



ADMINISTRATIVE REPORT

Report Date: May 26, 2015
Contact: Sarah Hicks
Contact No.: 604.873.7546
RTS No.: 10954
VanRIMS No.: 08-2000-20
Meeting Date: June 24, 2015

TO: Standing Committee on Planning, Transportation and Environment

FROM: Deputy Chief Licence Inspector

SUBJECT: 330 West Pender Street - 0853171 BC Ltd.
Liquor Primary Liquor Licence Application
Liquor Establishment Class 3 - The Permanent - Venue

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 0853171 BC Ltd. (The Permanent) for a 279 person, event driven Liquor Primary licence (Liquor Establishment Class 3 - Venue) at 330 West Pender Street subject to:

- i. A maximum combined capacity of 279 persons (basement-30 persons, ground floor-173 persons, mezzanine-76 persons);
- ii. Hours of operation limited to 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday;
- iii. Liquor service is event driven and only permitted in conjunction with pre-booked live events;
- iv. A Time-Limited Development Permit;
- v. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements; and
- vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance which includes a commitment to making the venue available to non-profit groups and community groups at a reduced rate for a minimum of 15% of bookings.

REPORT SUMMARY

The Deputy Chief Licence Inspector recommends Council endorse the applicants request for a 279 person (Liquor Establishment Class 3 - Venue) Liquor Primary licence located at 330 West Pender Street.

The Permanent is located in the newly renovated BC Permanent Building (Heritage "A" designated building) which was built in 1907 as one of the early bank buildings constructed in this area. The venue will be used to host pre-booked, private events such as live music, dance and theatre productions and individual performance. As part of the venue operations, they are planning to offer liquor service and also contain a catering kitchen to enable catered food

service to a majority of the events. The applicant has also applied for the Family Food Service Endorsement which allows minors accompanied by a parent or guardian in all licensed areas until 10 pm when meal service is available.

Requested hours of operation are 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday which meets our standard hours of liquor service policy for this Downtown Primarily Mixed-Use area.

The application meets current Council policy regarding size, distance from other establishments, hours of operation, and the requirement for a time-limited Development Permit. A Good Neighbour Agreement will be required to ensure the premise operates in a manner conducive to the surrounding area and an acoustic report to be reviewed to ensure it meets Noise Control bylaw. This application also meets Council's support of Live Performance Venues.

The Interim Liquor Policy for the Downtown Eastside applies to this site. The policy limits new liquor seats to "event-based liquor licences that feature live performance", to be considered on a case-by-case basis.

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, however there is a requirement for 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 liquor primary applications.

Hours of service - policy for this Downtown Primarily Mixed-Use area is:

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 3 venue shall be located within 100 meters of another Class 3 venue.

Live Performance Venues (Council February 3, 2011) - Council received an update on the Live Performance Venues Regulatory Review as outlined in the Administrative Report dated January 18, 2011, entitled "Cultural Services Regulatory Review for Live Performance Venues: Phase I".

Interim Liquor Policy for the DTES (Council March 12, 2014) - Council extend the Interim Liquor Policy for the Downtown Eastside as outlined in Appendix K of the Policy Report dated February 24, 2014, entitled "Downtown Eastside Local Area Plan.

Downtown Eastside Local Area Plan (Council March 12, 2014) - Council approved the Downtown Eastside Local Area Plan which envisions this area (i.e. Victory Square) to contain arts, culture and higher education uses.

Approval requirements - Council policy requires new Liquor Primary liquor licences to be subject to a Time-Limited Development Permit, Good Neighbour Agreement, Acoustic Report 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 building located at 330 W Pender was rehabilitated in 2010 by the current owner and applicant. The site received the City's heritage façade grant and City and Provincial heritage awards for heritage conservation work. The owner applied for a 'change of use' from Wholesale to Hall use which necessitated structural upgrades, building system upgrades and interior heritage rehabilitation. The Conservation Plan was approved and the required Development Permit and Building Permits were issued 2014. Once completed, this "A" heritage building will have received a full upgrade including structural and new building systems (mechanical and electrical).

