



ADMINISTRATIVE REPORT

Report Date: February 11, 2016
Contact: Sarah Hicks
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VanRIMS No.: 08-2000-20
Meeting Date: May 4, 2016

TO: Standing Committee on Policy and Strategic Priorities

FROM: Deputy Chief Licence Inspector

SUBJECT: 1161 West Georgia Street - 1052072 BC Ltd
New Liquor Primary Licence Applications
Liquor Establishment Class 2 - Lobby Lounge (Main Floor)
Liquor Establishment Class 3 - Bar/Nightclub (3rd Floor)

RECOMMENDATION

- A. THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, site signs, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by 1052072 BC Ltd for a new 150 person Liquor Primary liquor licence (Liquor Establishment Class 2 - Lobby Lounge) in this newly constructed hotel at 1161 West Georgia Street subject to:
- i. Limiting Standard hours of operation for the first year to 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday; after which time the requested hours of operation of 9 am to 2 am, seven days a week may be considered;
 - ii. A maximum total capacity of 150 persons;
 - iii. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
 - iv. Signing a Good Neighbour Agreement with the City prior to business licence issuance;
 - v. A Time-limited Development Permit; and
 - vi. Food service to be provided while minors are present up to 10 pm.
- B. THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notifications, site signs, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by 1052072 BC Ltd for a new 280 person Liquor

Primary liquor licence (Liquor Establishment Class 3 - Bar/Nightclub) with outdoor patio seating (103 seats) in this newly constructed hotel at 1161 West Georgia Street subject to:

- i. Limiting Standard hours of operation for the first year to 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday; after which time the requested hours of operation of 9 am to 2 am, seven days a week may be considered;
- ii. The outdoor patio ceasing all liquor service and vacated by 11 pm nightly;
- iii. A maximum total capacity of 280 persons inside and 103 persons on the patio;
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- v. No music or entertainment permitted on the patio;
- vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance;
- vii. A Time-limited Development Permit; and
- viii. Food service to be provided while minors are present as well as on the patio when open.

REPORT SUMMARY

1052072 BC Ltd is requesting a Council resolution endorsing the application to operate two Liquor Primary licensed areas in this newly constructed hotel which will consist of a Lobby Lounge located on the main floor (150 persons) and a Bar/Nightclub located on the 3rd floor (280 persons with a 103 persons patio) located at 1161 West Georgia Street (Refer to Appendix B).

The application meets current Council policy regarding size, distance from other establishments and hours of operation. However, the application is not consistent with Council's policy for outdoor patios with respect to the permitted seating capacity. Staff is recommending approval of this application noting that the patio will be seasonal, located on the 3rd floor and risks such as loud music, patron noise and neighbourhood disturbances associated with Liquor Primary licences within hotels are generally low. 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 applicant is also applying for a Family Food Service endorsement to both Liquor Primary Licenses which will allow minors, accompanied by a parent or guardian, to enter in all licensed areas until 10 pm when food service is available for families.

Public consultation consisted of a mail out of 3687 notices, a total of 66 responses were received from area residents (two in support and 64 in opposition). Of the 64 responses received opposing the application, 41 were from a strata building located in close proximity to the hotel. Respondents opposing the application were only concerned with the Liquor Establishment Class 3 (Bar/Nightclub) located on the 3rd floor.

Liquor establishments of this size and structure such as hotel lobby lounges and bars located within hotels, generally do not generate complaints or negative issues with the surrounding residents and business operators, as the licensed area will be contained in the hotel building with no direct access from the street or lane. As a result, staff is in support of this application.

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 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 July 14, 2005) - Council Policy states that no Class 2 or Class 3 Liquor Primary establishment shall be located within 100 meters of another Class 2 or Class 3 establishment. This policy only pertains to liquor primary establishments and not food primary establishments (restaurants).

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.

