



ADMINISTRATIVE REPORT

Report Date: September 21, 2015
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VanRIMS No.: 08-2000-20
Meeting Date: October 21, 2015

TO: Standing Committee on City Finance and Services

FROM: Deputy Chief Licence Inspector

SUBJECT: 162 West 1st Avenue - The Arts Club of Vancouver Theatre Society
Liquor Primary Licence Application - Liquor Establishment Class 4 -
The Arts Club Theatre - Live Performance 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 The Arts Club of Vancouver Theatre Society (The Arts Club Theatre) for a 485 person Liquor Primary licence (Liquor Establishment Class 4 - Live Performance Venue) at 162 West 1st Avenue subject to:

- i. A maximum combined capacity of 485 person (266 seat theatre/62 person lobby/102 person atrium/55 person balcony);
- ii. Hours of operation limited to 12 pm to 12 am, Sunday to Thursday and 12 pm to 1 am, Friday and Saturday;
- iii. Liquor service is event driven and only permitted in conjunction with pre-booked ticketed 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.

REPORT SUMMARY

The Arts Club of Vancouver Theatre Society (The Arts Club Theatre) is requesting a Council resolution endorsing their application for a 485 person (Liquor Establishment Class 4 - Live Performance Venue) Liquor Primary licence located at 162 West 1st Avenue.

The Arts Club Theatre is a live performing arts space which will be located in a new multi-use building, with mixed commercial and residential. The space will be used for presentations of live music, dance and theatre productions. As part of the theatre operations, they are planning to operate a bar/concession service within the lobby and event space.

Requested hours of operation are 12 pm to 12 am, Sunday to Thursday and 12 pm to 1 am, Friday and Saturday which meets our standard hours of liquor service policy for this Non-Downtown Primarily Residential area. The Liquor Control and Licensing Branch restricts hours of liquor service in theatres to one hour prior to, during and one hour after a film, broadcast or live event. This condition will further restrict the "standard hours of liquor service" permitted for this area as events may end earlier than the City's standard hours allow.

The application meets current Council policy regarding size, distance from other establishments and hours of operation and the requirement for a time-limited Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area. The application also meets Councils policy regarding Live Performance Venues.

The Liquor Control and Licensing Branch will permit minors in this venue as it is a performing arts theatre. Liquor service will be restricted to certain areas when minors are present.

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 license 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 has been to provide comments on these applications.

Hours of service - policy for this Non-Downtown Primarily Residential area -

There are two possible types of liquor primary licence for this type of venue:

Standard hours of liquor service:

- 11 am to 12 am, Sunday to Thursday
- 11 am to 1 am, Friday and Saturday

Extended hours of liquor service:

- 9 am to 1 am, Sunday to Thursday
- 9 am to 2 am, Friday and Saturday

Size and location of new establishments (Council July 14, 2005) - Council Policy states that no Class 4 venue shall be located within 500 meters of another Class 4 venue.

Live Performance Venues (Council 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".

Live Performance Venues (Council September 29, 2015) - Council adopted the Arts and Culture Indoor Event Licence as a permanent program based on the positive outcomes of the two-year pilot.

Approval process/requirements - Council policy requires new Liquor Primary liquor licences to be subject to a Time-Limited Development Permit, Good Neighbour Agreement, 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 applicant (The Arts Club of Vancouver Theatre Society) is requesting a Council resolution endorsing their application for a 485 person Liquor Primary liquor licence (Liquor Establishment Class 4 - Live Performance Venue) with standard hours of operation between 12 pm to 12 am, Sunday to Thursday and 12 pm to 1 am, Friday and Saturday. This will be an event driven liquor licence which is restricted to live performance, film or broadcast. Liquor service will be an amenity to patrons attending an event.

