



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: January 18, 2010
Contact: Lucia Cumerlato
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VanRIMS No.: 08-2000-20
Meeting Date: February 4, 2010

TO: Standing Committee on Planning and Environment

FROM: Chief Licence Inspector

SUBJECT: 1163 Granville Street - Hyde Entertainment Ltd,
Relocation of Liquor Primary Liquor Licence

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 dated January 18, 2010, entitled "1163 Granville Street - Hyde Entertainment Ltd, Relocation of Liquor Primary Liquor Licence Application", endorse the request by Hyde Entertainment Ltd to relocate their existing Liquor Primary liquor licence (Liquor Establishment Class 3 - Pub) from 1046 Granville Street to 1163 Granville Street, subject to:

- i. Standard hours of operation for the first six months are limited to 11 am to 1 am, Sunday to Thursday; and 11 am to 2 am, Friday and Saturday; after which time the 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;
- ii. Food service to be provided during operating hours, seven days a week;
- iii. A maximum total capacity of 200 persons;
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- v. Signing a Good Neighbour Agreement with the City prior to business licence issuance;
- vi. A Time-limited Development Permit; and
- vii. Terminating the Liquor Primary liquor licence #038689 which was for the Al Ritrovo (175 seats).

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 and relocation of Liquor Primary liquor licences 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, Hyde Entertainment Ltd, is requesting a Council resolution endorsing their application for a 200 seat Liquor Primary liquor licence (Liquor Establishment Class 3 - Pub) at 1163 Granville Street.

BACKGROUND

Site History

On October 16, 2008 the applicant received Council approval for a new 200 seat, Liquor Primary liquor licence at 1046 Granville Street. The applicant has come to realize that the construction cost to proceed with a liquor primary liquor licence at 1046 Granville Street would be too costly given the poor conditions of the building structure and the need for very significant upgrades as determined by their structural engineer. The applicant has decided to file this new application for this site at 1163 Granville Street which is one block away.

The proposed site at 1163 Granville Street is in the building known as the St. Helen's Hotel which also contained a liquor primary liquor licence. The liquor primary establishment ceased operating in 2007. There has been a liquor primary liquor licence associated with this location since the hotel started operation (prior to 1986 with a capacity of 240 persons). The liquor primary liquor licence (#005344) for this site was terminated by the Liquor Control and Licensing Branch in 2007 and no longer exists.

This is a four storey plus basement "SRA designated and Heritage C" mixed-use building. The building at 1163 Granville Street was purchased by the Provincial Rental Housing Corporation in April 2007. This "Single Room Occupancy Hotel" (St. Helen's Hotel) occupies the 2nd, 3rd and 4th floors of this building. There are 93 sleeping units in this building.

This applicant currently operates several other licensed establishments in the city; Au Bar (674 Seymour Street), Tonic (919 Granville Street), Ocean Club in West Vancouver and three

liquor primary establishments in Whistler. The applicant is also a member of BarWatch and participates in civic and community matters.

Application

The applicant is proposing to establish a 200 seat Liquor Establishment Class 3 - Pub (Forum Sports Bar) at this location with licensed hours from 9 am to 3 am, seven days a week. The establishment will be a pub style sports bar and will cater to clientele who are sports enthusiasts looking for a sports bar venue on Granville Street. The applicant is committed to providing food service during hours of operation.

The proposed establishment is located on the main floor of 1163 Granville Street (refer to Appendix B). The washrooms, offices and storage areas will be located in the basement of this building. The St. Helen's Hotel (Single Room Occupancy Hotel) is also located in this building which is made up of 93 sleeping units.

This application is essentially 'replacing' the liquor primary licence which was previously located at this site. The licensed capacity on the previous liquor primary licence was 240 persons and the requested occupant load is 200 persons which is a decrease of 40 persons.

The applicant is also terminating the Liquor Primary liquor licence #038689 which was for the Al Ritrovo (175 seats) which was located on Franklin Street. The termination of this liquor primary licence was a condition of the previous approval for 1046 Granville Street.

The City of Vancouver hours of service policy for this Primarily Mixed-Use area allows for standard hours of liquor service from 11 am to 1 am on weekdays and 11 am to 2 am on weekends. If certain criteria are satisfied, the operator can extend their hours of liquor service to 9 am to 2 am on weekdays and 9 am to 3 am on weekends. The applicant feels that there is a strong demand for this type of establishment (pub/sports bar) which will provide quality food and sports entertainment.

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 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.

Area Surrounding Premises

The subject premise is located in the Downtown (DD) Zoning District and for the purposes of liquor policy it is considered a primarily mixed-use downtown area. The surrounding area is a mixture of retail, restaurants, hotels, neighbourhood pubs, cabarets, non-profit centres and other commercial uses. There are a few social housing projects in the area and the nearest residential development is located in the 1000 block of Seymour Street (refer to Appendix A).