Sidewalk patios adjacent to liquor establishments - On April 17, 2007, Council approved policy and guidelines that allow Liquor Primary liquor establishments to have sidewalk patios on private and public property subject to:

- food service being available to the patio
- a food preparation area large enough to safely handle the capacity increase
- closing time of no later than 11 pm
- outdoor seating limited to 20% of total seating capacity
- 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 (1052072 BC Ltd) is requesting a Council resolution endorsing the application to operate two Liquor Primary licensed areas in this newly constructed hotel which will consist of a Lobby Lounge (Liquor Establishment Class 2) located on the main floor (150 persons) and a Bar/Nightclub (Liquor Establishment Class 3) located on the 3rd floor (280 persons with a 103 persons patio). The proposed hours of operation for the two areas are 9 am to 2 am, seven days a week and the patio will be vacated by 11 pm daily (Refer to Appendix B).

The proposed licensed areas will be enclosed within the hotel and the lobby lounge will be accessible directly off the upper hotel lobby. The Bar/Nightclub located on the third floor will be accessible by the stairs and elevators off the hotel lobby areas. The lobby lounge is designed to provide an upscale, interesting and inviting atmosphere, an area for hotel guests to unwind and socialize. The bar/nightclub will also include a mezzanine, indoor pool deck and outdoor patio area. Prior to 5 pm, the indoor pool will be used for swimming and family use. At 5 pm, this area will convert to a bar/nightclub. The swimming pool floor can rise up and become a multi-use floor for dancing, fashion shows, product launches and other special events. During the day, the floor can drop down to be used as a swimming pool. Liquor service will only be permitted when the swimming pool is covered and used as a dance floor.

The lobby lounge will operate similar to other hotel lobby lounges in Vancouver such as those at the Four Seasons Hotel, Fairmont Waterfront Hotel, Pan Pacific Hotel, Rosewood Hotel Georgia and Fairmont Hotel Vancouver. The entertainment provided will be background music and occasional live music. This hotel lobby lounge will provide upscale food and beverage service.

The applicant is also applying for a Family Food Service endorsement to both Liquor Primary Licenses which will allow minors, accompanied by a parent or guardian, to enter in all licensed areas until 10 pm when food service is available for families.

Strategic Analysis

Staff support the proposed application based on the following analysis.

Results of the Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary applications was conducted by circulating approximately 3687 notices in the survey area (refer to Appendix A). Two site signs were 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 66 responses were received in response to the application; 64 opposed and two supported.

The results of the notification are summarized as follows:

| | Within 1000' radius of subject site | Outside 1000' radius of subject site | No contact information | Total |
|---------|-------------------------------------|--------------------------------------|------------------------|-------|
| Support | 2 | | - | 2 |
| Opposed | 55 | 5 | 4 | 64 |

Of the 64 responses received opposing the application, 41 were from a strata building located in close proximity to the hotel. The majority of the opposition was towards the Liquor Establishment Class 3 (Bar/Nightclub).

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

- noise/loud music;
- close proximity to residential;
- smoking and littering in front of and around the establishment;
- drunk behaviour and disturbances with patrons congregating in the lane and on Georgia Street when leaving the establishment; and
- increased traffic for the area.

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

As a result of the feedback received from the notification, the applicant met with Strata Council representatives from a few neighbouring buildings and members of the Coal Harbour Neighbourhood Association. Concerns surrounding the application were raised and discussed including the hours of operation, exiting/access to the building, noise, and garbage/cleanliness in the alley. There were no concerns with the Liquor Establishment Class 2 (Lobby Lounge).

The applicant clarified that the Liquor Establishment Class 3 (bar/nightclub) is fully enclosed and will be located on the third floor. It was also clarified that the patio located on the third floor, would close down at 11 pm and would be located on the Georgia Street side of the building and not at the back of the building. The applicant will also be contacting the Engineering Department to request a designated "Taxi Zone" in front of the hotel on West Georgia Street. This should mitigate some of the noise concerns raised by the residents.

The applicant is committed to continue to work with area residents to help mitigate their concerns. Our experience with similar establishments like hotel lounges and bars, allows us to support the two applications because these establishments are managed by hotel staff and are not operated by a third party operator.

