



## ADMINISTRATIVE REPORT

Report Date: February 2, 2016  
Contact: Sarah Hicks  
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RTS No.: 11223  
VanRIMS No.: 08-2000-20  
Meeting Date: March 9, 2016

TO: Standing Committee on City Finance and Services

FROM: Deputy Chief Licence Inspector

SUBJECT: 871 Beatty Street - Central City Brewers & Distillers Ltd.  
New Liquor Primary Licence Application -  
Liquor Establishment Class 3 - Neighbourhood Pub

### **RECOMMENDATION**

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notification, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by Central City Brewers & Distillers Ltd. (Red Racer Kitchen) for a new Liquor Primary Licence (Liquor Establishment Class 3 - Neighbourhood Pub) via the conversion of the existing Food Primary licence (Restaurant Class 1) located at 871 Beatty Street subject to:

- i. A maximum interior capacity of 199 persons;
- ii. Standard Hours of operation, for the first year, limited to 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday after which time Extended Hours of operation may be considered which are 9 am to 2 am, Sunday to Thursday and 9 am to 3 am, Friday and Saturday;
- iii. A Time-limited Development Permit;
- iv. An 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; and
- vi. The surrendering of the existing Food Primary licence #306510 and the Restaurant Class 1 business licence #16-146700 at the time of issuance of the Liquor Primary licence.

## **REPORT SUMMARY**

Central City Brewers & Distillers Ltd. (Red Racer Kitchen) is requesting a Council resolution endorsing their application for a new 199 person Liquor Primary licence via the conversion of the existing Food Primary (Restaurant Class 1) licence located at 871 Beatty Street.

Staff is recommending approval of this application subject to the conditions outlined in the Recommendation noting that it is consistent with Council's liquor policy for size and location. There is little change expected with respect to how this establishment will operate and food service will remain a component of the business which will provide a mitigating factor to liquor service and consumption. The establishment will be required to operate under Standard Hours for a minimum of one year prior to the consideration of Extended Hours and the requirement for a time-limited Development Permit, an acoustic report certifying that the establishment meets Noise Bylaw requirements, and a Good Neighbour Agreement will also ensure the premise operates in a manner conducive to the surrounding area.

## **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. 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 is to provide comments on these applications.

*Approval process/requirements* - Council policy requires new Liquor Primary licences and changes to existing Liquor Primary licences be subject to a Time-limited Development Permit, Good Neighbour Agreement and public consultation.

*Hours of service* - Policy for this Downtown Primarily Mixed-use area are:

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 policy states that no Class 3 venue shall be located within 100 metres of another Class 3 venue.

## **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

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

## **REPORT**

### **Background/Context**

The applicant is requesting a Council resolution endorsing Red Racer Kitchen's application to convert to a 199 person Liquor Primary (Liquor Establishment Class 3 - Neighbourhood Pub) licence located at 871 Beatty Street via the conversion of the existing Food Primary (Restaurant Class 1) licence (refer to Appendix A). Current hours of liquor service are 9 am to 12 am, seven days a week. Entertainment will be primarily television and background music with the occasional live musician or DJ.

Red Racer Kitchen has operated at this site as a restaurant with a 188 person and 15 person lounge (203 total capacity) person Food Primary licence since July 2015. The applicant is also in the process of applying for a Brewery (Manufacturer) licence at this location. Per Liquor Control and Licensing Branch regulations, the applicant must have a Liquor Primary licence in order to be able to sell brewery products made on site, pre-packaged product or growlers from the main service bar of the brew pub establishment. Previously this location was licensed as a brewery for approximately 10 years and held both a Food Primary and Liquor Primary licence before closing and relocating the Liquor Primary licence in 2010.

### **Strategic Analysis**

#### **Results of Neighbourhood Notification**

A neighbourhood notification advising of the application for a 199 person Liquor Primary liquor establishment was conducted by circulating approximately 2184 notices in the survey area (refer to Appendix B). A site sign was also 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 61 responses were received in response to the application; 44 opposed and 17 supported.

The results of the notification are summarized as follows:

	Within 750' radius of subject site	Outside 750' radius of subject site	No contact information	Total
Support	10	6	1	17
Opposed	40	-	4	44

Respondents opposing the application are most concerned with increased nuisance issues for the community including:

- noise/loud music;
- smoking and littering in front of and around the establishment;
- drunk behaviour and disturbances with patrons congregating in front and when leaving the establishment; and
- increased traffic for the area.

Respondents also commented that they felt that the proposed Extended Hours were not appropriate in an area with many residential units.

