



## ADMINISTRATIVE REPORT

Report Date: February 15, 2019  
Contact: Sarah Hicks  
Contact No.: 604.873.7546  
RTS No.: 12752  
VanRIMS No.: 08-2000-20  
Meeting Date: March 13, 2019

TO: Standing Committee on City Finance and Services  
FROM: Chief Licence Inspector  
SUBJECT: 777 Richards Street – The Alley Bar (Telus Garden)  
Liquor Primary Liquor Licence Application  
Liquor Establishment Class 1

### **RECOMMENDATION**

THAT Council, having considered the opinion of area residents and business operators as determined by neighbourhood notification, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by Erin Fawcett, for a new Liquor Primary liquor licence (Liquor Establishment Class 1), with an interior capacity of 24 persons, located at 777 Richards Street, subject to:

- i. A maximum capacity of 24 persons (interior only);
- ii. Standard Hours of operation, for the first six months, 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;
- iii. A Time-Limited Development Permit;
- iv. Food service to be available while the establishment is operating;
- v. An 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**

Erin Fawcett, a sole proprietor, is requesting a Council resolution endorsing an application for a new 24 person Liquor Primary liquor licence (Liquor Establishment Class 1) located at 777 Richards Street, referred to as The Alley Bar.

Staff is recommending approval of this application subject to the conditions outlined in the recommendation. The Alley Bar will be located in the newly constructed Telus Garden building, with its only entrance accessible via the City lane, at ground level of the building.

The applicant is proposing an upscale wine/martini lounge/bar that will offer food (light snacks) to accompany the liquor service. The establishment will cater primarily to the business community and nearby residents. Given the small size of the space, it will not have a dance floor, stage, sound or disc jockey booth. Entertainment will be indoors only and will be limited to background music and perhaps television monitors for sports/news events. Minors will not be allowed in the establishment.

The requested hours of operation are 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday and Saturday. For the first six months of operation, the applicant will be required to operate under the Standard Hours permitted in this Downtown – Primarily Mixed-Use area which are 11 am to 1 am, Sunday to Thursday, and 11 am to 2 am, Friday and Saturday. After six months of operation, the operator, upon further review, may apply to extend their hours of liquor service to 9 am to 2 am, Sunday to Thursday, and 9 am to 3 am, Friday and Saturday.

In addition, a Time-Limited Development Permit will be required as well as a Good Neighbour Agreement, to ensure the premise operates in a manner conducive to the surrounding area. An acoustic report is to be submitted and reviewed to ensure the operation meets the Noise Control By-law.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

*City role in liquor licence application* – The Liquor and Cannabis Regulation Branch (LCRB) 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. Overall, Council policy has been to provide comments on new applications, however staff will opt out if there is a conflict of interest situation due to a liquor licence application located on City property.

*Approval process/ requirements* – Council policy requires new Liquor Primary liquor licences to be subject to a Time-Limited Development Permit, a Good Neighbour Agreement, an acoustic report and public consultation.

*Hours of service (May 16, 2006)* – policy for this Downtown – Primarily Mixed-Use area:

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 Standard Hours Liquor Establishment - Class 1 shall be located within 50 metres of another Standard Hours Liquor Establishment – Class 1. This policy only pertains to liquor primary establishments and not food primary establishments (restaurants).

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

### **REPORT**

#### ***Background/Context***

The Liquor and Cannabis Regulation Branch requires that Local Government provide a resolution with comments on public input gathered from the community within the immediate vicinity of the establishment, including the location of the establishment, its person capacity and hours of liquor service.

This application submitted by Erin Fawcett is for a small upscale wine/martini lounge/bar. The applicant is requesting a Council resolution endorsing an application for a 24 person Liquor Primary liquor licence (Liquor Establishment Class 1) located inside the Telus Garden building at 777 Richards Street. The sale and service of liquor will be the primary focus of the business. Food (light snacks) will be available during all hours of operations. Ms. Fawcett's application initially included a 17 person outdoor patio in the laneway area directly connected to the indoor area, with a maximum combined (interior and outdoor patio area) capacity of 25 persons.

