



ADMINISTRATIVE REPORT

Report Date: December 22, 2017
Contact: Sarah Hicks
Contact No.: 604.873.7546
RTS No.: 12189
VanRIMS No.: 08-2000-20
Meeting Date: January 17, 2018

TO: Standing Committee on Policy and Strategic Priorities
FROM: General Manager - Development, Buildings and Licensing
SUBJECT: 8901 Stanley Park Drive - Stanley Park Brewpub
Liquor Primary Licence and Outdoor Patio Application

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notification, installation of site sign, consideration of noise impacts, and relevant Council policy as outlined in this Administrative Report, endorse the request by RTD Canada Inc. (Stanley Park Brewpub) for a 50 person Liquor Primary Licence with an adjoining 53 person patio (Liquor Establishment Class 1 - Brewpub) located at 8901 Stanley Park Drive (former Fish House Restaurant location) subject to:

- i. A maximum interior capacity of 50 persons with an adjoining 53 person patio;
- ii. Hours of operation, for the first six months, limited to 11 am to 11 pm, seven days a week; after which time the following hours may be considered which are limited to 11 am to 12 am, Monday to Friday and 9 am to 12 am, Saturday and Sunday;
- iii. The outdoor patio ceasing all liquor service and being vacated by 10 pm nightly, for the first six months; after which time the hours of 11 pm may be considered;
- iv. No music or entertainment permitted on the patio;
- v. Having a Time-Limited Development Permit;
- vi. An acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- vii. Food service to be provided while the establishment is operating as well as on the patio when open; and
- viii. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

REPORT SUMMARY

RTD Canada Inc. (Stanley Park Brewpub) is requesting a Council resolution endorsing their application for a new 50 person Liquor Primary Licence (Brewpub) with an adjoining 53 person patio located in the former Fish House Restaurant site at 8901 Stanley Park Drive. The Liquor Primary licence is required for only a small section of the building to facilitate tours of the brewing facility, growler fills and a tasting area. The majority of the premises will be licensed as a restaurant under a Food Primary licence. This report is solely in relation to the applicants request for the Liquor Primary portion of the facility.

Staff is recommending approval of this application subject to the conditions outlined in the Recommendation noting that it is consistent with Council's liquor policy for size and location. The proposed establishment will operate as a brewpub with a full food and beverage menu. Food service for the entire establishment (including the patio) will be a major component of the business, which will provide a mitigating factor to liquor service and consumption and will operate in conjunction with a licensed restaurant. The brewpub will be accessory to the proposed restaurant and small production facility on this site. The requested hours of operation are 11 am to 12 am, Monday to Friday and 9 am to 12 am, Saturday and Sunday. Hours of operation for the first six months will be limited to the earlier hours as outlined in the Recommendation. The requirement for a Time-Limited Development Permit, an acoustic report certifying that the establishment meets Noise By-law requirements, and a Good Neighbour Agreement will also 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 licence 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.

Approval process/requirements - Council policy requires new Liquor Primary licences and changes to existing Liquor Primary licences be subject to a Time-Limited Development Permit, a Good Neighbour Agreement, and a public consultation.

Hours of service - policy for the Downtown Primarily Residential Use area (which includes this location) are:

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 1 Liquor Primary establishment shall be located within 50 meters of another Class 1 establishment. This policy only pertains to liquor primary establishments and not food primary establishments (restaurants).

Outdoor patios adjacent to liquor establishments - On April 17, 2007, Council approved policy and guidelines that allow liquor primary establishments to have adjacent outdoor patios, on both public and private 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; and
- Public notification.

On June 14, 2017, Council approved policy and guidelines removing the twenty percent limit on Liquor Primary patio seats, if a Good Neighbour Agreement is signed, neighbourhood liquor seat limitations can be met, and community impacts (e.g. noise) are managed.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Development, Buildings and Licensing recommends approval of the foregoing.

REPORT

Background/Context

Stanley Park Brewpub is requesting a Council resolution endorsing their application for a new 50 person Liquor Primary Licence (with an adjoining 53 person outdoor patio) (Liquor Primary Class 1 - Brewpub) located in the former Fish House Restaurant at 8901 Stanley Park Drive (refer to Appendix A), with operating hours of 11 am to 12 am, Monday to Friday and 9 am to 12 am, Saturday and Sunday. The outdoor patio hours are 11 am to 10 pm, seven days a week. These hours of operation will be considered after a six month probation period. No entertainment is permitted on the patio, and food and beverage service will be provided.