As a result of the feedback received from the notification, the applicant organized and held two open houses with representatives of the Strata Council from two neighbouring buildings. A total of eight people attended the meetings and concerns surrounding the application were raised and discussed including patrons smoking, the hours of operation, noise, garbage and traffic for the area. Since these meetings were held, the applicant has taken steps to try to mitigate these issues and have since implemented or will look into doing the following:

- moved subwoofers off of beams to another area in the restaurant to help with reducing the noise and vibrations that one tenant was experiencing;
- placing 'No Smoking' and 'Be Respectful of Neighbours' signage around the outside of the establishment;
- assigning a manager to monitor patrons when leaving the establishment at the end of the night;
- providing a contact name and number for residents to outreach if issues arise;
- ensure that staff monitor and tidy the area of litter and garbage; and
- contacting the City of Vancouver Engineering department to investigate if 'Do Not Block Driveway' signage could be provided.

It was also clarified that the establishment intends to operate under Standard Hours (11 am to 1 am, Sunday to Thursday; and 11 am to 2 am, Friday and Saturday) and if later hours were considered, the establishment would need to wait a minimum of one year before applying.

The applicant is committed to continue to work with area residents and the community to help mitigate their concerns.

### ***Location of Establishment***

The establishment is located within the DD - Downtown Zoning District and the predominant land uses in the immediate vicinity are commercial, sports and related land uses. For the purpose of Liquor Policy, the establishment is considered to be located in the Downtown Primarily Mixed-use area. The current approved use of this site is Restaurant Class 1. The surrounding area is a mixture of residential, retail, restaurants, office, hotels, and other commercial uses (refer to Appendix B).

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

There are no Liquor Establishment venues within a 100 metre radius of the proposed site which meets Council policy for size and location for new establishments. Within the notification area of approximately 200 metres from the subject site, there are two Class 2 Liquor Establishments, one Class 3 Liquor Establishment and one Class 4 Liquor Establishment that hold Liquor Primary licences and are all located within or adjacent to hotels. There are also approximately 12 licensed restaurants that hold a Food Primary licence (including the applicant) in the same area.

There are no social or recreational facilities within close proximity to the establishment that could create a potential conflict with the proposed application.

### ***Person Capacity and Hours of Operation***

The Vancouver Fire Department has reviewed the application and approved an occupant load of 199 persons.

Requested hours of operation 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. Extended Hours will only be considered after the establishment has been operating under Standard Hours for a minimum of one year. The applicant has indicated that there is no intention to apply for Extended Hours.

### ***Traffic, Noise, Parking and Zoning***

The proposal for a Liquor Primary (similar to a Neighbourhood Public House) at this location will require a Development Permit application. The review process for this type of approval will involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, an on-site loading strategy, social and policing impacts and noise control. Traffic, parking and zoning will also be considered further as part of this process.

The applicant will be required to submit and adhere to an acoustic report which stipulates the sound levels permitted inside the establishment in order to comply with the Noise Control Bylaw. This should mitigate potential negative community impacts due to noise.

### ***Impact on the Community***

Little is expected to change with the operation of the establishment as the operator intends to continue to offer full food service, which will provide a mitigating factor to the liquor service and consumption, in a neighbourhood pub environment catering to area residents, the surrounding business community, tourists, and patrons attending events at BC Place and Rogers Arena. The applicant is also applying for the Family Food Service endorsement which will allow minors in all licensed areas until 10 pm while accompanied by a parent or guardian when meal service is available for families.

The Time-limited Development Permit will provide ongoing reviews to ensure the land use/business remains compatible with the surrounding community. In addition, the Good Neighbour Agreement will set out the City expectations that the business needs to be responsive in dealing with any issues and responsible for creating a positive relationship with the community.

There have been no enforcement issues associated with this establishment and no complaints have been received related to the management of this business. The Vancouver Police Department have reviewed the application and have no concerns with this application at this time.