When the Telus Garden rezoning application was approved in 2011, Council encouraged the enhancement of a pedestrian environment and integration of the lane with active uses as part of an expanded public realm as a connection between Robson Street and Georgia Street.

Since receipt of Ms. Fawcett's original application, further information was received from Engineering Services regarding the proposed outdoor patio. A patio is unable to be supported at this time as the primary use of the lane is for loading access and there is an ongoing need to maintain this space for service functions and access. The lane will not be a vehicle free zone at this time. Negative public feedback concerning potential noise and nuisance issues from the outdoor patio was also raised during the assessment of the application. The outdoor patio proposal has since been removed from the application and the applicant is proceeding with an application to licence the interior area only.

#### ***Strategic Analysis***

Staff support the proposed application based on the following analysis.

#### ***Results of Neighbourhood Notification***

A neighbourhood notification was conducted by circulating approximately 2,494 notices in the survey area (see 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.

In response to the neighbourhood notification, a total of twenty-eight comments were received; four in support of the application and twenty-four opposed to the application. Respondents were mostly comprised residents, along with several businesses. Those opposed to the application expressed concerns regarding the originally proposed patio, hours of operation, the potential of increased noise, disturbances, nuisance issues, and safety and security.

As a result of the negative feedback from the notification, the applicant organized and hosted a public information session with local area residents and businesses. A total of seven people attended the community meeting, mainly residents. The applicant presented the application and explained the removal of the proposed outdoor patio, which was a result of non-support by Engineering Services given the lane usage. A question and answer period followed; concerns raised were primarily regarding noise. It was also noted that some concerns were alleviated upon learning of the removal of the proposed outdoor patio.

### ***Location of Establishment***

The subject site is located in CD-1 (525) (Comprehensive District) and for the purposes of liquor policy, it is considered to be located in the Downtown – Primarily Mixed-Use area.

### ***Proximity to other Liquor Primary Establishments***

The venue is not located within 50 metres of another Standard Hours Liquor Establishment – Class 1 and therefore, complies with liquor policy for Liquor Primary size and location.

### ***Person Capacity and Hours of Operation***

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 24 persons (see Appendix B).

The applicant is requesting hours of operation of 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday and Saturday, which fall under the allowable hours of liquor service for Extended Hours for this Downtown – Primarily Mixed-Use area. The operator will be required to operate under Standard Hours of operation for the first six months, which are limited to 11 am to 1 am, Sunday to Thursday, and 11 am to 2 am, Friday and Saturday, after which time the Extended Hours of operation may be considered.

### ***Noise***

The applicant will be required to submit and adhere to an acoustic report which stipulates the sound levels permitted 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. It is also a condition of the licence and will support compliance and enforcement efforts if necessary.

### ***Impact on the Community***

The proposal for a new Liquor Primary licence at this location will require a Time-Limited Development Permit. The permit review process will involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, social and policing impacts and noise control. In addition, the Good Neighbour Agreement will set out 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 Vancouver Police Department has reviewed the application and have no concerns with this application.