The proposed establishment will operate as a brewpub with a full food and beverage menu, and will be accessory to the licensed restaurant. Food service will be a main component of the business which will provide a mitigating factor to the liquor service and consumption. Entertainment will consist of recorded background music and board games.

The applicant is also applying for a Family Food Service endorsement to their Liquor Primary Licence which will allow minors, accompanied by a parent or guardian, to enter the Liquor Primary licensed area until 10 pm when food service is available for families.

The building was built at the end of the 1920s to support local golfers and tennis players using the adjacent facilities, and it was originally known as the Sports Pavilion. From 1949 to 1974, it was operated as the Third Beach Tea Room, and from 1974 to 1990, as the Beach House restaurant. Most recently it operated as The Fish House in Stanley Park from 1990 to the fall of 2015 and was licensed with a 185 person and 76 person outdoor patio Food Primary licence. The current layout consists of three distinctive dining areas, along with seating at the bar and

on two sunny decks. The building also houses public washrooms and workspaces for the current pay tennis operation and Park Board gardeners.

At the Board of Parks and Recreation meeting on November 28, 2016, the Park Board approved the following staff recommendation:

"THAT the Vancouver Park Board approve the overall design and concept for the former Fish House Restaurant site located at 8901 Stanley Park Drive as submitted by the Stanley Park Brewing Co. and that a 15 year lease be granted to Stanley Park Brewing Co."

The Park Board report also stated the following:

"The former Fish House Restaurant site is the ideal location to establish a home for Stanley Park Brewing Co. to tell its story, animate an important area of the Park, offer a unique dining and beer tasting experience catering to both locals and visitors, and bring the art of brewing back to Stanley Park. The concept proposed by the Stanley Park Brewing Co. is to create an experience that celebrates the spirit of the park with affordable, quality food and beer that is produced onsite".

Strategic Analysis

Staff support the proposed application based on the following analysis.

Council Policy

Council Policy states that no Class 1 Liquor Primary establishment shall be located within 50 meters of another Class 1 establishment.

Results of Neighbourhood Notification

A neighbourhood notification was conducted by circulating approximately 36 notices (to property owners as well as property management companies who represent residential strata buildings) in the survey area (refer to Appendix B). 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 132 comments were received in response to the application; 106 opposed and 26 supported. The majority of the comments received opposing the application (66), came from two residential developments in close proximity to the park.

The results of the notification are summarized as follows:

	Within the notification area	Outside the notification area	No contact information	Total
Support	11	13	2	26
Opposed	82	5	19	106

Respondents opposing the application are most concerned with increased nuisance issues for the park as well for the surrounding area including:

- noise from the patrons;
- operating hours;

- types of entertainment and special events;
- plan to have 'off premise sales';
- close proximity to residential;
- environmental impacts;
- acoustic impacts which include unwelcome noise for the heron colony; and
- increased traffic, deliveries for the area.

Letters of support were received from the Executive Director of the West End Business Improvement Association, Executive of the Stanley Park Lawn Bowling Club and the Vice President of the Stanley Park Tennis Club on behalf of their 128 members.

As a result of the feedback received from the notification, the applicant agreed to meet with representatives from a neighbouring residential building along with staff from the Parks Board and City Liquor Licensing. A few meetings were held and concerns surrounding the application were raised (as noted above) and discussed.

The applicant also organized and held a neighbourhood drop-in Q & A event at the Fish House on November 15, 2017 for residents and businesses of the community. A total of 80+ people attended the event. Staff from Liquor Licensing and Parks Board were also in attendance to answer questions. See Appendix C to view information letter and presentation boards which were on display at the event. They also provided information on their website at www.stanleyparkbrewing.com/restaurant/.

Since these meetings were held, the applicant has taken steps to try and mitigate the concerns/issues raised and has made the following commitments:

- to assign a manager to monitor patrons when leaving the establishment at the end of the night;
- to provide a contact name and number for residents to outreach if issues arise;
- to post signage on the interior as well as outside the entry requesting customers to respect the adjacent neighbourhood as they leave;
- to install air conditioning units;
- to upgrade the existing windows;
- to keep the windows and doors closed after 9pm;
- to monitor the noise levels outside the building.

