



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: December 19, 2006  
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VanRIMS No.: 11-4600-50  
Meeting Date: January 16, 2007

TO: Vancouver City Council

FROM: Chief License Inspector

SUBJECT: 1181 Seymour Street  
Greater Vancouver International Film Festival Society  
Liquor Primary Liquor License

#### RECOMMENDATION

THAT Council, having considered the opinion of area residents, and business operators of the community as determined by neighbourhood notification, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined the Administrative Report dated January 2, 2007, entitled "1181 Seymour Street, Greater Vancouver International Film Society, Liquor Primary Liquor License", endorse the application by Greater Vancouver International Film Festival Society for a Liquor Primary liquor license (Venue) at 1181 Seymour Street subject to:

- i. A maximum combined capacity of 429 persons for the Theatre (175 persons) and Atrium (254 persons) space;
- ii. A Time-Limited Development Permit to approve a concurrent Hall land-use to permit the use of the facility for non-theatre/film related events (i.e.: commercial Hall use);
- iii. The signing of a Good Neighbour Agreement prior to the issuance of a Business Licence;
- iv. Adherence to clean-air principles; and
- v. Hours of operation limited to the hours of Noon to 1:00 a.m., 7 days a week and a further limitation that liquor service begin no sooner than 60 minutes prior to an event and end no later than 90 minutes after an event.

## **GENERAL MANAGER'S COMMENTS**

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

## **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.

## **PURPOSE**

Greater Vancouver International Film Festival Society is requesting a Council resolution endorsing their application for a 429 seat Liquor Primary liquor license (Venue) at 1181 Seymour Street.

## **BACKGROUND**

### **Site History**

The Greater Vancouver International Film Festival Society has operated at this location since the building was completed in September 2005. It was built with the intention of operating a multi purpose facility catering to the cinema and related art forms.

### **Application**

The applicant is proposing to establish a 429 seat Liquor Primary liquor license (Venue) that will be used in conjunction with events only. The Greater Vancouver International Film Festival also intends to rent the facility to organizations that are affiliated with the audiovisual industry. The applicant has offered to limit their product selection to beer and wine only.

### **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 week for Liquor Primary licenses. The liquor license capacity for a new establishment is based on the building capacity for the premise as determined by the local authority. Any new liquor license application is subject to local government support.

### **Area Surrounding Premises**

The subject premise is located in the Downtown District (DD). The surrounding area is a mixture of residential, hotel, retail, restaurants, office, recreation uses neighbourhood pubs cabarets, and other commercial uses (refer to Appendix A).

There are 1 Liquor Establishment Class 1 (58 seats), 2 Liquor Establishment Class 2 (162 seats), 10 Liquor Establishment Class 3 (2201 seats), 3 Liquor Establishment Class 4 (1099 seats) located within a 1000' radius from the subject site (3520 total liquor seats). Also, approximately 44 licensed restaurants are within the area.

## RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 1016 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. Two telephone calls and one email was received from within the notification area opposing the application.

Respondents opposing the application were most concerned about increased noise nuisances to the area. There was also a general feeling that there were enough liquor establishments in the area.

A public information meeting was held on November 8, 2006 and was attended by 8 area residents. Most who attended the meeting were affiliated with the applicant and all were in favour of the application.

## DISCUSSION

### POLICY

There is no applicable policy for this type of request. These requests are processed on a case-by-case basis as they are not commonly received applications. Each application is assessed on their own merits with consideration given to the surrounding community and the potential for negative impacts.

When assessing application suitability with a surrounding community, staff will use other relevant policy as a guideline (e.g. the Business Premises Regulation of Hours of Bylaw). In this case the requested hours exceed the weekday Standard Hours of Operation by 1 hour but match the weekday Extended Hours of Operation. Staff feel the further limitation of restricting liquor service to events only should mitigate potential impacts on the community from the 1:00 a.m. weekday closing time.

### Affirmative Proposal Aspects

There are few negative issues/complaints with liquor licenses in venues of this type (Queen Elizabeth Theatre or the Stanley Theatre). However, it should be noted that the proximity and density of the residential properties surrounding the subject site is higher than other similar liquor licensed establishments in the city.