### ***Implications/Related Issues/Risk***

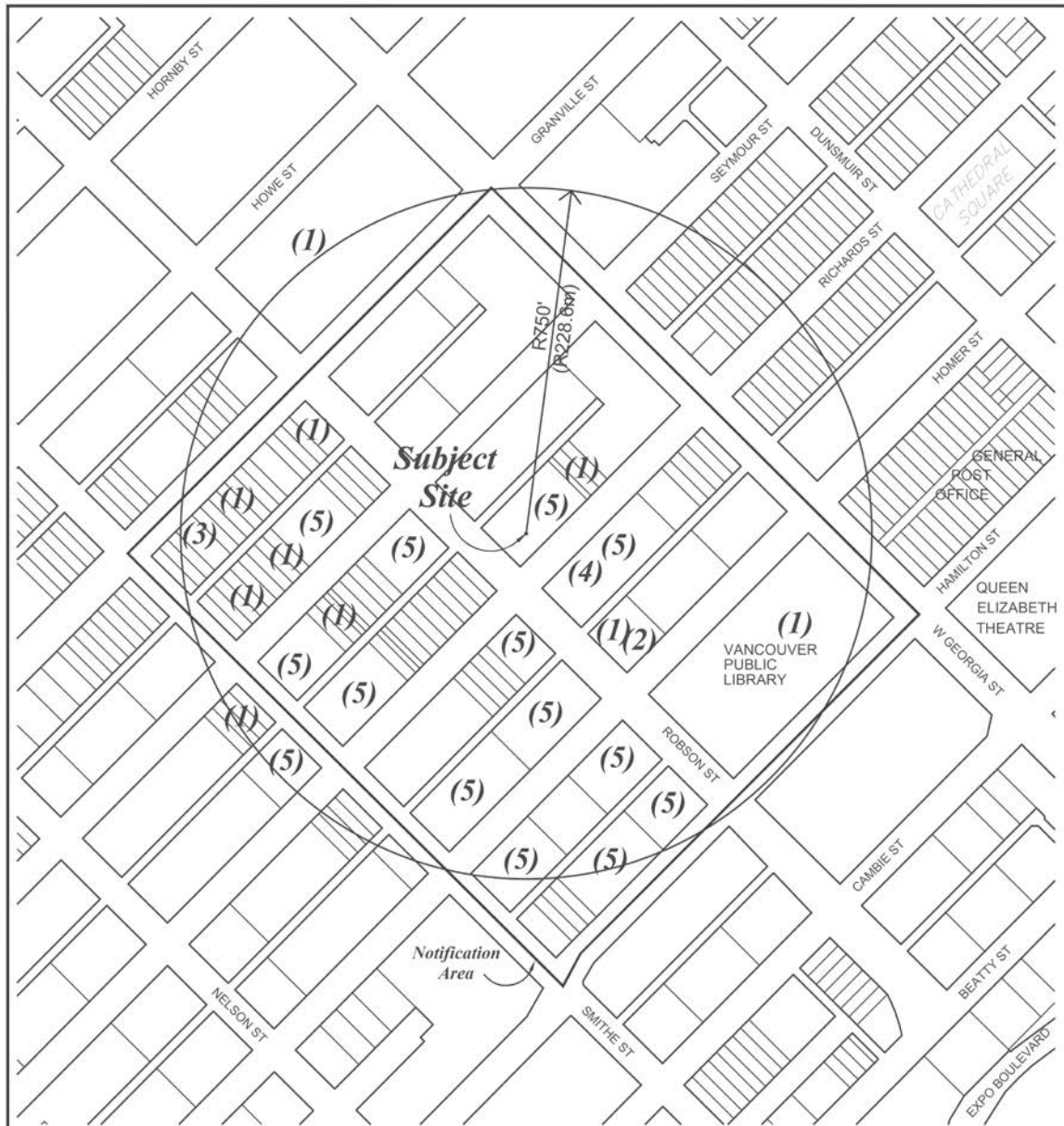
#### ***Financial***

There are no financial implications.

### ***CONCLUSION***

Staff recommend Council endorse the applicant's request for a new 24 person Liquor Primary liquor licence (Liquor Establishment Class 1), located at 777 Richards Street, subject to the conditions noted in this report. The requirement for a Time-Limited Development Permit, a Good Neighbour Agreement and 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.

\* \* \* \* \*



**LEGEND**

- (1) Liquor Primary Establishments/ Venues - {Bottleneck Bar and Grill}, {Hollywood North Cabaret}, {Kingston Taphouse & Grille}, {Library Square Public House}, {Nordstrom - Habitant}, {Orpheum Annex}, {Orpheum Concert Hall}, {Red Card Sports Bar}, {The Commodore Ballroom}, {The Lennox Pub}, {Uva Wine Bar}, {Westin Grand Hotel - Hendricks Resto Lounge}
- (2) Liquor Store - {Jimmy's Cold Beer & Wine Store}
- (3) Single Room Accommodation - {State Hotel}
- (4) Non-Market Housing - {Doug Storey Apartments}
- (5) Residential buildings
- (6) Parks - {n/a}
- (7) Schools - {n/a}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 1)  
 777 Richards Street - The Alley Bar

