



ADMINISTRATIVE REPORT

Report Date: July 5, 2016
Contact: Sarah Hicks
Contact No.: 604.873.7546
RTS No.: 11573
VanRIMS No.: 08-2000-20
Meeting Date: July 26, 2016

TO: Vancouver City Council
FROM: Chief Licence Inspector
SUBJECT: 1161 West Georgia Street - 1052072 BC Ltd
New Liquor Primary Licence Application
Liquor Establishment Class 2 - Lounge (3rd Floor)

RECOMMENDATION

THAT Council, having considered the opinion of neighbouring residents and business operators and relevant Council policy as outlined in this Administrative Report, endorse the request by 1052072 BC Ltd for a new 128 person Liquor Primary licence (Liquor Establishment Class 2 - lounge) with a 96 person patio 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
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 128 persons inside and 96 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 a new Liquor Primary licensed lounge in this newly constructed hotel which will be located on the 3rd floor (128 persons with a 96 persons patio) located at 1161 West Georgia Street (Refer to Appendix A).

On May 18, 2016, an application was presented to Council requesting an approval for two new Liquor Primary licences; one 150 person lobby lounge on the main floor and one 280 person with 103 person patio bar/nightclub on the 3rd floor. Council approved the lobby lounge but did not approve the licence for the 3rd floor bar/nightclub. As a result, the applicant revised the 3rd floor application and reduced the interior capacity from 280 persons to 128 persons as well as the patio from 103 to 96 persons.

Staff is recommending approval of this application as Liquor establishments of this size and structure 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 on the 3rd floor with no direct access from the street or lane. There will also be a Food Primary licence (restaurant) in conjunction with the Liquor Primary licence and the applicant will have Family Food Service endorsement for all Liquor Primary areas 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.

In addition, the City's requirement for a time-limited Development Permit and Good Neighbour Agreement will 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 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 Liquor Primary establishment shall be located within 100 meters of another Class 2 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 City Manager and 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 a new 128 person with a 96 person patio Liquor Primary licence (Liquor Establishment Class 2) in this newly constructed hotel located on the 3rd floor at 1161 West Georgia Street. This application has been revised from its original request of 280 person with a 103 person patio Liquor Primary licence (Liquor Establishment Class 3). The applicant has reduced the capacity of the liquor establishment by 150 people in order to address some of the community concerns in regards to managing large volumes of people at closing.

The proposed licensed area will be enclosed within the hotel located on the third floor, accessible only by the stairs and elevators off the hotel lobby area. The lounge will include an 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 can convert to a lounge. The swimming pool floor will 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 not be permitted in the swimming pool.

The applicant is also applying for a Food Primary licence on the 3rd floor and Family Food Service endorsement for all Liquor Primary areas 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. Based on other similar liquor establishments, staff have assessed that risks such as loud music, patron noise and neighbourhood disturbances associated with Liquor Primary licences within hotels are generally low. As a result, staff is in support of this application.

Strategic Analysis

Staff support the proposed application based on the following analysis.

Results of the Neighbourhood Notification

The revised application has been presented to several strata council representatives from neighbouring buildings, including the two stratas at the Shangi-La, as well as the Coal Harbour Community Association. The community has indicated support for the revised proposal provided that the patrons exit onto West Georgia Street, parking traffic exit via Thurlow Street and the taxi valet service be located on West Georgia Street. Over 300 letters of support were received by the applicant for the revised proposal. The applicant is committed to continue to work with area residents to help mitigate their concerns on an ongoing basis.

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 (refer to Appendix A), 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).

Staff note that approval of this new Liquor Primary licence will establish two Liquor Establishment Class 2 licences within the hotel (main floor and 3rd floor) which conflicts with current Council policy regarding size and distance from same class establishments (refer to Appendix C). As well, the proposed patio is not consistent with Council's policy for outdoor patios which would limit it to 20% of total seating capacity. Council Policy does allow for relaxations for establishments located within a hotel under the same management, with internal access, security and additional impact reduction measures in place.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load (refer to Appendix B) on the 3rd Floor for 128 persons with a 96 person patio.

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. Following the first year, the applicant can request operating hours for the Liquor Primary licenses to be 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. 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 licence as the lounge will be located on the third floor and is accessed from within the hotel.

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 Liquor Primary establishments.