Staff are recommending that the endorsement, if approved, include a condition limiting alcohol service to begin no sooner than 60 minutes prior to an event and end no later 90 minutes after a show. This condition should reduce the potential for the facility to run as a bar/nightclub. Staff envision few issues with events run by the applicant that are in keeping with the approved Theatre use (i.e.: a drink while watching a film or discussing the film afterward). Liquor service within this context could be considered a benign amenity to the facility.

The size of the facility raises some concern with staff but the use and size of theatre are already approved and the added liquor service as an amenity (as described above) should not increase the negative impacts on the surrounding community.

### **Negative Proposal Aspects**

Staff's primary concern with this request relates to the number of non-theatre/film related events (weddings, product launches, etc.) that may occur in the venue with or without alcohol. That is, the frequency and intensity with which the operators intend to run the facility as a commercial rental hall, regardless of whether alcohol is served or not. The applicant has been advised that a development permit to approve a concurrent "Hall" use is required if more than 4 non-theatre/film related events are held each year (essentially, the city may exercise our discretion to not enforce the relevant provisions of the Zoning and Development Bylaw and the License Bylaw). However, if issues arise from these events, including events that contravene any of the City's legal agreements for this property, then a development permit will be required prior to any future non-theatre/film related events occurring in the premise.

The development permit application process will assess what level of frequency and intensity, if any, is acceptable for the surrounding community. If issuance of a change of use development permit is supportable, then the Director of Planning can impose operating conditions, including a time-limited approval.

### **COMMENTS**

**The Police Department and The Vancouver Coastal Health** have reviewed and support the application.

**The Development Services Department** has reviewed the application and noted that the site is zoned Downtown District (DD), sub area L1, which promotes development of new housing capacity for Vancouver. The existing space, which is located within a residential tower complex, is approved as a theatre and meeting room for the Vancouver International Film Centre (VIFC). The proposed use most closely fits the definition of rental Hall. Hall use falls within the category of Cultural and Recreation Uses, conditionally allowed in this area and therefore may be considered for approval. Any proposal to change this portion of the premises to Hall will require a Development Permit application. As part of the review, processing staff would include assessment of the anticipated impacts on nearby sites and for compliance with the Zoning and Development Bylaw.

**The Housing Centre** has reviewed and does not support the application. The Housing Centre notes that the establishment is located in the midst of non-market housing buildings with close to 1000 units; with approximately 355 units set aside for seniors.

**The Central Area Planning Department and The Social Planning Department** have no comments at this time.

**The Office of Cultural Affairs** has reviewed the application and support the application on the condition that license be used during events run by the applicant only.

**Comments to Satisfy LCLB Resolution Requirements:**

**Location:** as noted previously.

**Proximity of the establishment to other social or recreational and 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.

