. to 12:00 a.m. on Sunday. The applicant is a registered society and intends on operating as a club, to accommodate local residents and club members. The applicant also intends to provide activities such as crib, darts, shuffleboard, and pool, senior's programs and occasional dances. There are 22 parking stalls available in the building and also street parking.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

Branch regulations allow liquor service between the hours of 9:00 a.m. to 4:00 a.m., seven days a week for Liquor Primary liquor licences. The liquor licence capacity for a new establishment is based on the building capacity for the premise as determined by local authority. Any new liquor licence application is subject to local government support.

Area Surrounding Premises

The subject site is located in the Non-Downtown - Primarily Residential area. The surrounding area is primarily residential. Sir Charles Tupper Secondary School is located within three blocks from the subject site and Glad Tidings Church within one block of the subject site. There are no liquor establishments within a 500' radius (surveyed area) of the subject site (refer to Appendix A).

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 500 notices in the survey area (see Appendix A). A site sign was erected advising the community of the application and where to send concerns or comments. Over 500 responses were received from residents within the notification area. The responses consisted of 15 comments in opposition (2 letters and 13 telephone calls), and 2 comments in support of the application (1 email and 1 letter). In addition, 2 petitions were received opposing the application; one petition contained over 400 signatures from area residents and the second petition contained 20 signatures from residents residing in the subject building (3624 Fraser Street). There was also a petition in support of the application containing 8 signatures and a letter stating that the Club is merely a place for veterans and guests to socialize and continue with charitable work.

Concerns were expressed over closing hours, increased noise levels, safety and disturbances for the residential areas in the community, and a reduction of peace and quiet enjoyment of their homes. One respondent living at 3624 Fraser Street had concerns regarding live music and the building not being sound proof to accommodate this type of entertainment. Concerns were also raised regarding the previous use of the space by the Legion along with noise issues on the street and persons hanging around late at night in the open parking area under the building.

It now appears there is considerable controversy in the neighbourhood regarding this application, with some residents believing that the application is for a night club.

DISCUSSION

The subject site is located in the Non-Downtown - Primarily Residential area. There are no liquor establishments located within a 500' radius of the subject site. The proposed establishment complies with the venue size and location policy. The applicant is requesting hours of operation within the parameters of the Extended Hours permitted in the Non-Downtown - Primarily Residential area. Maximum permitted extended hours for the area are 9:00 a.m. to 1:00 a.m. Sunday to Thursday, and 9:00 a.m. to 2:00 a.m. Friday and Saturday. The applicant has requested 10:00 a.m. to 12:00 a.m., Monday to Thursday, 11:00 a.m. to 1:00 a.m., Friday and Saturday, and 11:00 a.m. to 12:00 a.m. on Sunday.

Staff generally support this type of application as few neighbourhood complaints are generated. The existing Branch 48 site on Kingsway did not generate any significant enforcement issues.

As noted, a significant negative response has been received from the residents located in the surveyed area. It appears there is a general concern about increased noise, nuisance issues for the area, an increase in traffic volume, potential parking issues and reduction of peace

and quiet enjoyment. The applicant has expressed surprise at the negative reaction from the neighbourhood. Notwithstanding these concerns, this site has been used for a service club for many years with very few complaints. The new building has been constructed to accommodate the club which included an extensive public process. The approval is specifically for a club and the space cannot be used for other purposes without a Development Permit application process. Given the above noted factors, staff support the renewal of this Liquor Primary liquor licence.

COMMENTS

The Police Department has reviewed the application and supports the request.

The Development Services Department has reviewed the application and notes the site is zoned CD-1 (299).

The existing space is approved as club use in accordance with Development Permit DP215679, approved October 7, 1993. The building also provides 28 seniors dwelling units on the floors above.

Club use may be considered under the CD-1 By-law 7157 provided that no portion of the facility is used for rental purposes. This proposal will not require a development permit application since there is already a valid permit for club use on this site.

The Environmental Health Department has reviewed the application and has no comments at this time.

The Central Area Planning Department has reviewed the application and has no comment except it looks OK.

The Housing Centre and The Social Planning Department have no comments at this time.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Proximity of the establishment to other social or recreational and public buildings: Staff are not concerned about the proximity of this establishment to social, recreational or public buildings.

Person capacity and hours of operation: as outlined above.

Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

Traffic, noise, parking and zoning: Review, compliance and mitigation of these issues were completed during the initial Development Permit application process.