There are two Liquor Establishment Class 2 (162 seats), three Liquor Establishment Class 3 (424 seats), 1 Liquor Establishment Class 4 (320 seats) within an 800' radius of the subject site (906 total liquor seats). Also, there are approximately 37 licensed restaurants within the area and one Liquor Retail Store (1075 Hornby Street).

RESULTS OF NOTIFICATION

A site sign was erected on the site advising the area residents and businesses 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.

Three responses were received. Two responses were from residents located in close proximity to the establishment and one response was from a property owner. Concerns were expressed over increased noise and hours of operation.

Staff felt it was not necessary to conduct a neighbourhood notification for this application due to the fact that these are existing liquor seats which were approved by Council on October 16, 2008 and are being relocated one block away.

A neighbourhood notification was conducted for the previous location at 1046 Granville Street by circulating 1000 notices. No responses were received regarding that application therefore staff felt the requirement of the site sign was adequate for this location.

DISCUSSION

Policy Issues

The subject site is located in the Downtown-Primarily Mixed Use area. The proposed Liquor Establishment - Class 3 venue is greater than 100 metres away from another Liquor Establishment - Class 3 venue. The applicant contends that food service shall be an integral part of the business.

The 1100 block of Granville Street has been identified as a future local shopping area. At present, while Liquor Primary establishments are a permitted use in the 1100 block of Granville Street, City policy requires that there be an associated public benefit such as social housing or heritage retention. Preference will also be granted to applications relocating equivalent Liquor Primary liquor licence seats from an undesirable location within the City. Unlike the Entertainment District where residential uses are excluded, the zoning for the 1100 block of Granville Street permits residential uses and policy encourages the retention and replacement of low-income housing. City policy establishes this area as a local shopping area for the Downtown South community, one of the fastest growing residential neighbourhoods in the City.

Hours of Operation

The applicant is requesting hours of operation outside the parameters of the extended hours permitted in the Downtown-Primarily Mixed Use Area. The applicant has requested 9 am to 3 am, seven days a week. However, the hours of operation for the first six months of operation will be the standard hours for the area which are 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday. The applicant has requested that once the six month trial period has elapsed, that staff consider granting them the Extended hours of operation if no issues/concerns have been received. The applicant is aware that the Extended Hours Liquor Establishment Class of business licence is contingent on continued compliance with additional bylaw regulations.

Affirmative Proposal Aspects

- The application complies with Council's liquor policy for venue size and location;

- The proposed operator has demonstrated the ability to operate his other businesses in a responsible manner;
- The applicant will be required to submit an Acoustical report certifying that the establishment meets Noise Control By-law requirements;
- Council policy is to support relocation of Liquor Primary establishments out of the area of Downtown Eastside and areas of the City with a history of land use incompatibility issues and relocating equivalent Liquor Primary liquor licence seats from an undesirable location within the City of Vancouver;
- The fact that food service shall remain a component of the business will provide a mitigating factor to the liquor service and consumption;
- The applicant intends on terminating the Liquor Primary liquor licence #038689 which was for the Al Ritrovo (175 seats);
- This is an existing liquor primary licence (200 seats) approved for 1046 Granville Street which will be 'replacing' the previous liquor primary licence at 1163 Granville Street which had a capacity for 240 seats;
- The applicant has indicated that the business will be owner managed and operated, staff experience indicates that owner operated liquor establishments are more responsive in correcting neighbourhood impacts once they are made aware of the issue(s); and
- The time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Negative Proposal Aspects

Approval of the establishment may result in increased street noise and other related nuisance behaviour 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.

COMMENTS

The Police Department has reviewed this application and have no comments at this time.

The Development Services Department has reviewed the application and advises this site is located in sub-area K3 of the Downtown District (DD). The current approved use of the building is Hotel and Neighbourhood Public House (Pub). The proposal for a new tenant to establish a Liquor Primary Lounge (similar to a Pub) at this location does not represent a change to the approved land use for this site, however a Development Permit will be required to reflect any conditions of approval that may be imposed by City Council for this new operator.

The Vancouver Fire Department has reviewed this application and advises that an Occupant Load Certificate has been issued for a maximum capacity of 200 persons.

The Social Development Department has reviewed this application and understands that this is a replacement of a previously approved application and there is a net decrease of license seats in the area. However, we also would like to note that there are approximately 1400 social housing units in the two blocks radius including 86 units in the same building. Another 210 social housing units are currently in process.

The Central Area Planning Department has reviewed this application and support this proposal because there has been a liquor license on this site for many years.

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, parking and zoning at this time. The approved use of this site is "neighbourhood public house".