Implications/Related Issues/Risk

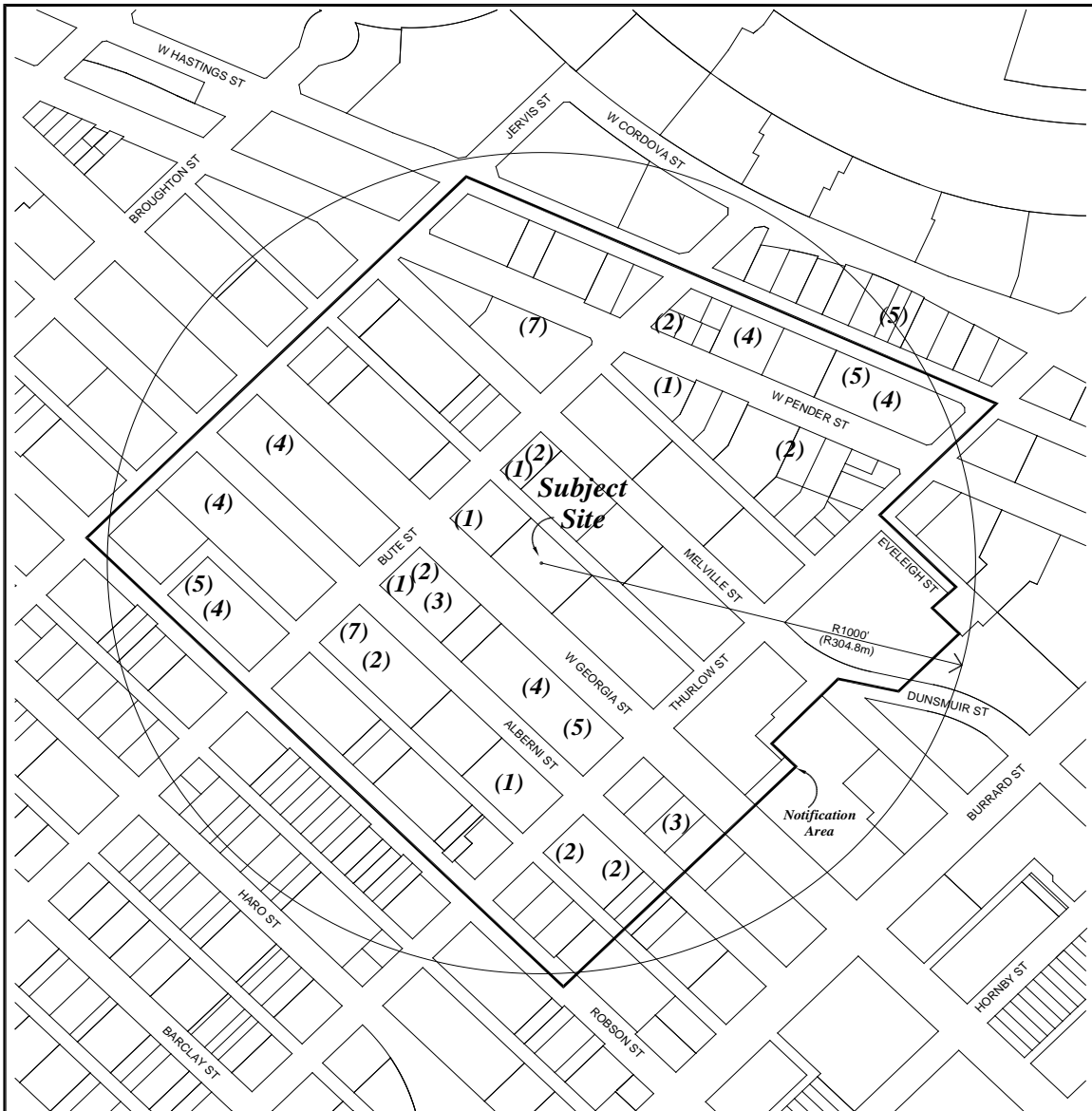
Financial

There are no financial implications.

