



ADMINISTRATIVE REPORT

Report Date: November 16, 2009
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Meeting Date: December 3, 2009

TO: Standing Committee on Planning and Environment
FROM: Chief Licence Inspector
SUBJECT: Building B - Unit 106 - 750 Pacific Boulevard - Edgewater Casino ULC,
Liquor Primary Liquor Licence Application (Poker Room)

RECOMMENDATION

- A. 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 dated November 16, 2009, entitled "Building B - Unit 106 - 750 Pacific Boulevard - Edgewater Casino ULC, Liquor Primary Liquor Licence Application", endorse the request by Edgewater Casino ULC, for a 405 seat Liquor Primary liquor licence (Liquor Establishment Class 4) at Building B - Unit 106 - 750 Pacific Boulevard, subject to:
- i. A maximum capacity of 405 persons;
 - ii. Signing a Good Neighbour Agreement with the City prior to the issuance of the business licence;
 - iii. An amendment to the existing Time-Limited Development Permit;
 - iv. The surrendering of the existing Food Primary liquor licence (#303550 - capacity 34 persons) at the time of issuance of the Liquor Primary liquor licence in the Poker Room;
 - v. Patrons being permitted to remain inside the Poker Room after the ceasing of liquor service;
 - vi. The cancellation of the Liquor Primary liquor licence if the primary use of the establishment changes from that of a casino; and
 - vii. Standard hours of operation for the first six months are limited to 11 am to 2 am weekends and 11 am to 1 am weekdays; after which time Extended hours of operation may be considered which are limited to 9 am to 3 am weekends and 9 am to 2 am weekdays.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

Council policy requires new Liquor Primary liquor licences 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 policy and guidelines relating to the size and location for new liquor establishments or for capacity increases to existing liquor establishments.

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.

PURPOSE

The applicant, Edgewater Casino ULC, is requesting a Council resolution endorsing their application for a 405 seat Liquor Primary liquor licence (Liquor Establishment Class 4) in the Poker Room of the Edgewater Casino located at Building B - Unit 106 - 750 Pacific Boulevard. The applicant is requesting hours of operation from 9 am to 2 am, 7 days a week.

BACKGROUND

Site History

The proposed location of this Liquor Primary liquor licence is in Building B of the former BC Pavilion which was constructed for Expo '86. In 2004, Council agreed to amend the CD-1 By-law governing this site to include "Casino - Class 2" as a permissible use.

Application

The applicant is requesting a Council resolution endorsing their application for a 405 seat Liquor Primary liquor licence (Liquor Establishment Class 4) located at Building B - Unit 106 - 750 Pacific Boulevard. Edgewater Casino ULC has been operating as a Casino at 760 Pacific Boulevard since February 2005 and holds a Liquor Primary liquor licence at that location with operating hours of 9 am to 2 am, seven days a week.

The location where the applicant is seeking a Liquor Primary liquor licence, Building B - Unit 106 - 750 Pacific Boulevard, is an existing casino Poker Room approved under DE412718 (issued March 16, 2009) which is currently licensed with a 34 seat Food Primary liquor licence. The intent of the application is to replace the existing Food Primary liquor licence with a 405 seat Liquor Primary liquor licence. The proposed liquor licence would include the poker room gaming floor and lounge area (currently the Food Primary liquor licence). The operations of the licensed casino poker room will remain the primary focus of activity with the sale of liquor as ancillary (See Appendix B).

The applicant is also seeking formal approval to allow patrons to remain in the establishment after the termination of liquor service which is in accordance with the current operation. The Liquor Control and Licensing Branch (LCLB) regulations require that this issue be formally addressed in the Council motion. The applicant has agreed to cancel the proposed Liquor Primary liquor licence if the primary casino use of the establishment is cancelled or relocated.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

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

British Columbia Lottery Corporation (BCLC)

Edgewater Casino ULC is licensed by the British Columbia Lottery Corporation (BCLC). The BCLC also allows for the licensing of casino floors and adjoining areas under a Liquor Primary liquor licence provided that the applicant obtains approval from the BCLC, Liquor Control and Licensing Branch (LCLB) and local government.

Regional Practices

At present, with the exception of one of Vancouver's gambling facility, all casinos in the region allow for liquor to be available on gaming floors. This includes the casinos in Richmond, Burnaby, Coquitlam, New Westminster, Langley and the Fraser Downs Racetrack in Surrey and the Edgewater Casino.

Area Surrounding Premises

The subject site is located in Comprehensive Development Zoning District or CD-1 (0349) and for the purposes of liquor policy; it is considered to be located in the Downtown Primarily Mixed Use Area. The surrounding area is a commercial retail area with some residential towers in close proximity (see Appendix A). The site is located in Building B which is beside the old Enterprise Hall portion of the BC Pavilion complex from Expo '86 and is bounded on the south side by False Creek and to the north by the Plaza of Nations, Pacific Boulevard and BC place Stadium.