The applicant has also provided the following information on their website:

Why does a restaurant need a primary liquor license?

A liquor primary licence is required only for a small section of the building to facilitate tours of the brewing facility, growler fills, and a tasting area. The majority of the premises will focus on the restaurant experience.

Will any beer be sold from the bike path Concession Stand?

No. In compliance with liquor regulations, growlers will be filled and sold from the bar area inside the building.

What guarantees do we have that you won't increasingly act like a bar once you get set up and open? eg. later hours, louder music, etc.

We are fully committed to our vision of a family-friendly, restaurant experience that's accessible to everyone. Also, it has been stipulated in our lease agreement with the Park Board that our hours of operations are to be consistent with other restaurants operating in the Park. No exceptions have been made. The window of operation in our license application is from 11:00am-midnight Monday-Friday, and 9:00am-midnight Saturday and Sunday.

The building is right beside a heron nesting area. What are you going to do to protect the herons?

We have been clear with the Park Board that we will participate in any way necessary to protect the wildlife in the area around our building. We also work in consultation with the Stanley Park Ecology Society to mitigate any potential risks to the park's ecosystem

Brewing can create smells outside the building. What will you do to mitigate smell?

Conventional brewing practice is to vent steam directly to the outside, thereby producing a detectable odour that while appealing to some, may not be to others. We are taking a different approach. We are installing a vapour condenser, which effectively condenses the steam created by the brewing process and sends it to a drain as hot water rather than venting the steam directly to the outside, largely eliminating odours. As an added benefit, the hot water created by condensing the steam is then be captured and used in the brewing process the next day.

Will there be a lot of additional truck deliveries and industrial noise from the building?

We expect the deliveries and related noise, including garbage, compost and recycling removal, to be consistent with that of other neighborhood restaurants. The brewing process itself is fully contained in-doors.

It was also clarified that the establishment intends to operate under the earlier hours (11 am to 11pm, seven days a week) and later hours would be considered after the six month probation period.

The applicant is committed to continue to work with area residents and the community to help mitigate their concerns. It should be noted that the City has received no noise complaints at this location throughout the history of the site's previous operations.

Location of Establishment

The subject site is located in the RS-1 Zoning District and for the purposes of liquor policy, it is considered to be located in the Downtown Primarily Residential Use area. Under the Zoning Bylaw, the brewpub and small manufacturing/production area are considered accessory to the proposed restaurant.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 50 persons with an adjoining 53 persons on outdoor patio (see Appendix A).

The applicant is requesting hours of operation of 11 am to 12 am, Monday to Friday and 9 am to 12 am, Saturday and Sunday which falls under the allowable hours of liquor service for Standard Hours for this Downtown Primarily Residential area. The applicant will be required to operate under the earlier hours during their six month probation period.

The 53 person outdoor patio will also operate until 11 pm, seven days a week. For the first six months, the patio will be required to cease all liquor service and be vacated by 10 pm nightly. No entertainment or music will be permitted on the patio and food and beverage service will be provided.

Noise

The proposal for a Liquor Primary licence and outdoor patio at this location will require a Time-Limited Development Permit. The review process for this type of approval will involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, social and policing impacts and noise control.

The applicant will be required to submit an acoustic report which stipulates the sound levels which must not be exceeded inside the establishment in order to comply with the Noise Control By-Law. This should aid in mitigating potential negative community impacts due to noise.

Impact on the Community

There has been no previous enforcement history associated at this address. 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 is also applying for the Family Food Service endorsement which will allow minors in the Liquor Primary area until 10 pm while accompanied by a parent or guardian when meal service is available for families.

The applicant understands that this location cannot be a hindrance to the Park and local community and they will not be focusing on a late night program but rather the dining experience which should minimize noise impact in the area. The applicant must also comply with the terms and conditions of their lease agreement with the Parks Board.

Implications/Related Issues/Risk (if applicable)

Financial

There are no financial implications.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 50 person Liquor Primary Licence with an adjoining 53 person patio at this location subject to the conditions outlined in the Recommendation. The application meets current Council policy regarding size and distance from other establishments. The requirement for a Time-Limited Development Permit and a Good Neighbour Agreement, as well as submission of an acoustic report, will ensure the premise operates in a manner conducive to the surrounding area. Food service will be a strong component of the business which will provide a mitigating factor to the liquor service and consumption. The City has no history of complaints through the previous operations and does not anticipate the operations of the establishment to cause a community impact. Additionally, the applicant has made a commitment to continue to work with the surrounding neighbours to mitigate potential impacts related to their business as well as having additional oversight through a lease signed with Vancouver Parks Board.