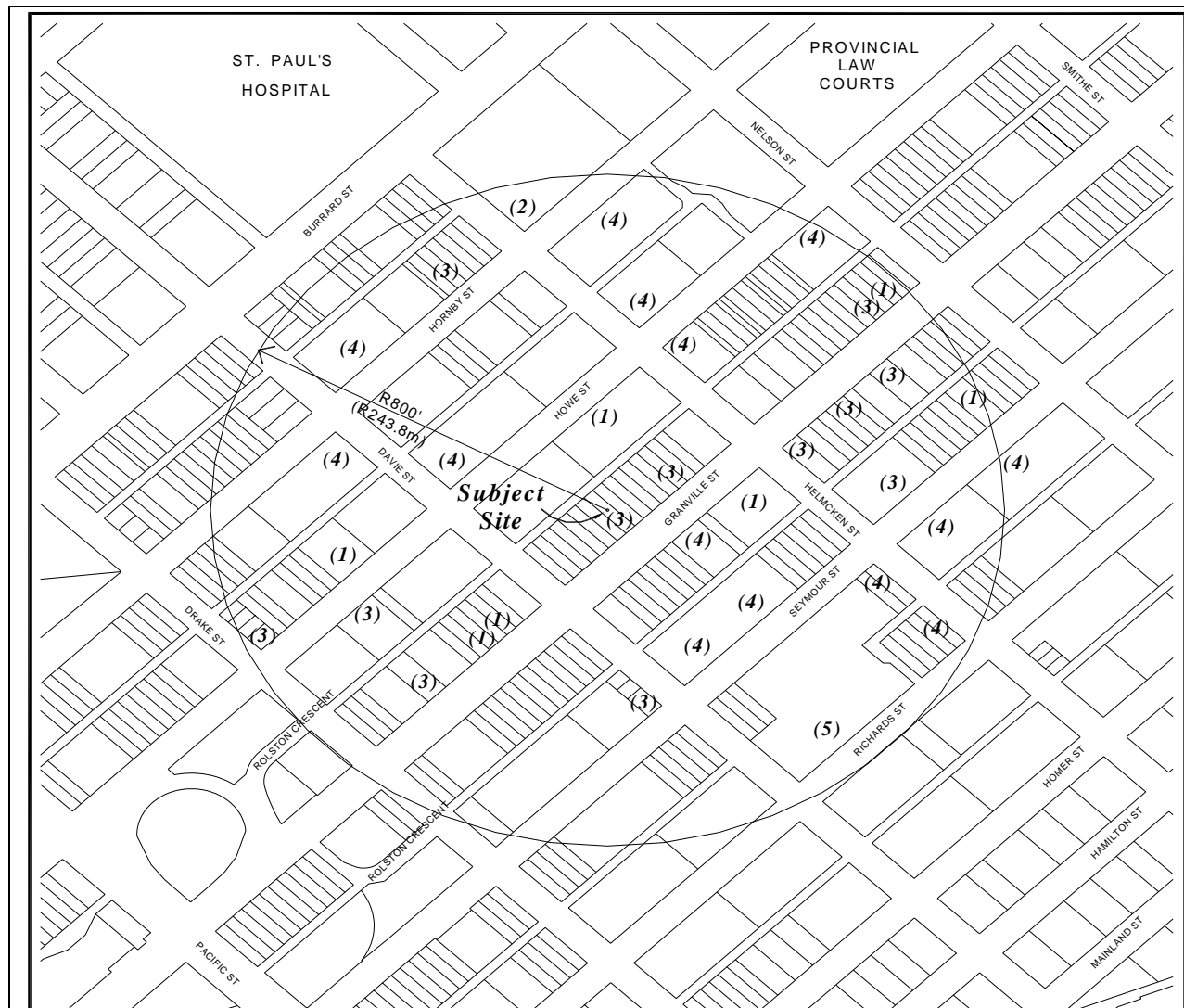
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 200 seat Liquor Primary (Liquor Establishment Class 3 - Pub) liquor licence at 1163 Granville Street subject to the conditions outlined in Recommendation A. Given the existing approved use of this location is "neighbourhood public house" as well as the fact that the relocation is only one block from the current location, 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 diversity this "sports bar" will have on Granville Street which lacks this type of venue. This application is essentially 'replacing' the liquor primary licence which was previously located at this site. The licensed capacity under the previous liquor primary licence was 240 persons. The requested occupant load for this application is 200 persons which is a decrease of 40 persons.

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LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {Chateau Granville}, {Ginger Sixty-Two}, {Holiday Inn Downtown}, {Odyssey Cabaret}, {Penthouse}, {The Morrissey Irish House}, {The Royal}
- (2) Government or Private Liquor Stores - {Sheraton Vancouver Fine Spirits}
- (3) Social Housing/ Facilities - {Non-market Housing - SRA/SRO, Co-op}, {BC Housing, Societies}/ {Clinics}
- (4) Residential Strata buildings
- (5) Parks - {Emery Barnes Park}
- (6) Churches - {N/A}
- (7) Schools - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3) 1163 Granville Street	map: 1 of 1	↑
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City of Vancouver - Licenses & Inspections	date: 2010-01-19
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