Location of Establishment

The subject site is zoned CD-1 (Bylaw #0446) and the space is approved as a hotel. For the purposes of liquor policy, it is considered to be located in the Downtown Primarily Mixed-Use area and also the Central Business District. The surrounding area is a mixture of commercial, retail, office, hotel, school, church, residential and restaurant uses.

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.

Within a 1000' (305 m) radius of the subject site, there are three Liquor Establishment Class 1, one Liquor Establishment Class 2, one Liquor Establishment Class 3 and one Liquor Establishment Class 7 (Private Club). There are no Liquor Establishment Class 2 or Class 3 located within 100 meters of the subject site therefore, this application meets Council Policy for distancing requirements (refer to Appendix C).

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load as follows (refer to Appendix B):

Lobby Lounge - Main Floor = 150 persons
Bar/Nightclub - 3rd Floor = 280 persons with a 103 person patio

The hours of operation requested for the Liquor Primary licenses are 9 am to 2 am, seven days a week which are within the parameters of the Extended Hours permitted in the Downtown Primarily Mixed-Use area. For the first year of operation, the applicant will be required to operate under the Standard Hours permitted in the Downtown Primarily Mixed-Use area which are 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday. The proposed patio must cease all liquor service and vacate by 11 pm nightly.

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. The applicant will also be required to contain any line-ups inside the hotel in order to alleviate any noise disturbances for the surrounding residents.

Impact on the Community

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. The applicant has already taken responsibility and is addressing community concerns. Staff support this type of Liquor Primary hotel lounge which opens directly into the hotel lobby without a primary exit to the street. The bar will be located on the third floor and is also accessed within the hotel. The application complies with Council's liquor policy for venue size and location, and hours of liquor service.

The Police Department has reviewed the application and have no concerns with this application. The applicant will be required to sign a Restaurant Watch/Bar Watch agreement similar to other Food Primary and Liquor Primary establishments.

Implications/Related Issues/Risk (if applicable)