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MAXIMUM OCCUPANT LOAD

FOR 1.) LICENSED BEVERAGE ESTABLISHMENT, 30 PERSONS

2.) DINING AND CAFETERIA SPACE

3.) NON FIXED SEATS AND TABLES

4.) NON FIXED SEATS

5.) STANDING SPACE

6.) OTHER USES

15

LEVEL 2

HUNTINGTON BLDG.

100-101

100-2

100-3

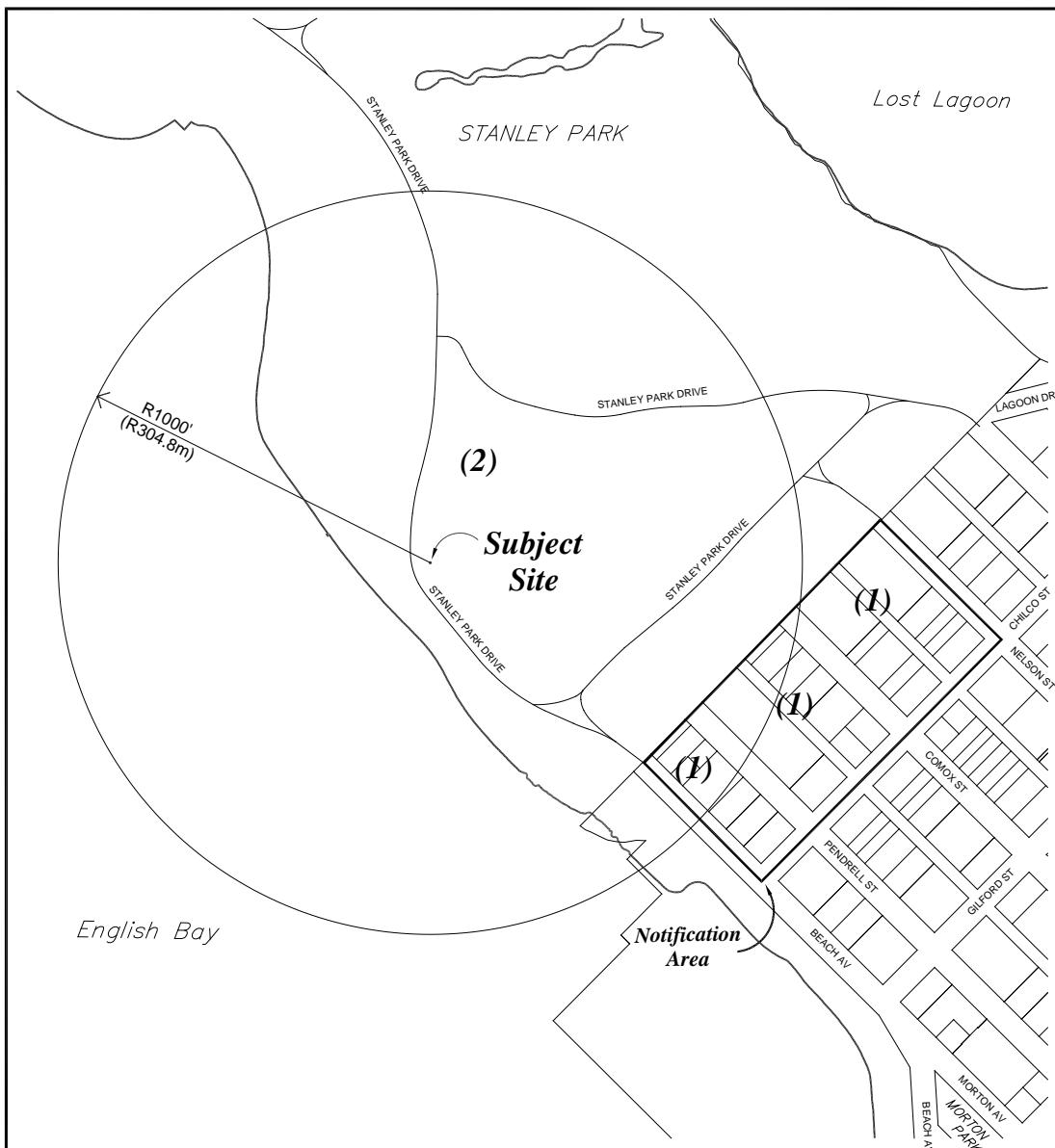
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RENEWED AND UNTOUCHED
THE B.C. FIRE SERVICES ACT
AND THE VACUUM FIRE BY-LAW
THIS IS NOT A PERMIT