The Arts Club Theatre is a live performing arts space operated by The Arts Club of Vancouver Theatre Society. The theatre will be used for presentations of live music, dance and theatre productions. As part of the theatre operations, the applicant is planning to operate a bar/concession service within the lobby/atrium area on the main floor and also the upper floor balcony (refer Appendix B). The Arts Club Theatre is seen as a valuable cultural resource both for its historic significance to the cultural community and its anticipated future role in the City's cultural landscape. They have over 700 subscribers and nearly 11,000 single ticket buyers. The Arts Club Revue Theatre located on Granville Island will be closing and relocating to this new multi-use building

Minors are not generally permitted in a liquor primary establishment. However, the Liquor Control and Licensing Regulation permits minors in concert halls, convention centres, stadiums, trains, aircraft and motor vessels when allowed by the General Manager of Liquor Control and Licensing Branch. As the proposed establishment is a performing arts theatre, the Liquor Control and Licensing Branch will consider allowing minors in this establishment. Liquor service will be restricted to certain areas when minors are present.

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 September 29, 2015, Council adopted the Arts and Culture Indoor Event Licence as a permanent program based on the positive outcomes of the two-year pilot.

Results of the Neighbourhood Notification

A neighbourhood notification advising of the application for a 485 person Liquor Primary liquor establishment was conducted by circulating approximately 1760 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 with concerns or support for the application. A total of 31 responses were received in response to the application. Four in support of the application and 27 were opposed to the application. Twenty of the responses opposing the application are from a residential strata in close proximity to the theatre.

Respondents opposing the application expressed concerns with the requested hours of liquor service. After discussing the concerns with the applicant, the applicant has requested that the hours of liquor service be amended to meet the standard hours permitted for this area (12 pm to 12 am, Sunday to Thursday and 12 pm to 1 am, Friday and Saturday). The Liquor Control and Licensing Branch restricts hours of liquor service in theatres to one hour prior to, during and one hour after a film, broadcast or live event. This condition will further restrict the "standard hours of liquor service" permitted for this area as events may end earlier than the City's standard hours allow.

Location of Establishment

The subject site is zoned CD-1 (Bylaw #462) and this portion of the development is approved as a theatre (cultural amenity space). For the purposes of liquor policy, it is considered to be located in the Non-Downtown Primarily Residential area. The surrounding area is made up of a mixture of residential (market and non-market housing), restaurant, park, community centre and other commercial uses (refer to Appendix A).

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

There are no social or recreational facilities in the immediate area that would create a potential conflict with the proposal for liquor primary seats.

There are no Liquor Establishment Class 4's located within 500 meters of the subject site therefore, this application meets Council Policy for distancing requirements.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 485 persons (266 seat theatre, 62 person lobby, 102 person atrium, 55 person balcony) on March 12, 2015.

The hours of operation requested for the Liquor Primary liquor licence are 12 pm to 12 am, Sunday to Thursday and 12 pm to 1 am, Friday and Saturday which are within the parameters of the Standard Hours permitted in the Non-Downtown Primarily Residential Area. The Liquor Control and Licensing Branch restricts liquor service in theatres to one hour before, during and one hour after a film, broadcast or live event.

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 this should mitigate negative impacts due to noise.

Impact on the Community

There are few negative issues/complaints with liquor licenses in venues of this type (Queen Elizabeth Theatre, Stanley Industrial Alliance Theatre, The Orpheum, The York Theatre and The Cultch).

Staff are generally in support of liquor licenses in theatre type venues. The Vogue Theatre, The Rio, Queen Elizabeth Theatre, Orpheum Annex and The Cultch's liquor licences allow liquor service, with conditions, in the seating area as well as in the lobby area in conjunction with performances.

The applicant currently operates The Stanley (2750 Granville St), Granville Island Stage (1585 Johnston St) and the Arts Club Revue Theatre (1601 Johnston St), which closed in September this year. All three theatres hold a liquor primary licence. The applicant's track record shows that they are strong advocates for "live performance". A time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

The Police Department has reviewed the application and have no concerns with this application. The Cultural Services Department also supports this application stating that liquor sales are an important aspect of earned revenues for non-profit cultural organizations.

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.