Financial

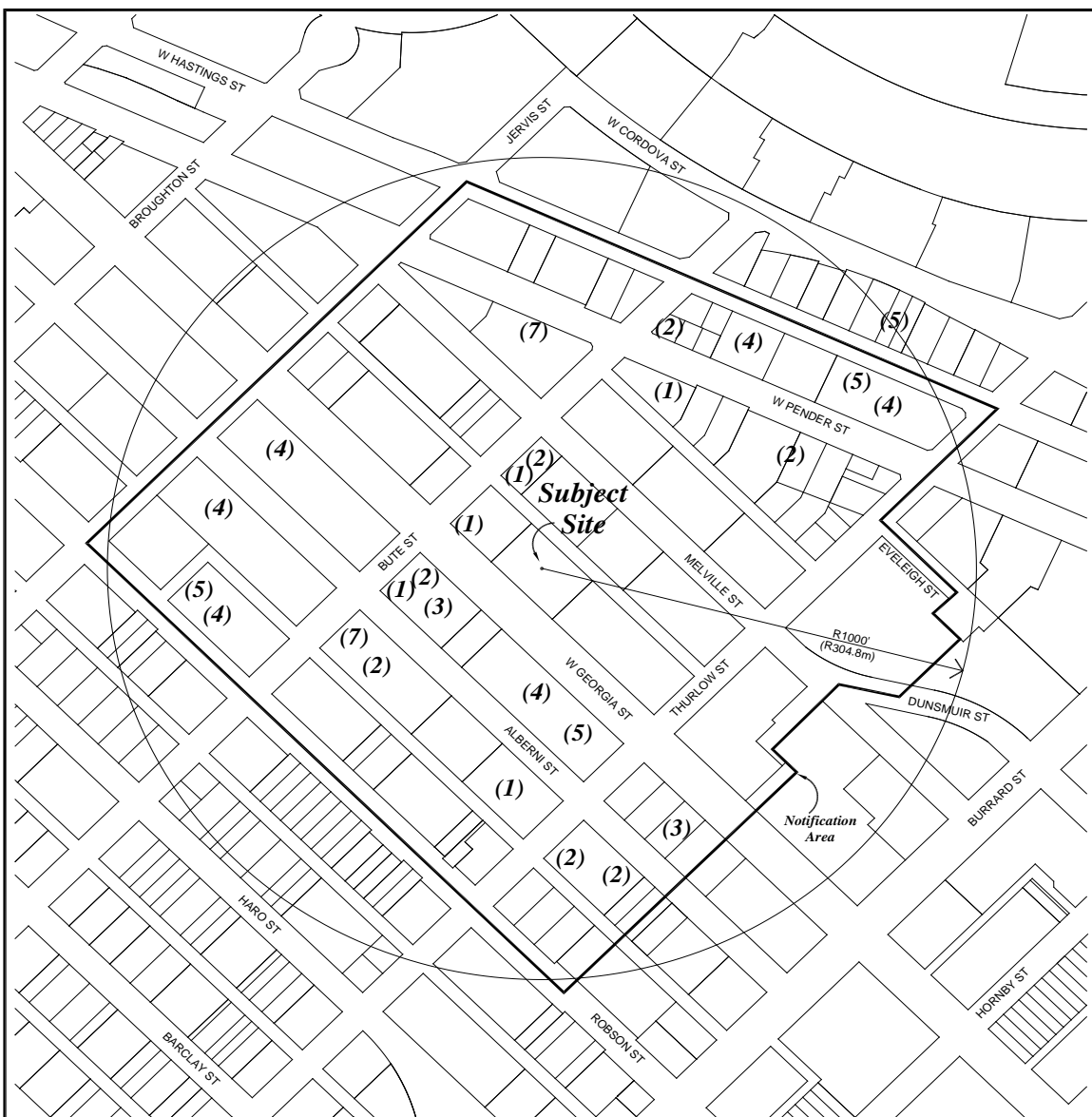
There are no financial implications.

CONCLUSION

Staff recommend Council endorse the applicant's request to operate two Liquor Primary licensed areas in this newly constructed hotel, subject to the conditions noted in this report.

This application meets current Council policy regarding size and distance from other Class 2 and Class 3 Liquor Primary establishments and will be required to operate under Standard Hours for a minimum of one year. The requirement for a Time-Limited Development Permit and Good Neighbour Agreement as well as submission of an acoustic report will provide the necessary controls to ensure the premise operates in a manner that will mitigate any impacts to the neighbourhood. The City experiences very few issues related to Liquor Primary lounges/bars within hotels.

* * * * *



LEGEND

- 1) Residential / condos
- 2) Schools
- 3) Churches
- 4) Hotels
- 5) Liquor Establishments - Class 1/Class 2
- 6) Parks (n/a)
- 7) Government or Private Liquor Stores
- 8) Social Housing (n/a)
- 9) Medical Clinics (n/a)
- 10) Social/Private Clubs (n/a)
- 11) Other Social Facilities (n/a)