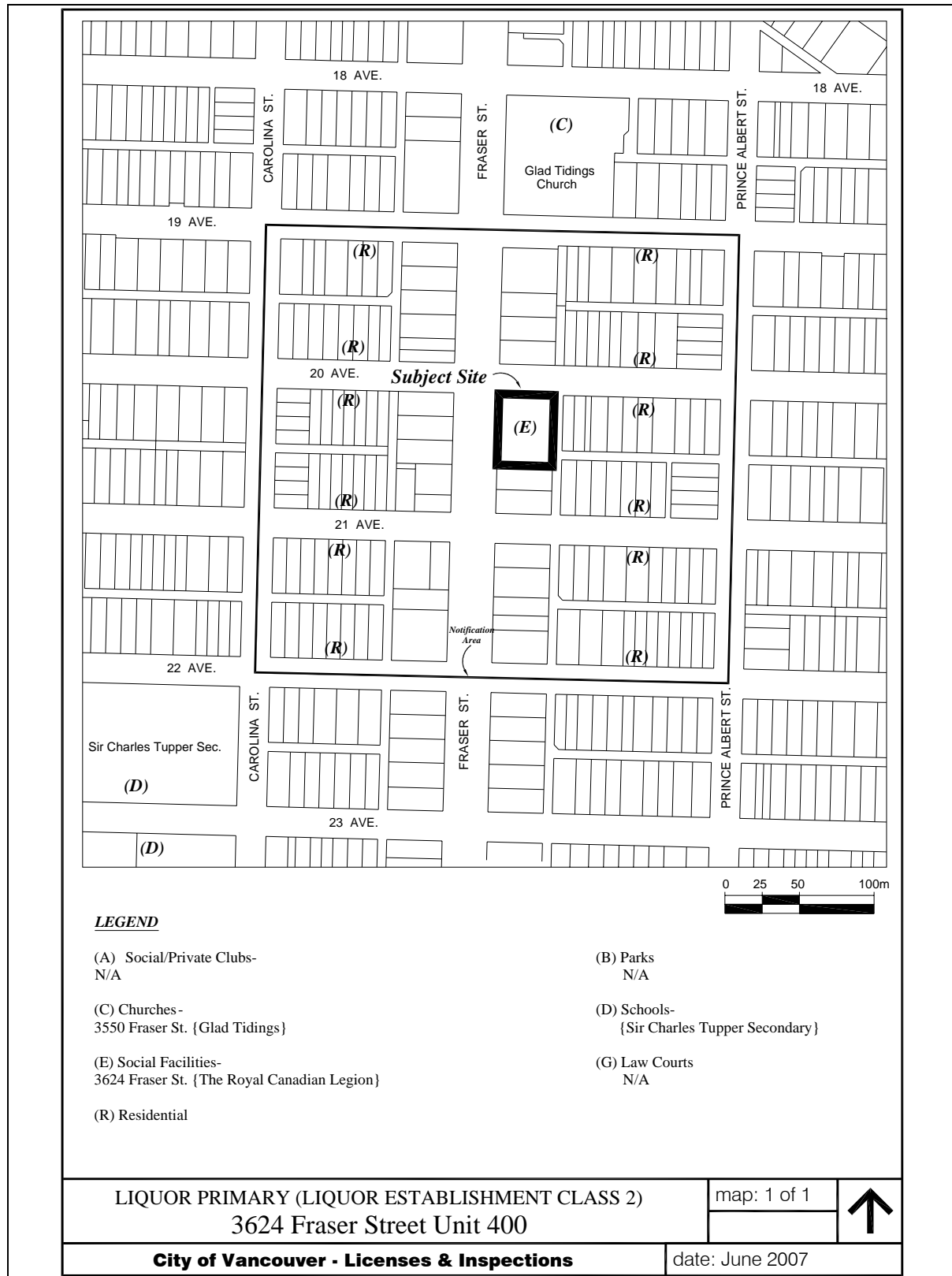
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Given the location and the nature of the establishment, staff does not anticipate major negative impact from the operation of this Liquor Primary Club liquor licence. It is also recognized that there is neighbourhood concern related to the potential noise impacts from this establishment. On the other hand, a veteran's club has operated at this location for many years and would not have required City approval if the temporary lapse in the liquor licence had not occurred. Based on the above noted factors, staff have put this application forward for Council consideration.

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LEGEND

(A) Social/Private Clubs-
N/A

(B) Parks
N/A

(C) Churches -
3550 Fraser St. { Glad Tidings }

(D) Schools-
{ Sir Charles Tupper Secondary }

(E) Social Facilities-
3624 Fraser St. { The Royal Canadian Legion }

(G) Law Courts
N/A

(R) Residential

LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2)
3624 Fraser Street Unit 400

map: 1 of 1



City of Vancouver - Licenses & Inspections

date: June 2007