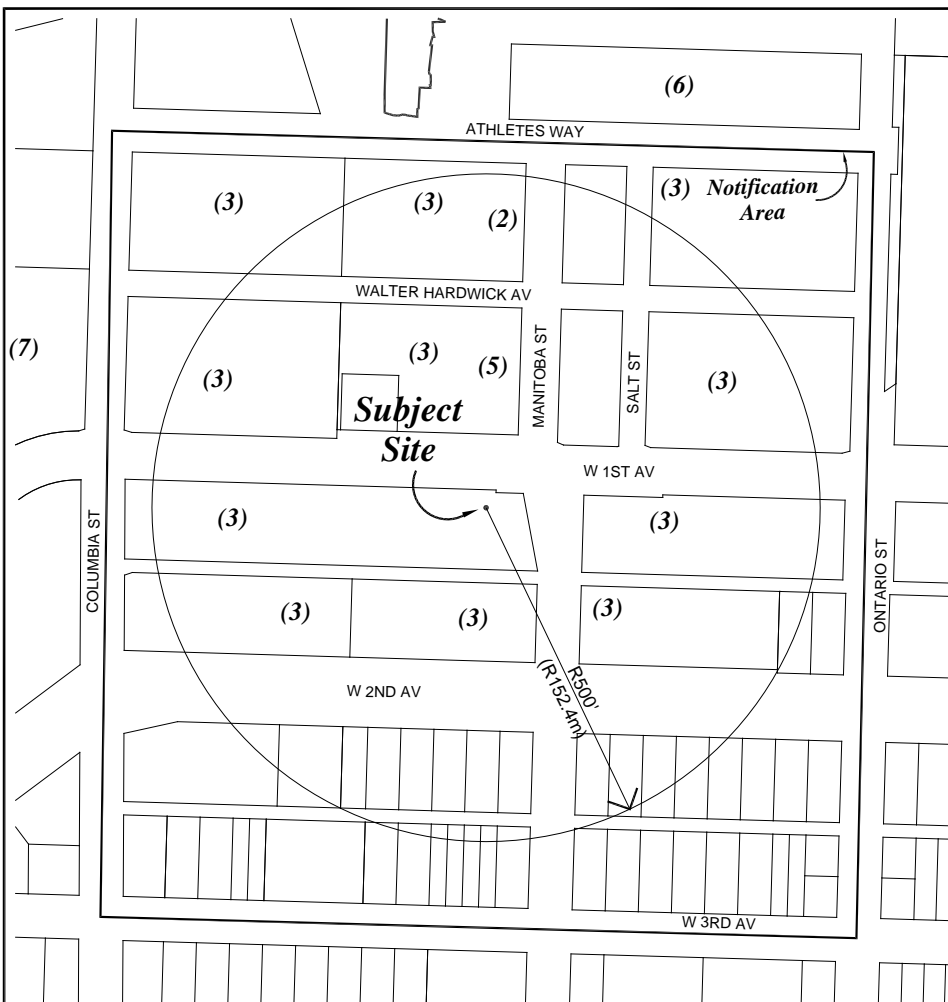
Implications/Related Issues/Risk (if applicable)

Financial

There are no financial implications.

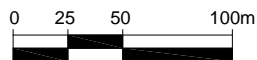
CONCLUSION

Staff recommend Council endorse the applicant's request for a Liquor Primary liquor licence for their live performance venue, 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 receive few issues/complaints from community residents. The liquor licence will provide revenue to support the theatre function and arts program. The application meets current Council policy regarding live performance venues. The Arts Club of Vancouver's commitment to supporting arts and cultural programs is of benefit to our city. The Arts Club Theatre is an important cultural venue in the city and we welcome and encourage its preservation and ongoing cultural use.



LEGEND

- 1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges {N/A}
- 2) Government or Private Liquor Stores {The Legacy Liquor Store}
- 3) Non-market/Market Housing
- 4) School {N/A}
- 5) Medical Clinic
- 6) Other Social facilities {Creekside Community Centre}
- 7) Parks
- 8) Churches {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 4) - Live Performance Venue
162 West 1st Avenue – Arts Club Theatre Revue

map: 1 of 1