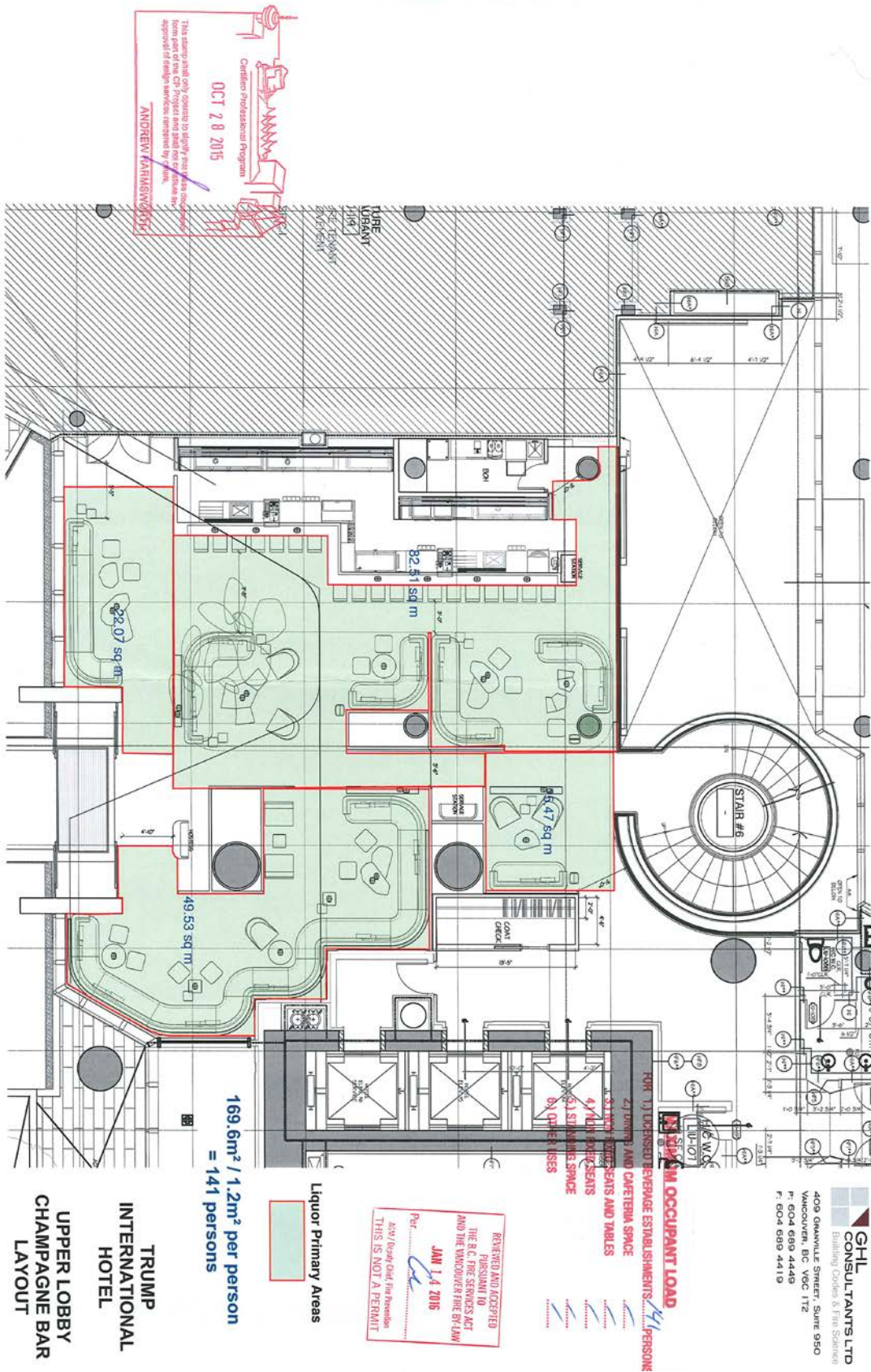
LIQUOR PRIMARY ESTABLISHMENT
1161 West Georgia Street

map: 1 of 1



City of Vancouver - Licenses & Inspections

date: 2016-02-22



City of Vancouver Liquor Primary Licence Classification

| Liquor Establishment | Downtown | Non-Downtown |
|--|--|--|
| Class 1 - seating capacity up to 65 | Not within 50m of another Class 1 | Not within 500m of another Establishment of the same Class |
| Class 2 - seating capacity up to 150 | Not within 100m of another Establishment of the same Class | |
| Class 3 - seating capacity up to 300 | | |
| Class 4 - seating capacity up to 500 | | |
| Class 5 - seating capacity up to 950 | Not within 500m of another Class 5 | Not within 750m of another Class 5 |
| Class 6 - seating capacity exceeds 950 | Not within 750m of another Class 6 | Not within 1km of another Class 6 |