



ADMINISTRATIVE REPORT

Report Date: August 26, 2011
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 09268
VanRIMS No.: 08-2000-20
Meeting Date: September 22, 2011

TO: Standing Committee on Planning and Environment
FROM: Chief Licence Inspector
SUBJECT: 149 West Hastings Street - Simon Fraser University
Liquor Primary Liquor Licence Application (Liquor Establishment Class 6)

RECOMMENDATION

THAT Council, having considered the opinions 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 dated August 26, 2011, entitled "149 West Hastings Street - Simon Fraser University, Liquor Primary Liquor Licence Application (Liquor Establishment Class 6)", endorse the request by Simon Fraser University for a 1412 person Liquor Primary liquor licence (Liquor Establishment Class 6) with patio at 149 West Hastings Street subject to:

- i. A maximum total capacity of 1412 persons inside and 124 persons patio;
- ii. The use of the liquor licence limited to pre-booked live and non-live events only;
- iii. A Time-limited Development Permit;
- iv. 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 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;
- v. The patio ceasing all liquor service and vacated by 9 pm for the first 12 months; and
- vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

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 April 17, 2007, Council approved policy and guidelines that Liquor Primary liquor establishments be permitted to have sidewalk patios on public property subject to the current Council-approved sidewalk patio guidelines for restaurants and subject to additional restrictions which would apply to liquor primary patios on both public and private property. These restrictions included food service (Provincial Food Premises Operating permit from Vancouver Coastal Health), including consideration as to whether the food preparation area is large enough to safely handle the 20% increase, closing time of no later than 11 pm, outdoor seating limited to 20% of total seating capacity, no sidewalk patios adjacent to liquor establishments in the 700, 800 and 900 blocks of Granville Street 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, Simon Fraser University (SFU), is requesting a Council resolution endorsing their application for a 1412 person Liquor Primary liquor licence with patio for the purpose of live and non-live events at the Simon Fraser University School for the Contemporary Arts located at 149 West Hastings Street. This capacity will be distributed over 10 different areas of the site (See Appendix A). Liquor service will be event driven and will be served in conjunction with pre-booked live and non live events including theatrical events, lectures, seminars, conferences, fundraisers, receptions, corporate meetings and other cultural and community events, similar to that of a convention/conference centre. The applicant has indicated that they do not foresee all licensed areas being used at the same time. They expect no more than two liquor related events to be held at any one time as the space does not support greater use (See Appendix C). On the rare occasion with two events being held at the same time, the number of seats would not exceed 400 persons.

BACKGROUND

Site History

SFU is a performing arts school with a theatre, concourse, seminar room and studio rooms and has been operating since September 2010 at 149 West Hastings Street which is part of the Woodward's complex.

The Woodward's complex is a mixed-use development consisting of four buildings and a central atrium space and containing 536 market and 200 non-market residential units, retail, office and institutional uses, and Simon Fraser University campus for the Contemporary Arts.

SFU is requesting a Liquor Primary liquor licence at this location in order to serve liquor on a limited basis for pre-booked live and non-live events as part of Simon Fraser University's School for Contemporary Arts. Currently, the establishment is required to apply for a "Special Occasion Licence" for any event which offers liquor service.

Application

The applicant is requesting a Council resolution endorsing their application for a 1412 seat Liquor Primary liquor licence (Liquor Establishment Class 6) with patio. The proposed hours of operation for the Liquor Primary liquor licence are 9 am to 1 am, seven days a week. The applicant proposes that the liquor licence will operate similarly to a conference centre/university and would only serve liquor in conjunction with pre-booked live and non live events such as theatrical events, lectures, seminars, conferences, fundraisers, receptions, corporate meetings and other cultural and community events. Events would be hosted by the university or by outside groups using the space. The applicant has indicated that they do not foresee all licensed areas being used at the same time. They expect no more than two liquor related events to be held at any one time as the space does not support greater use (See Appendix C).