CONCLUSION

Staff recommend Council endorse the applicant's request to operate a new Liquor Primary license on the 3rd floor in this newly constructed hotel, subject to the conditions noted in this report. This application will be required to operate under Standard Hours for a minimum of one year and the patio will be required to close at 11 pm. 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 with Liquor Primary lounges within hotels have been positive as the management is responsive to readily address any negative impacts on the neighbouring community

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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)



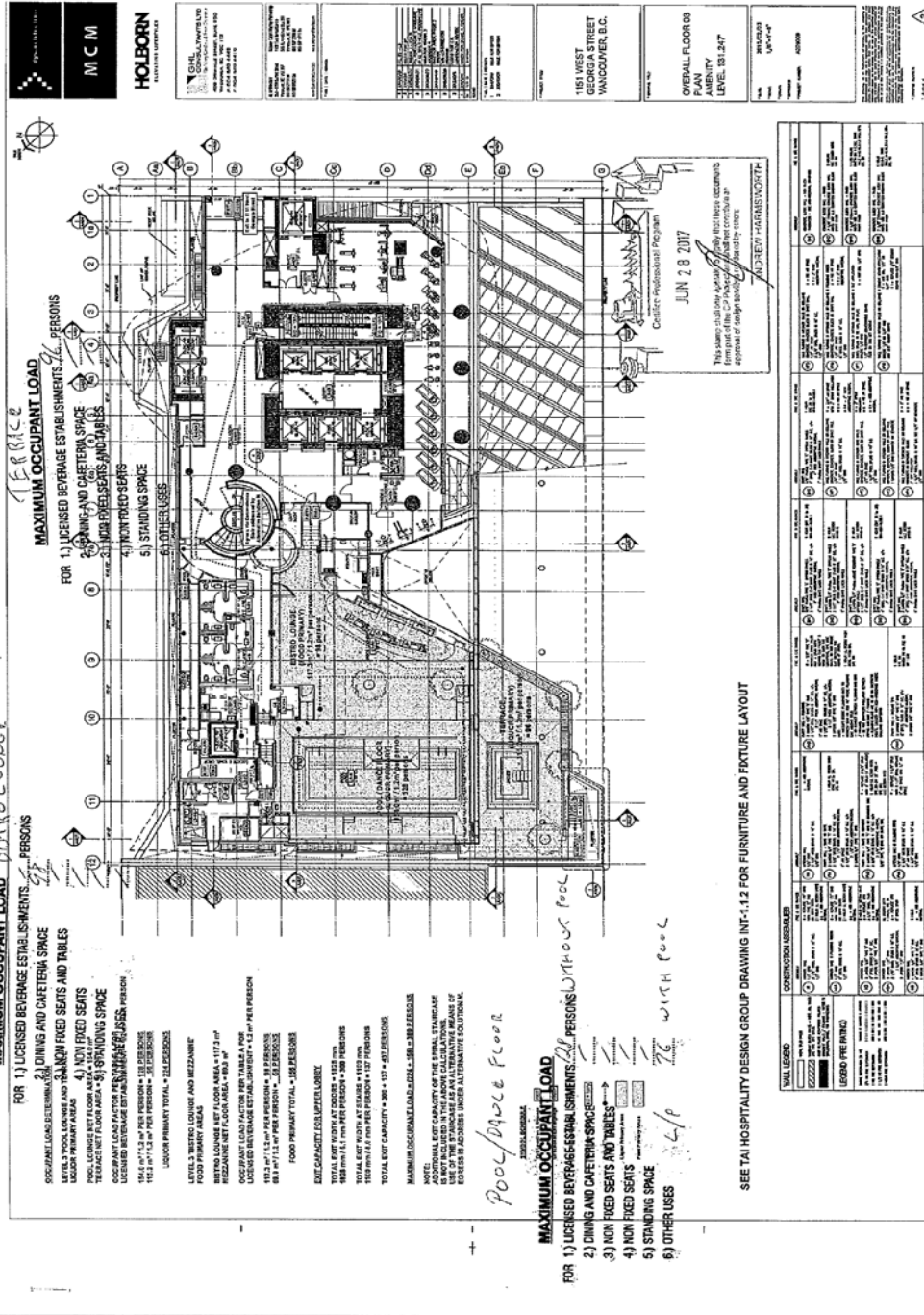
LIQUOR PRIMARY ESTABLISHMENT
1161 West Georgia Street