There is one Liquor Establishment Class 3 (216 total seats), one Liquor Establishment Class 5 (750 total seats), one Liquor Establishment Class 6 (2478 total seats), one Liquor Establishment Class 7 (10,000 total seats) and two venues, BC Place Stadium and GM Place (84,621 total seats) located within a 1000' radius of the subject site. Also, there is one licensed restaurant within the area which holds a Food Primary liquor licence.

RESULTS OF NOTIFICATION

A site sign was erected advising the community of the application and where to send concerns or comments.

No responses were received from residents and businesses within the surrounding areas.

DISCUSSION

Policy Issues

The subject site is located in the Downtown Primarily Mixed Use Area. The proposed Liquor Establishment Class 4 venue is greater than 100 metres away from another Liquor Establishment Class 4 venue. Since there are no liquor establishments in this class within 100 metres of the site, the proposed establishment complies with Council's liquor policy for venue size and location.

Hours of Operation

The hours of operation requested for the Liquor Primary liquor licence is 9 am to 2 am, seven days a week which is within the parameters of the Extended hours of operation permitted for the Downtown Primarily Mixed Use area. Staff request that Standard hours of operation for the first six months be limited to 11 am to 2 am weekends and 11 am to 1 am weekdays; after which time Extended hours of operation may be considered which are limited to 9 am to 3 am weekends and 9 am to 2 am weekdays.

Positive Application Attributes

Very little is likely to change with respect to how the premise currently operates. Edgewater Casino ULC is licensed by the British Columbia Lottery Corporation and the primary focus of activity in the establishment is not the consumption of alcohol but rather the licensed gaming activity. Liquor service has been and will continue to be an additional amenity for the patrons and liquor volumes are relatively minor compared to non-liquor products. The casino caters to an older clientele who attend for the gaming activities which is the focus of the business.

There are significant community benefits with respect to job creation programs aimed at employing people who are from the Downtown Eastside community. Edgewater Casino ULC entered a Job Creation Agreement, which is aimed at employing people who are from the Downtown Eastside, when approval was granted for a casino in 2004. The applicant continues and will continue to meet or exceed its target of 10% hiring from the Downtown Eastside.

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.

Negative Application Attributes

There is a possibility that the proposed Liquor Primary liquor licence may increase street related nuisance activity for area residents and business operators. Strong management and sound operational practices should limit this type of activity from having a negative impact on the surrounding community.

Enforcement History

There is no enforcement history related to the Edgewater Casino ULC. The operations of the casino are considered to be a well run facility with a very high level of on site security, sophisticated video surveillance and monitoring system.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed this application and have no issues with the application provided that the license is used for Edgewater's exclusive use and must always stay in conjunction with the casino. If the building is eventually demolished the license must remain with the Edgewater Casino and retain its original purpose.

The Development Services Department has reviewed this application and notes that the approval of DE412718 permits this portion of Building B to be used as a Casino Class 2 for the exclusive use of Edgewater Casino and only in conjunction with the existing Edgewater Casino in Building C (760 Pacific Boulevard) for a limited period of time expiring July 31, 2013, unless extended in writing by the Director of Planning.

The approval is for 15 poker tables with an ancillary restaurant area.

The proposal to establish a 405 capacity Liquor Primary licence at this location does not impact the land use on this site therefore the Processing Centre - Development has no further comments at this time.

The Vancouver Fire Department has reviewed this application and advises to ensure a maximum occupant load certificate issued by Fire for the poker room is acquired.

The Social Development Department has reviewed this application and has no comments at this time.

The Central Area Planning Department has reviewed this application and support the approval of this liquor licence application. The False Creek North Official Development Plan and the zoning for the Plaza of Nations permit a large Casino on this site. Council has identified the primary role of Northeast False Creek as an area that hosts events, entertainment, culture and sports and will be the home of large venues for these activities. Staff support this liquor licence application because typically, alcohol is served in a Casino, including poker rooms.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Person capacity and hours of operation: as outlined above.