Given the quality of ongoing heritage conservation and an attempt to adaptively re-use this "A" heritage building, as well as its contribution to the revitalization of Victory Square area, the restoration has resulted in the creation of one of the premier spaces in the City and also filling a void in the City's cultural space ecology (refer Appendix B). As such, the applicant is requesting Council resolution endorsing application for a venue based 279 person Liquor Primary licence (Liquor Establishment Class 3 - Venue) with standard hours of operation between 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday. This will be an event driven liquor licence which is restricted to live music, dance and theatre productions, and individual performance. Liquor service will be an amenity to patrons attending an event. The venue also contains a catering kitchen to enable catered food service to a majority of the events. The applicant has applied for the Family Food Service Endorsement which allows minors accompanied by a parent or guardian in all licenced areas until 10 pm when meal service is available.

The applicant has been in contact with the Salvation Army and Vancouver Community College regarding employment opportunities for individuals using their services. They have discussed employing youth from The Covenant House to assist with general operations. The applicant is committed to having the venue available, a minimum of 15% of the bookings, for non-profit groups and community groups at a reduced rate which covers the basic costs to operate the venue. The applicant has also offered the venue to local musicians to hold performances.

Strategic Analysis

Staff support the proposed application based on the following analysis.

Council Policy

On February 3, 2011, Council received for information an update on the Live Performance Venues Regulatory Review as outlined in the Administrative Report dated January 18, 2011, entitled "Cultural Services Regulatory Review for Live Performance Venues: Phase I". This application meets Council policy for live performance venues and the direction the city is headed with respect to providing more live performance venues.

On March 12, 2014, Council approved the Downtown Eastside Local Area Plan which envisions this area (i.e. Victory Square) to contain arts, culture and higher education uses.

Results of the Neighbourhood Notification

A neighbourhood notification advising of the application for a 279 person Liquor Primary establishment was conducted by circulating approximately 390 notices in the survey area (refer to Appendix A). 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 to the application. A total of 36 responses were received in response to the application. Thirty-three in support of the application and three were opposed to the application.

One respondent opposing the application expressed concern with the lack of on-site parking to accommodate patrons coming to the venue. Another concern was that there are enough liquor establishments in the area.

Letters of support were received from the Executive Director of the Hastings Crossing Business Improvement Society and Executive Director of Covenant House Vancouver (refer to Appendix C).

Location of Establishment

The subject site is zoned Downtown District and is currently approved as a hall use. For the purposes of liquor policy, it is considered to be located in the Downtown Primarily Mixed-Use area. The surrounding area is made up of a mixture of retail, offices, social housing, restaurants, two parks, college, film school and social facilities for youth (refer to Appendix A).

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

Nexus (550 Cambie Street) is a facility that provides services to high-risk youths who are affected by substance abuse. Covenant House (326 W Pender) runs a 30 bed shelter program for at-risk young men. The applicant will be working closely with the above mentioned facilities to mitigate any impacts on their operation. As well, a Good Neighbour Agreement will be required to mitigate the impact on local residents.

There are no Liquor Establishment Class 3's located within 100 meters of the subject site therefore, this application meets Council Policy for distancing requirements. There is one Liquor Establishment Class 4 within 500' (152.4 metres) radius of the subject site.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 279 persons (basement-30 persons/ground floor-173 persons/mezzanine-76 persons on October 22, 2014.

The hours of operation requested for the Liquor Primary liquor licence are 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday which are within the parameters of the Standard Hours permitted in the Downtown Primarily Mixed-Use area.

Noise

Staff have considered the impact for noise on the community and have no concerns at this time. An acoustical report certifying that the establishment meets Noise Control By-law requirements will be required and should mitigate negative impacts due to noise.

Impact on the Community

There are no significant negative issues/complaints with liquor licences in event driven venues of this type, like The Imperial and The Rickshaw.

Staff is in support of liquor licences in performance type venues which are event driven. The Imperial and The Rickshaw have liquor licences which allow liquor service in conjunction with performances.

The Vancouver Police Department has reviewed the application and have no concerns with this application. The Cultural Services Department also supports this application.

Furthermore, this application complies with Council's liquor policy for venue size and hours of Liquor Service and Council's policy to support live performance venues.