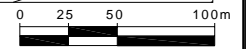
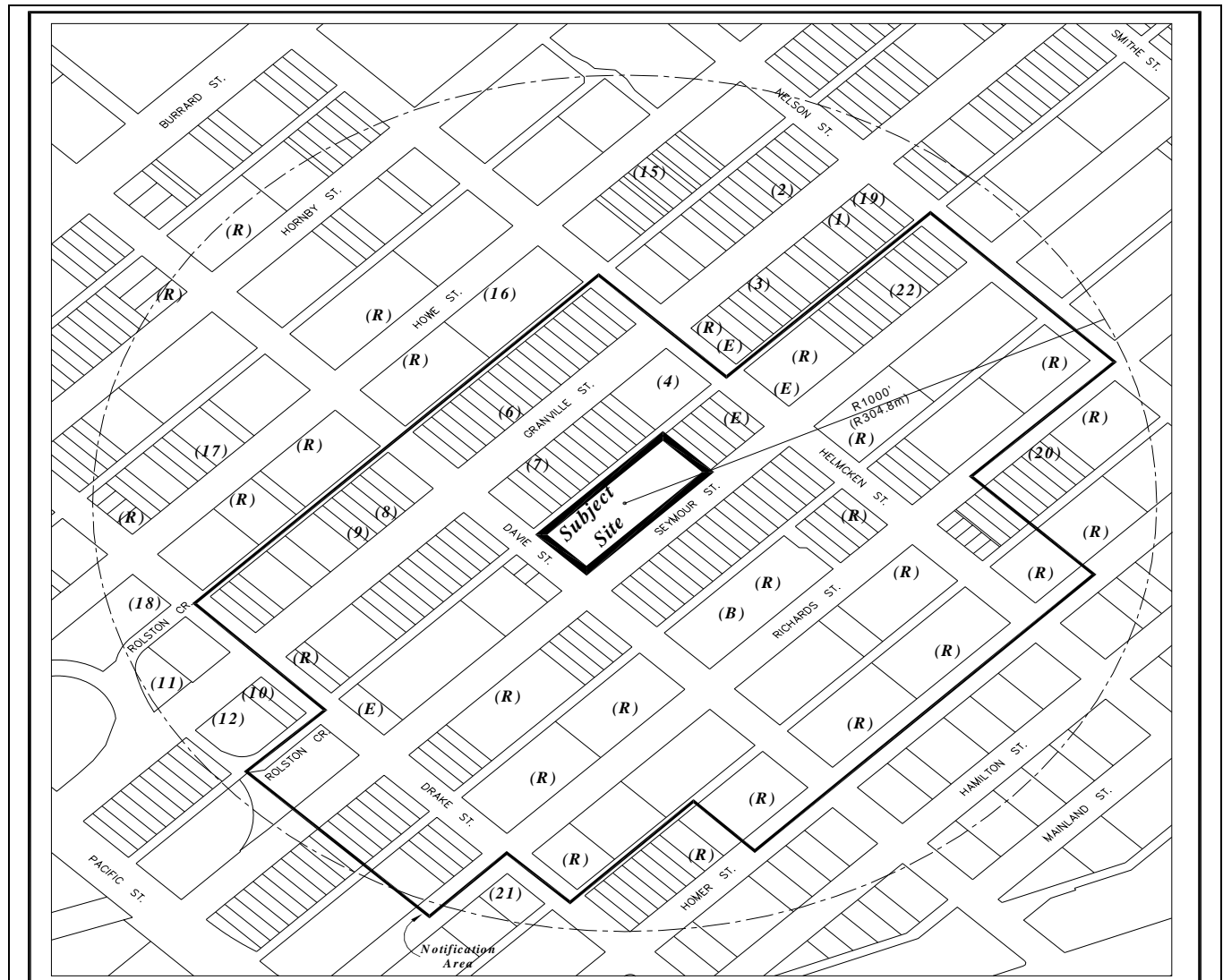
**FINANCIAL IMPLICATIONS**

There are no financial implications.

**CONCLUSION**

Staff recommend Council endorse the applicant's request for a Liquor Primary liquor license for their theatre venue, subject to the limiting conditions. Staff 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 experience few issues/complaints from community residents.

\* \* \* \* \*



**LEGEND**

- |                          |                 |                |             |
|--------------------------|-----------------|----------------|-------------|
| (A) Social/Private Clubs | (B) Parks       | (C) Churches   | (D) Schools |
| (E) Social Facilities    | (R) Residential | (G) Law Courts |             |

- |  |   |
|--|---|
| (1) 1006 Granville St. {The Cellar}              | (12) 1336 Granville St. {Cecil Hotel}         |
| (2) 1025 Granville St. {The Royal}               | (15) 1060 Howe St. {Bosman's Hotel}           |
| (3) 1082 Granville St. {The Stone Temple}        | (16) 1110 Howe St. {Holiday Inn}              |
| (4) 1100 Granville St. {Chateau Granville Hotel} | (17) 1251 Howe St. {Odyssey}                  |
| (6) 1161 Granville St. {The Buffalo Club}        | (18) 1304 Howe St. {Licenced Liquor Store}    |
| (7) 1176 Granville St. {Howard Johnson Hotel}    | (19) 654 Nelson St. {Doolins Irish Pub}       |
| (8) 1219 Granville St. {Ginger Sixty Two}        | (20) 1036 Richards St. {Richards on Richards} |
| (9) 1227 Granville St. {The Morrissey}           | (21) 1300 Richards St. {Atlantis Club}        |
| (10) 1300 Granville St. {Yale Hotel}             | (22) 1019 Seymour St. {The Penthouse}         |
| (11) 1335 Granville St. {Quality Hotel}          |   |

<b>LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2)</b> <b>1181 Seymour Street</b>	map: 1 of 1	
<b>City of Vancouver - Licenses &amp; Inspections</b>	date: Dec. 5, 2006	