As part of their operation, SFU hires local residents as ushers and gallery sitters and ensures its programs are accessible to all. Tickets to all events and programs are distributed to inner city residents. The SFU Woodward's Cultural Program has also entered into partnerships with a variety of local arts groups and organizations and intends to have the facility available for these organizations at discount rates.

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 Sunday to Thursday; and 11 am to 2 am Friday and Saturday. If certain criteria are satisfied, the operator can extend their hours of liquor service to their proposed hours of 9 am to 1 am, seven days a week.

The applicant is also requesting a patio which is located on the 2nd storey to be used in conjunction with the World Art Studio (area "J"). The total capacity for that area, including the patio, is 173 persons and the adjoining patio must not exceed 124 persons at any one time. The patio use will be seasonable and the applicant is willing to vacate the patio by 9 pm for the first year of operation. If no issues have been identified in the first year of operation, the applicant would like to extend the hours of the patio to 10 pm or 11 pm depending on the operational need. No entertainment may be permitted on the patio.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

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

Area Surrounding Premises

The subject premises are located in the CD-1 (450) Zoning District 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 mixture of retail, hotels, office, cabarets, neighbourhood pubs, residential, park, church, schools and restaurant uses (refer to Appendix B).

There are five Liquor Establishment Class 2 (621 seats), six Liquor Establishment Class 3 (1230 seats), one Liquor Establishment Class 4 (302 seats), one Liquor Establishment Class 5 (520 seats), and approximately 17 licensed restaurants within the 700' radius of the subject site.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 500 notices in the survey area (see Appendix A) and 28 notices were emailed to appropriate Business Improvement Associations, neighbourhood groups and stakeholders. A site sign was erected advising the community of the application and where to send comments or concerns.

A total of two responses were received in response to the notification. One email was received supporting the application and one response was received indicating concerns with the application. It was noted that many families with children reside within the Woodward's complex and concerns were raised that the residential portion of the complex could be subject to increased nuisance issues if a Liquor Primary liquor licence establishment was approved at this location. The inner courtyard in the atrium was also highlighted as an area of concern if licensed which could potentially result in an increase in noise related nuisances.

DISCUSSION

Policy Issues

The subject site is located in the Downtown Primarily-Mixed Use Area. The proposed Liquor Establishment Class 6 venue is greater than 750 metres away from another Liquor Establishment Class 6 venue. Since there are no liquor establishments in this class within 750 metres of the site, the proposed establishment complies with Council's liquor policy for venue size and location.

Hours of Operation

The applicant has requested hours of operation of 9 am to 1 am, seven days a week which are within the parameters of the Extended Hours permitted in the Downtown Primarily Mixed-use area. However, the applicant will be required to operate under Standard Hours for the area for the first six months of operation which are 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday. Once the six month trial period has elapsed, Staff could consider granting Extended Hours of operation if no issues/concerns have been received. The applicant is aware that the Extended Hours Liquor Establishment Class of business license is contingent on continued compliance with additional bylaw regulations. The proposed patio must cease all liquor service and vacate by 9 pm for the first 12 months after which time staff may consider later closing time between 10 pm and 11 pm. No entertainment will be permitted on the patio.

Positive Application Attributes

The application complies with Council's liquor policy for Venue Size and Hours of Liquor Service. All the proposed licensed areas are contained within the university and to date there has been no enforcement history related to this facility. The Good Neighbour Agreement and

a condition that liquor will only be served in conjunction with pre-booked events will also help to ensure minimal impacts on the community. Liquor service will provide an additional amenity for pre-booked events and functions at the school. The applicant has indicated that they do not foresee all licensed areas being used at the same time. They expect no more than two liquor related events to be held at any one time as the space does not support greater use. On the rare occasion with two events being held at the same time, the number of seats would not exceed 400 persons.