Implications/Related Issues/Risk (if applicable)

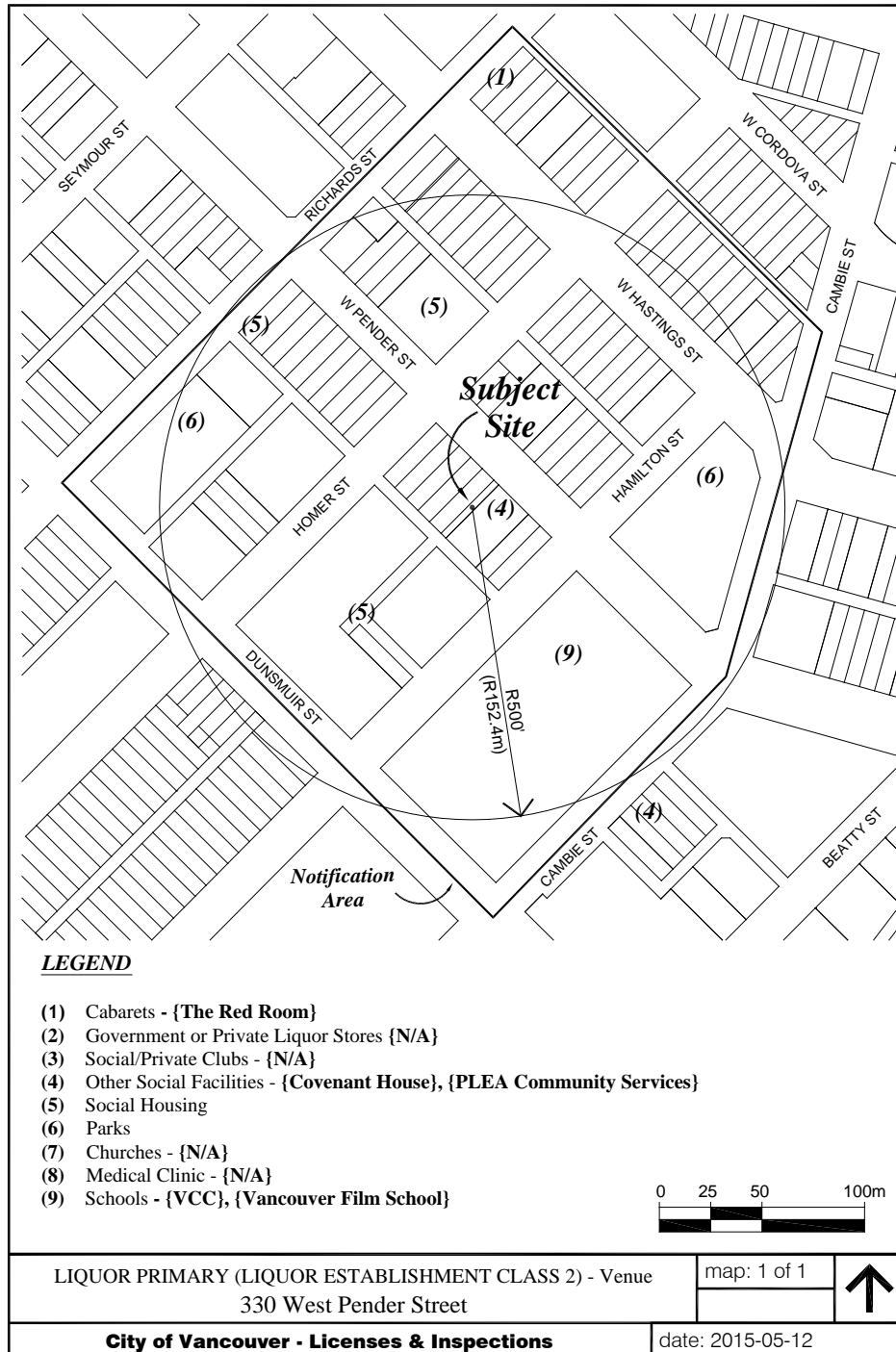
Financial

There are no financial implications.