map: 1 of 1

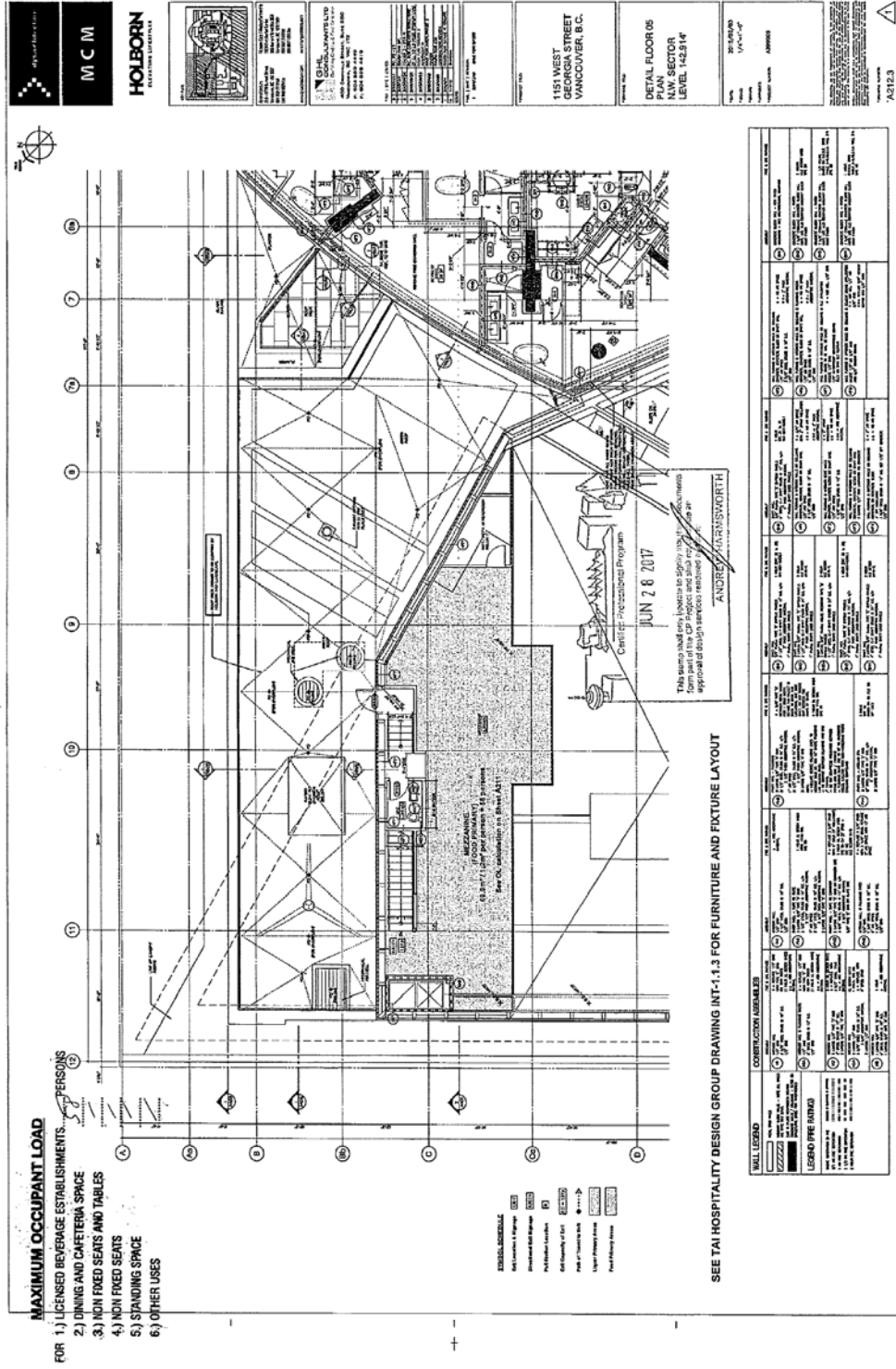


City of Vancouver - Licenses & Inspections

date: 2016-02-22



NO.	DESCRIPTION	AREA (SQ. FT.)	SEATING CAPACITY	CONVENTIONAL USABLE
1	BAR	150	15	150
2	DINING AND CAETERNA SPACE	1000	100	1000
3	NON-FIXED SEATS	200	20	200
4	NON-FIXED SEATS AND TABLES	300	30	300
5	STANDING SPACE	100	10	100
6	OTHER USES	50	5	50
TOTAL				
1500				



MCM
HOLBORN
ARCHITECTURAL FIRM

1551 WEST GEORGIA STREET VANCOUVER, B.C.
DETAIL FLOOR 05 NW SECTOR LEVEL: 142.914'
DATE: 2017/06/28
SCALE: 1/4" = 1'-0"
PROJECT: ANDREW

7/21/23

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