Negative Application Attributes

Staff feel that the permitted occupant load should not create additional noise and nuisance issues for the surrounding area as all events will be pre-booked and the applicant has indicated that no more than two liquor related events to be held at any one time as the space does not support greater use.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed this application and noting that the liquor licence will be event driven and will be used only for scheduled bookings, the VPD has no concerns with this application at this time.

The Vancouver Fire Department has reviewed this application and note that the applicant has received approval for a maximum occupant load of 1412 persons on June 15, 2011. See F1408917.

The Development Services Department has reviewed this application and note that this is a CD-1 site and this portion of the building is currently approved as Institutional use (SFU University). As per Development Permit DE 409942, our records show that the 10 areas including the theatre, concourse, seminar room and studio rooms (with patio), would be consistent with those areas intended and approved for public events. The introduction of a Liquor Primary licence to be used in conjunction with these areas does not represent a change to the current approved land use for this site, and therefore, does not require another Development Permit, however, should Council wish to impose a time limited approval for this, a minor amendment to this Development Permit can be issued to reflect this condition.

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

The Central Area Planning Department has reviewed this application and support the application based on the fact that SFU Woodward's is an established institution. The permit is to allow for the serving of alcohol during SFU hosted events, and will not be used to operate a pub. It is our understanding that SFU Woodward's endeavours to be a good neighbour to the community by providing community benefits such as hiring local residents and distributing tickets to inner city residents. One concern is the location of the 2nd floor outside patio. There may be some noise impacts due to the fact that three residential buildings surround the patio, so it is suggested that the permit be time-limited and/or subject to a good neighbour agreement, although with the patio closing by 9 pm, the impacts would be minimized.

The Cultural Services Department has reviewed this application and has no objections to this application at this time.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Person capacity and hours of operation: as outlined above.

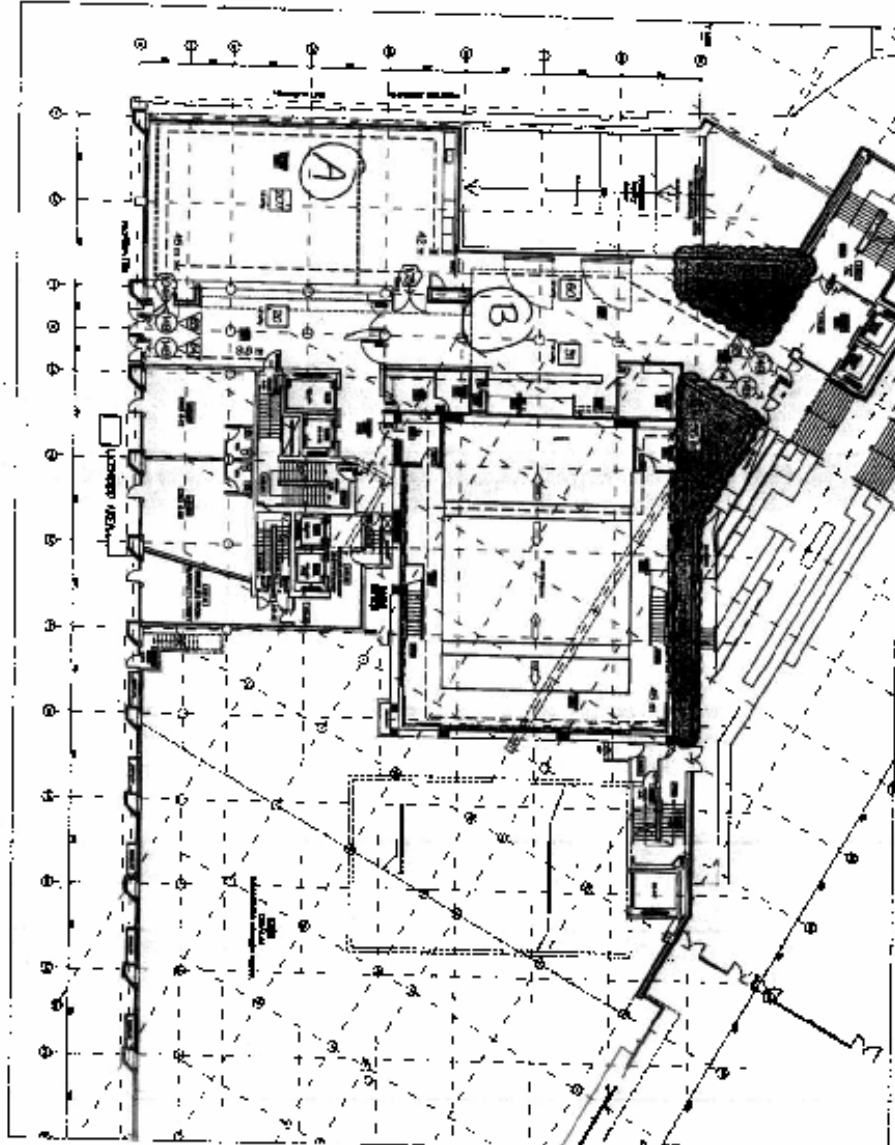
Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