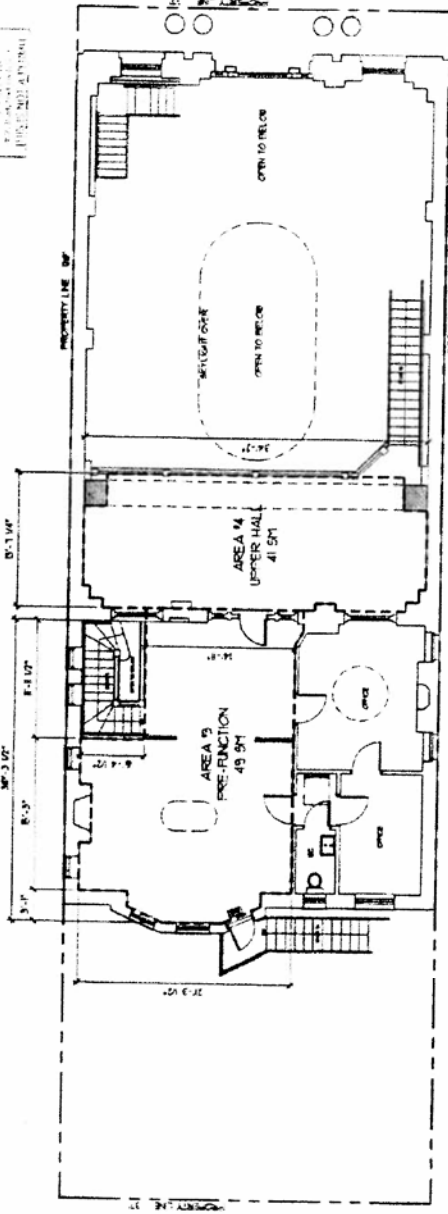
CONCLUSION

Staff recommend Council endorse the applicant's request for a venue based 279 person Liquor Primary licence (Liquor Establishment Class 3 - Venue) with standard hours of operation between 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday, subject to the conditions noted in this report. Staff's experience generally shows that liquor service in these venues is an amenity for patrons and not the primary focus of the business. As a result, staff received few issues/complaints from community residents. The application meets current Council policy regarding live performance venues. The liquor licence will provide revenue to support the venue function and live performances and arts and cultural programs, non-profit groups and local community groups at a reduced rate. The Permanent is an important heritage structure in the city and we welcome and encourage its preservation and ongoing cultural use.

* * * * *



REVISED: 01-12-2011
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: 330 WEST PENDER



PROPOSED 2ND STOREY FLOOR PLAN

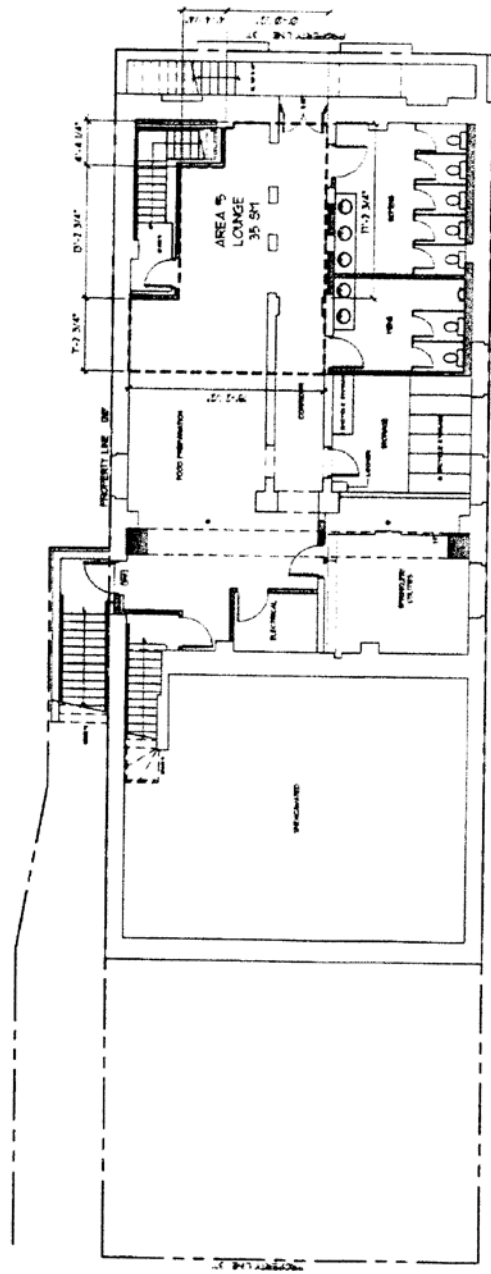


- MAXIMUM OCCUPANT LOAD**
- 1) SELECTED REVENUE ESTABLISHMENTS - PERSONS
 - 2) DINING AND CATERING SPACE
 - 3) SEATED SEATS AND THINGS - 4
 - 4) SEATED SEATS - 24
 - 5) STANDING SPACE - 24
 - 6) OTHER USES