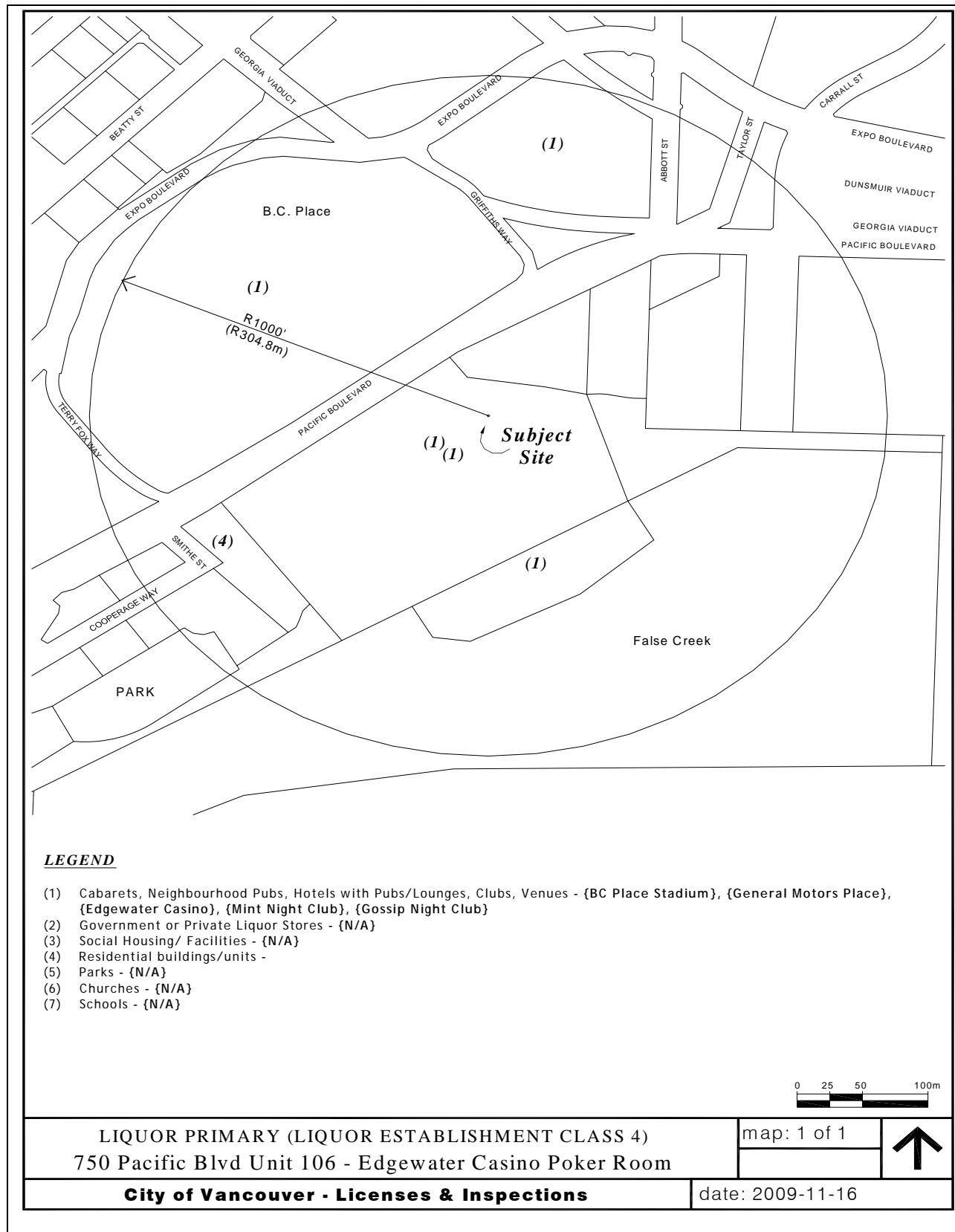
Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

Traffic, noise, parking and zoning: staff have considered traffic, noise, parking and zoning matters. Staff have no concerns with traffic, noise, parking and zoning at this time. The zoning is CD-1 which considers "casino" use a permitted use within this comprehensive development. These matters will be considered further as part of the Development Permit process.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 405 seat Liquor Primary (Liquor Establishment Class 4) liquor licence in this Poker Room subject to the conditions outlined in Recommendation A. The conditions noted in the recommendation will ensure the use is tied to the casino operation. Given the location and nature of the establishment as well as the fact that liquor service is not the primary focus of the business, staff do not anticipate any negative impacts from the operation of this Liquor Primary liquor licence on the surrounding community. Also of benefit is the surrendering of the existing Food Primary liquor licence and the commitment to job creation aimed at people who are from the Downtown Eastside.

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LEGEND

- (1) Cabarets, Neighbourhood Pubs, Hotels with Pubs/Lounges, Clubs, Venues - {BC Place Stadium}, {General Motors Place}, {Edgewater Casino}, {Mint Night Club}, {Gossip Night Club}
- (2) Government or Private Liquor Stores - {N/A}
- (3) Social Housing/ Facilities - {N/A}
- (4) Residential buildings/units -
- (5) Parks - {N/A}
- (6) Churches - {N/A}
- (7) Schools - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 4) 750 Pacific Blvd Unit 106 - Edgewater Casino Poker Room		map: 1 of 1	↑
City of Vancouver - Licenses & Inspections		date: 2009-11-16	