### ***Implications/Related Issues/Risk (if applicable)***

#### ***Financial***

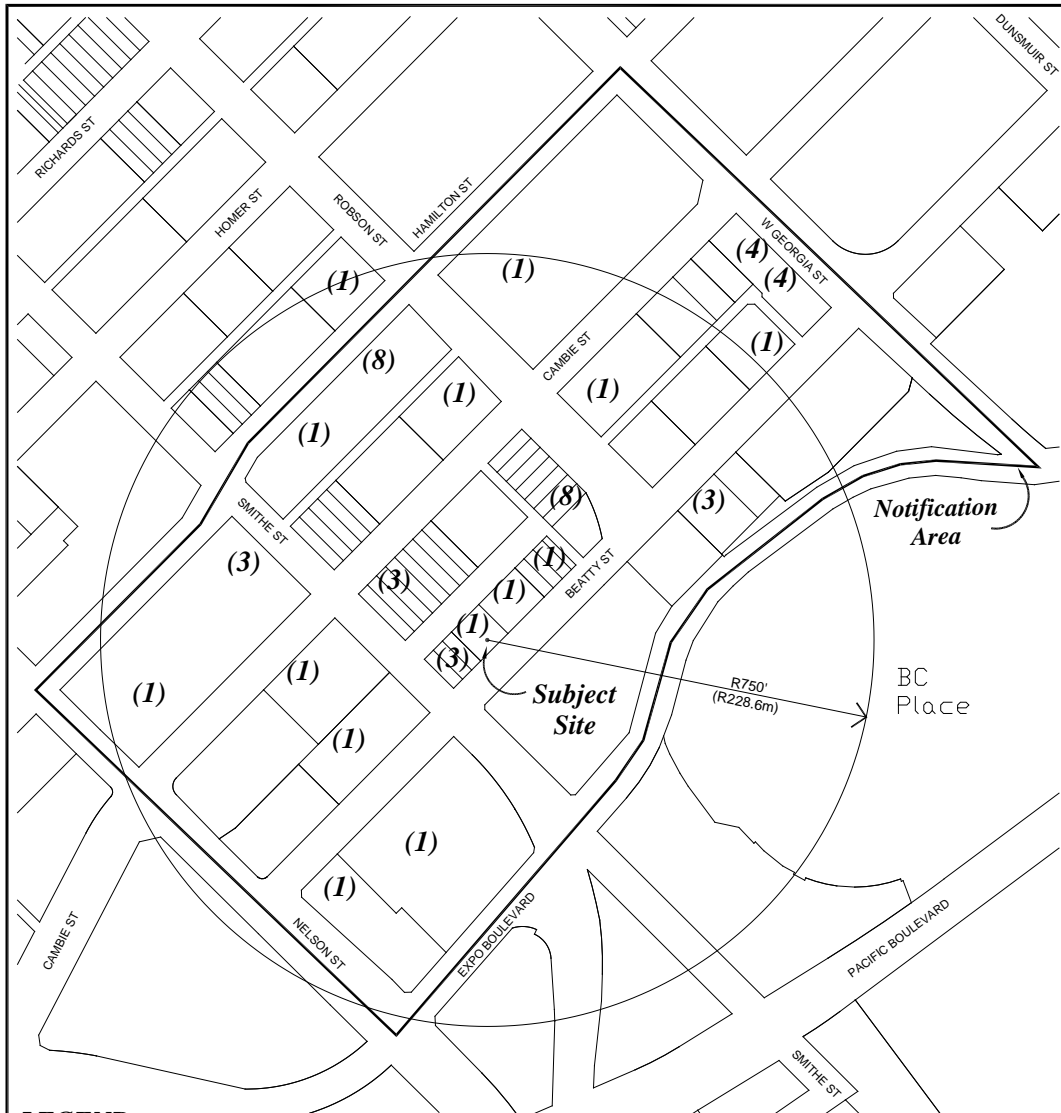
There are no financial implications.

## ***CONCLUSION***

Staff are recommending Council endorse the applicant's request for a 199 person Liquor Primary licence via the conversion of the existing Food Primary licence subject to the conditions outlined in the Recommendation. The application meets current Council policy regarding size and distance from other establishments and will be required to operate under Standard Hours for a minimum of one year. The requirement for a Development Permit and Good Neighbour Agreement as well as submission of an acoustic report will ensure the premise operates in a manner conducive to the surrounding area. Food service will also remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

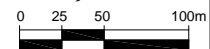
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**LEGEND**

- 1) Residential Buildings
- 2) Parks - {N/A}
- 3) Schools - {Westside School, Vancouver English Centre School, Global Village English Centre, La Salle College}
- 4) Liquor Primary establishments - {Shark Club, M Bar}
- 5) Government or Private Liquor Stores - {N/A}
- 6) Medical Clinics - {N/A}
- 7) Social/Private Clubs/Community Centre - {N/A}
- 8) Churches - {Urban Community Baptist Church, Catholic Churches & Institutions}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3) - Neighbourhood Pub  
871 Beatty Street – Red Racer Kitchen

map: 1 of 1