AREA 19 OCCUPANT LOAD:
49 SQM / 12 (8M²/PERSON) = 41 PERSONS

AREA 14 OCCUPANT LOAD:
41 SQM / 12 (8M²/PERSON) = 35 PERSONS

TIED	PROPOSED	SK02
274 - 1425 WEST 147 AVE VANCOUVER BC CANADA V6L 1J1 TEL: (604) 734-8075 www.tied.com	Liquor License Application 330 West Pender St, Vancouver, BC	



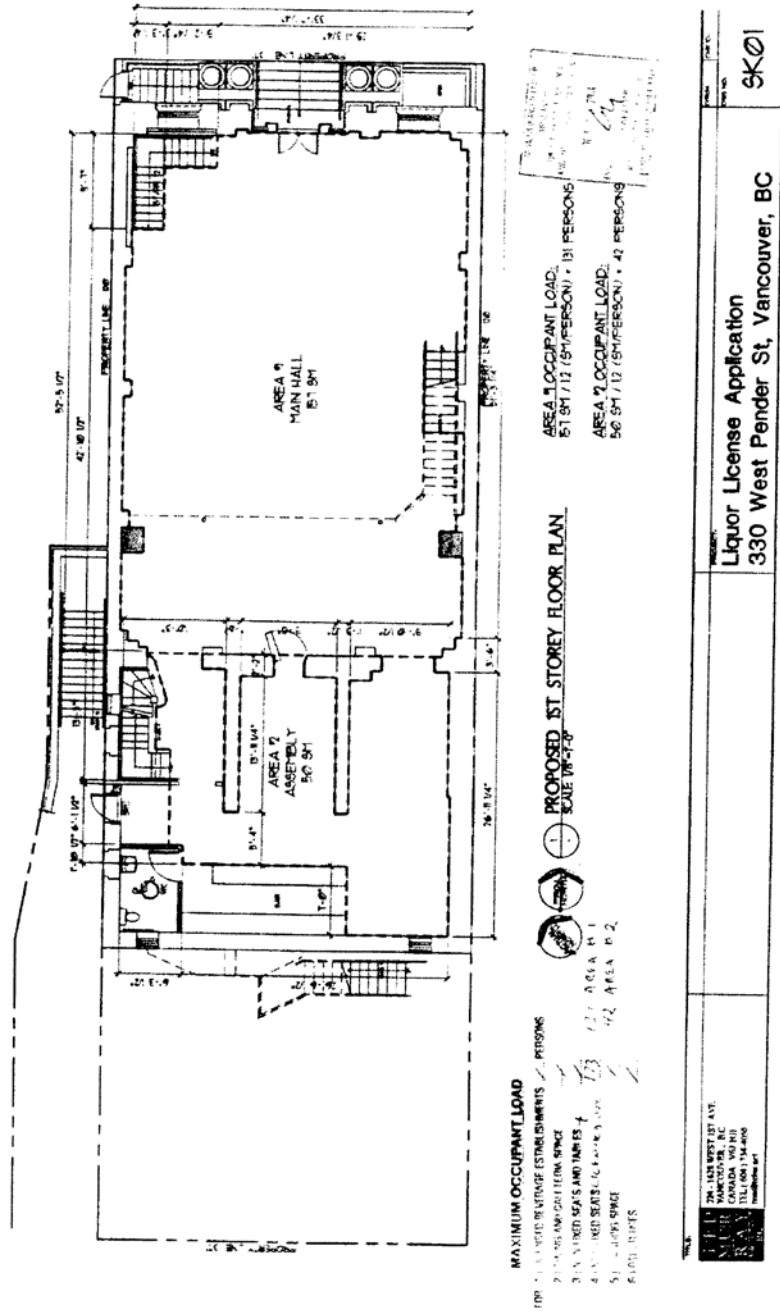
MAXIMUM OCCUPANT LOAD
 FOR 11 CODED REVENUE ESTABLISHMENTS - PERSONS
 2) BARS AND CATERING VENUES - PERSONS
 3) PUBS, THEATRES AND NIGHT CLUBS - PERSONS
 4) NIGHT CLUBS AND NIGHT CLUBS - PERSONS
 5) RESTAURANTS - PERSONS
 6) OTHER VENUES - PERSONS