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.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 1412 person Liquor Primary (Liquor Establishment Class 6) liquor licence with patio located at 149 West Hastings Street subject to the conditions outlined in the Recommendation. The location of the establishment and the limited use of the liquor licence to be used for pre-booked events only should limit any negative impacts in the surrounding community. Based on the fact that there is very little opposition from area residents and businesses, the positive aspects of the proposed use and the very low potential for noise or negative impact on the community, staff are recommending Council approve this request.

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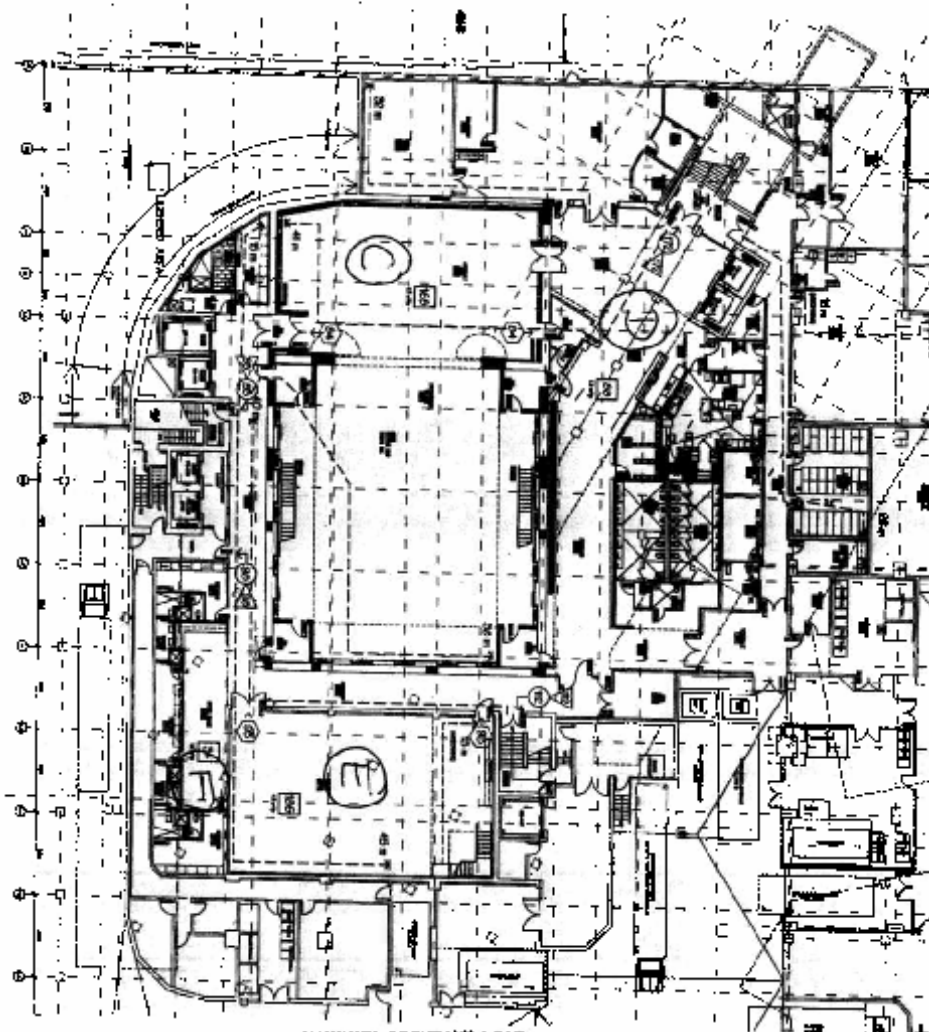
SIMON FRASER UNIVERSITY
SCHOOL FOR THE CONTEMPORARY ARTS