Per...
Jay
Oct 12, 2017

THE FOLLOWING ARE THE
RECOMMENDED UNCHANGED
FIRE PROTECTION REQUIREMENTS
TO ENSURE COMPLIANCE
WITH THE VACUUM FIRE BY-LAW
AND THE B.C. FIRE SERVICES ACT

McKinney/burkert



LEGEND

- 1) Residential Buildings
- 2) Parks - {Stanley Park}
- 3) Schools - {N/A}
- 4) Liquor Primary establishments - {N/A}
- 5) Government or Private Liquor Stores - {N/A}
- 6) Medical Clinics - {N/A}
- 7) Social/Private Clubs/Community Centre - {N/A }
- 8) Churches - {N/A}

0 25 50 100m

Liquor Establishment Class 1 – Brewpub 8901 Stanley Park Drive - Stanley Park Brewpub	map: 1 of 1	
City of Vancouver - Licenses & Inspections	date: 2017-09-14	

STANLEY PARK BREWING CO. RESTAURANT & BREWERY

Welcome friends & neighbours!

We are excited to be working with the Park Board to transform the former ‘Fish House’ into a new community oriented restaurant with small batch brewery. We believe that our approach and concept will add a new dimension to Stanley Park that will be attractive to park visitors, be consistent with its status as an important and historic landmark, and respect the integrity and lifestyle of the surrounding community.

For more than two years, this unique, historic and long-standing social space has been left vacant and not accessible to the public. It has increasingly become unsightly and unsafe. Our plan will include a multi-million dollar investment to restore and revitalize this historic piece of Stanley Park. There will be no increase to the footprint of the building.

Our Concept: a new restaurant experience that celebrates the spirit of the park with good food and great craft beer brewed on site.

Small Batch Innovation Brewing – fully contained: no extension to building footprint, and no venting of smells to the outside

Restaurant – family friendly and offering a full service menu, thoughtfully designed to complement the beers brewed on site

Retail Space – to facilitate sales of unique beers brewed on site in small batches; as well as locally sourced Stanley Park Brewing merchandise. Located inside the restaurant. No beer sales through Concession Area

Private Functions – a unique venue for corporate and family events, limited only to the licensed spaces; adhering to all noise and operating hour by-laws

Education – offer beer training, brewery tours and education programs
We will continue to engage you in through the process and appreciate this opportunity to have in-person dialogue with the community.

Stay up to date: www.stanleyparkbrewing.com/restaurant

Contact us: restaurant@stanleyparkbrewing.com

Proposed Floor Plan

Setting:
Interior FF: 120
Interior LP: 40
Patios: 206
TOTAL: 366

- Food Primary
 - West facing patio
 - Fire Side Room
 - Sun Room
- Kitchen: brewery
- Upper Primary
 - Shoeing plus retail & Growlers
 - Upper Primary
 - Left side patio designated LP by the LCLB because of connection to interior LP space.

Vapour Condenser

This equipment is used for condensation and removal of vapors generated in boiling equipment during the brewing process. The vapor condenser allows suction of vapor from the brew kettle by fan, and subsequent condensation in a heat exchanger. Condensed vapors go to the drain eliminating smell outside the building. Recovered energy is used to heat incoming water. The hot water is then stored for later use.

Brewing Process: Resource Output

Brew Vessel Schematic Plan

Immediate Next Steps

Neighbours Q&A Meeting	November 15
Debrief on Comments	November 16 – 20
Update Website	w/o November 20
Removal of Old Furniture / Equipment	w/o November 20
Removal of Old Finishing	w/o December 4 TBD
City Council Review of Liquor Primary Application	To be scheduled

STANLEY PARK BREWERY