PROPOSED/DEMO BASEMENT FLOOR PLAN
 SCALE 1/8" = 1'-0"

AREA 5 OCCUPANT LOAD
 35 SEAT / 17 (5+PERSON) • 30 PERSONS

DATE: 10/10/10
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO: 1000-1000-1000

<p>1000-1000-1000 1000-1000-1000 1000-1000-1000</p>	<p>PROJECT Liquor License Application 330 West Pender St, Vancouver, BC</p>	<p>9K03</p>
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Covenant House Vancouver
575 Drake Street
Vancouver, BC V6B 4K8
Tel: 604-647-4480
Fax: 604-647-4484
www.covenanthousebc.org

May 22, 2015

Lucia Cumerlato, Liquor Licence Coordinator
City of Vancouver, Licences & Inspections
515 West 10th Avenue
Vancouver, BC
V5Z 4A8

Dear Lucia,

RE: Liquor Licence Application for 330 West Pender Street

Covenant House Vancouver supports the Liquor Licence Application made by The Permanent located at the address noted above. We have addressed our concerns about this venue with Max Cohen, operator of The Permanent, and are satisfied with his response.

Specifically, our concerns are:

- Excessive line-ups of people on Pender Street that could block safe and secure entry and exit into our building
- Excessive noise coming from music in the building
- Smoking in the proximity of our entrance and associated litter
- Late night events/frequency of events

We trust that if any issues arise, that The Permanent will deal with them in a timely and appropriate matter.

If you have any questions, please contact me.

Sincerely,

Krista Thompson
Executive Director

Copy: Max Cohen
Operations Manager & Venue Sales, The Permanent



Letter Of Support

Attn: Lucia Cumerlato, City Of Vancouver
Re: Application for a Liquor Primary License for a Live Performance/Event-Driven Venue (The Permanent) 330 West Pender Street, Vancouver, B.C.

May 15, 2015

It is with great enthusiasm that I offer this letter of support on behalf of the Hastings Crossing Business Improvement Association regarding the application for a liquor primary license at 330 West Pender - *The Permanent*.

Hastings Crossing BIA represents over 600 local businesses and property owners in Vancouver's Downtown Eastside, many of them clustered around Victory Square Park. Our area is known for being rich with art and culture thanks to the concentration of fine arts students from various post-secondary institutions and a longstanding arts community that has benefitted from affordable studio and venue space here in our part of the city. However, several key music venues have closed or changed formats over the past 15 years including the Columbia, the Brickyard, the Picadilly Pub, The Town Pump, The Lamplighter, the Niagra and nearby venues in adjacent downtown neighbourhoods like The Starfish Room or Richards on Richards. Smaller and medium sized venues have been badly needed in our area and throughout the city ever since. The Permanent will be helping to fill the void left in the wake of their absence.

It is our understanding that the Permanent will also be offering discounted rates to local community organizations, non-profits and charities active in the area. This too is badly needed due to the closure of the W2 Community Media Arts space at Woodwards. Having another option for special events makes the Permanent a community asset that we are eager to see open. This beautiful building has stood dormant for too long and we are thrilled to see the Cohen family putting such care and thoughtfulness into this space as they consider the ways in which it can contribute most to our community.

If you have any questions please do not hesitate to contact us.
Sincerely,

Wes Regan
Executive Director, HxBIA
wesregan@hxbia.com
604-805-3591

A handwritten signature in black ink, appearing to read "Wes Regan", is written over a light blue horizontal line.

Hastings Crossing BIA
PO Box 88188, 418 Main Street
Vancouver BC, V6A 4A5
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