MAXIMUM OCCUPANT LOAD
 FOR **11** LICENSED BEVERAGE ESTABLISHMENT **A-207** **B-77**
12 DRINK AND SARTERIA SPACE **LBC-III** **B"**
13 NON-FIXED SEATS AND TABLES
14 BOG THREE SEATS
15 STAIRING SPACE
16 CHANGING ROOM

ENGINEER HAS ACCEPTED
 PURSUANT TO
 THE BC FIRE CODE'S KIT
 AND THE WINDU FREE PACKING
 JUN 15 2011
 C. SZULC
 4560 16th Ave S.E. Vancouver
 THIS IS NOT A PERMIT

TOTAL LIFE OCCUPANT
 LOAD LEVEL 1 **348**
 TOTAL EXT. CAPACITY **500**
 LICENSING CAPACITY **518**





MAXIMUM OCCUPANT LOAD

- FOR 1.) LUNCH AND BEVERAGE ESTABLISHMENTS **160 PERSONS**
- 2.) SEATING AND CIRCULATION SPACE **186**
- 3.) SEATING-SEATING AND STANDING **186**
- 4.) SEATING-SEATING
- 5.) STANDING SPACE
- 6.) OTHER USES

TOTAL USE OCCUPANT
LOAD ON LEVEL 11

TOTAL BERT CAPACITY

ADMITTED CAPACITY

476

475

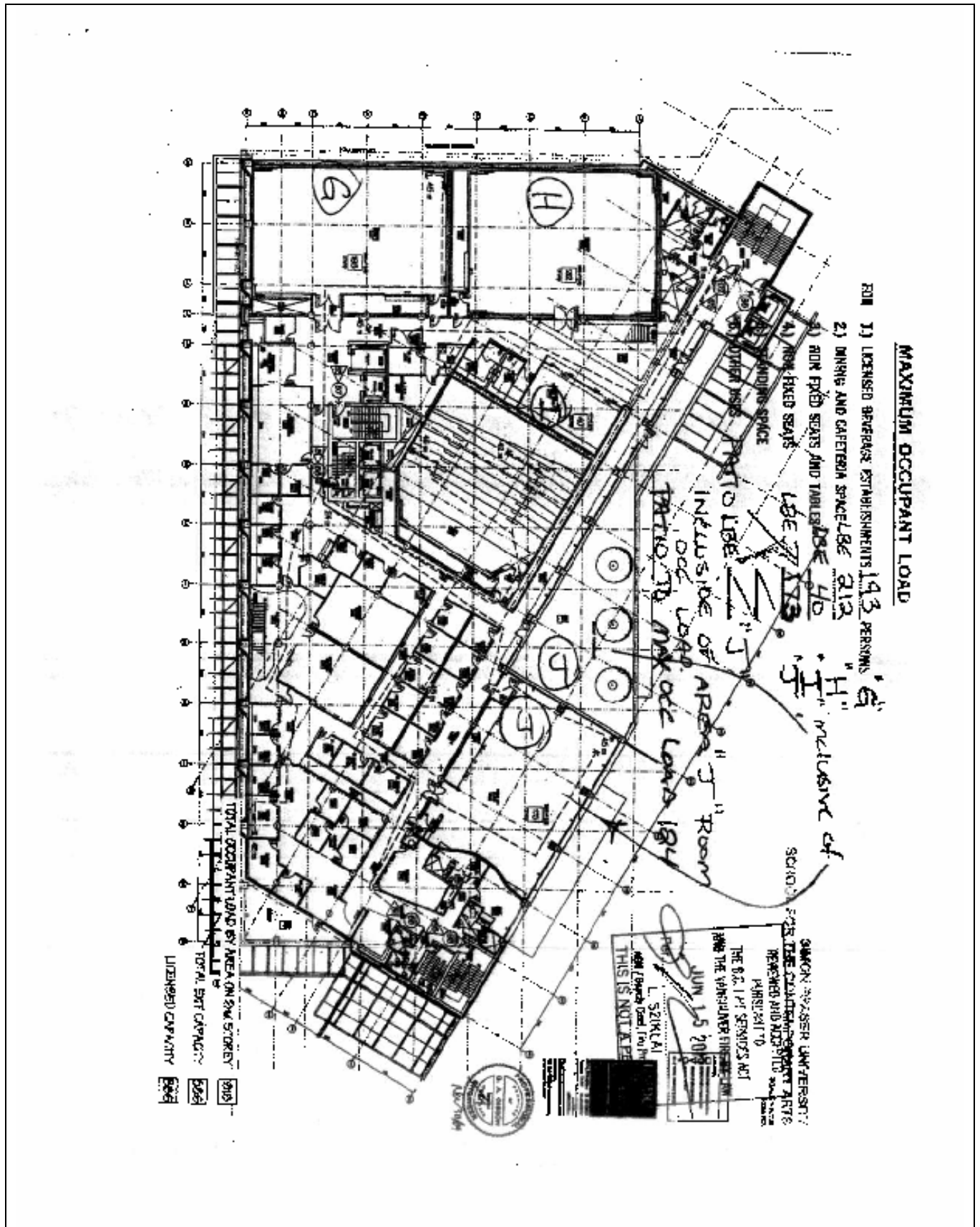
475

REVISED AND REGISTERED
SUBJECT TO
THE B.C. FIRE SERVICES ACT
AND THE YUKON FIRE ACT

1100
L. S. P. L. N.
AND/OR THE B.C. FIRE SERVICES
ACT AND THE YUKON FIRE ACT

SIMON FRASER UNIVERSITY
SCHOOL FOR THE CONTEMPORARY ARTS





MAXIMUM OCCUPANT LOAD

ROOM 1) LICENSED BEVERAGE ESTABLISHMENTS 193 PERSONS

2) DINING AND CAFETERIA SPACE 213

NON FIXED SEATS AND TABLES 40

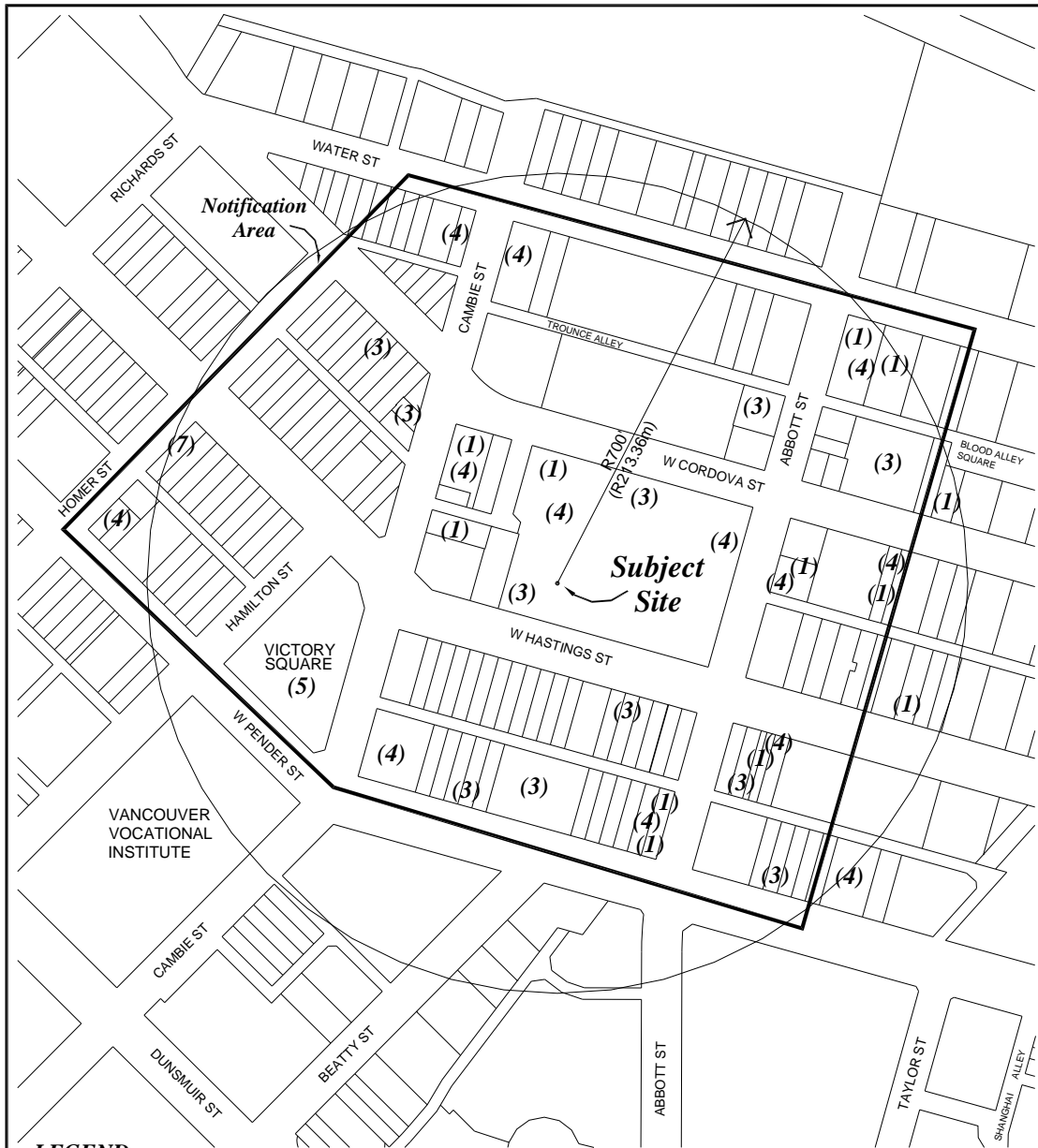
NON FIXED SEATS 136

COMMON AREA PATIO USE 28

INCLUDES OF AREA OF ROOM 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

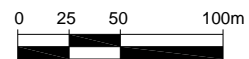
TOTAL OCCUPANT LOAD BY AREA ON 2ND STOREY
TOTAL SEAT CAPACITY
LICENSED CAPACITY

SIMON ASSASSER UNIVERSITY
THE FACULTY OF ENGINEERING AND ARCHITECTURE
ARCHITECT TO
THE B.C. 1 PT SERVICES ACT
JUN 15 2019
L. SZKICHA
4841 (English) (en)
THIS IS NOT A PE



LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {Cambie}, {Pub 340}, {Lotus Hotel}, {The Lamplighter}, {Fabric}, {Club 23 West}, {The Met Pub}, {The Hildon Hotel}, {Funky Winkerbean}, {Grand Union Hotel}, {The Charles}
- (2) Government or Private Liquor Stores - {n/a}
- (3) Social Housing/Facilities
- (4) Residential buildings/Hotels
- (5) Parks - {Victory Square Park}
- (6) Churches - {n/a}
- (7) Schools - {Vancouver Film School}
- (8) Social/Private Clubs - {n/a}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 1) 149 West Hastings Street	map: 1 of 1
City of Vancouver - Licenses & Inspections	date: 2011-08-23



Vice President, Legal Affairs

Office of Special Projects

location
Strand Hall 3199

mailing address
8888 University Drive
Burnaby, BC Canada
V5A 1S6

August 9, 2011

Ms. Cathy Joe
Policy Analyst
Licenses and Inspections
City of Vancouver
453 West 12th Street
Vancouver, BC V5Y 1V4

Dear Ms. Joe,

Re: Liquor Primary application, SFU Woodward's (149 West Hastings Street)

Thank you for this opportunity to expand on SFU's application for a Liquor Primary at the Woodward's Building/Goldcorp Centre for the Arts. SFU Woodward's held a "soft opening" in January 2010 when it hosted Robert Lepage's Blue Dragon as part of Vancouver's Cultural Olympiad. The official opening followed in September 2010.

Events at which liquor is to be served are now held using Special Occasion Licenses (SOLs) obtained individually by the sponsors of each event; SFU does not apply for Special Occasion Licenses at its Vancouver campus. Present demand is approximately two to three SOL events monthly. It is anticipated that the acquisition of the Liquor Primary that is the subject of this application will allow SFU to host more events at which liquor is served, particularly as use of the Fei & Milton Wong Experimental Theatre increases. We expect that no more than two liquor-related events would be held at one time as the space does not support greater use.

Among the "benefits to the community" created through SFU's presence in the Woodward's complex are the hiring of local residents as ushers and gallery sitters; SFU works with Building Opportunities for Business to identify potential candidates for these positions. In addition, SFU Woodward's has a mandate to ensure its programs are accessible to all. Tickets to all events and programs are distributed to inner city residents.

Supported by funding from Vancity, SFU employs the Vancity Community Engagement Coordinator to create opportunities for community outreach. Some examples of pilot projects and partnerships for 2011/12 include:

- A follow-up to the Introduction to Cultural Democracy course (April/May 2011);
- A partnership with *Megaphone Magazine* (the street publication for the homeless) for a four-week introduction to Citizen Journalism (May/June 2011);
- The Public Discussion Series, in partnership with Pivot Legal Society, the BC Civil Liberties Association and others;
- Fine Arts 101, in partnership with the Interurban Gallery (July 2011);
- Developing projects and programming in partnership with community arts organizations;
- Work with Cultural Programs on such activities as Alliance for Arts and Culture's Arts Summit (June 2011), Indian Summer (July 2011), Bah Humbug, Vancouver Community Arts Council's community arts dialogues and other programs; and
- A partnership with Vancity on public discussions on arts and entrepreneurship.



Vice President, Legal Affairs

The SFU Woodward's Cultural Program enters into partnerships with a variety of local arts groups and organizations. This can and does involve venue waivers and partial venue waivers.

Groups with which SFU Woodward's has partnered include the Gong Gamelan Festival, Hard Rubber Orchestra, Projecting Change Film Festival, Indian Summer Festival, Vancouver Latin American Film Festival, PuSh Festival, Turning Point Ensemble and Dance House. Other examples of low- or no-cost events include those for Atira Housing, Merged Media Conference and a conference for refugee lawyers.

I hope this information is useful in suggesting the scope of SFU's community engagement activities at its Goldcorp Centre for the Arts building and how these provide significant benefits to the surrounding community.

Please don't hesitate to contact me if further information is needed.

Kind Regards,

K C Bell, Director, Special Projects &
SFU signing officer for liquor licenses