map: 1 of 1



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NOT FOR  
CONSTRUCTION

DATE: 1-24 APRIL 2018 CODE REVIEW

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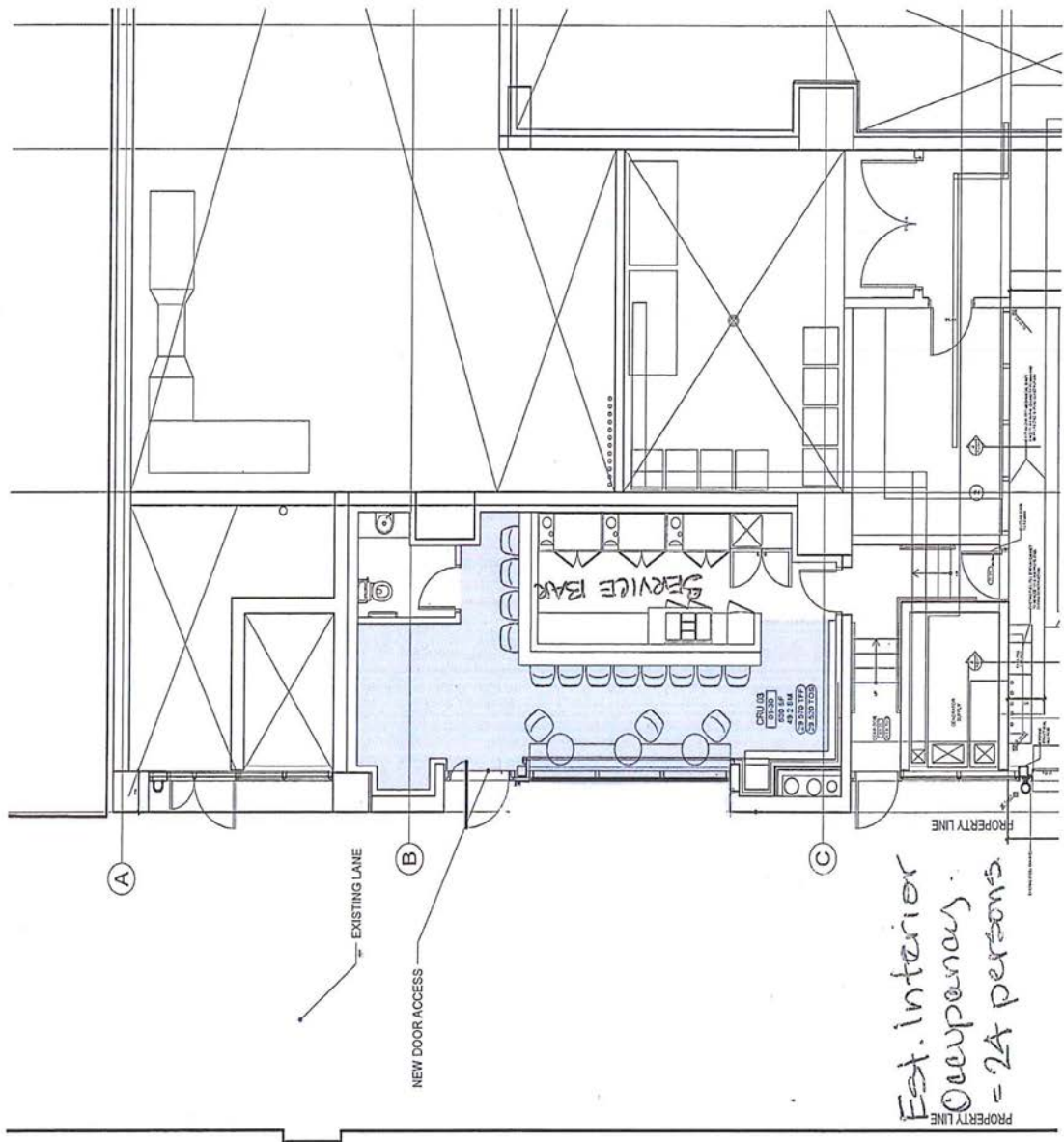
Client:  
**TELUS Garden  
Laneway**  
777 Richards Street

Drawings Title:  
**CRU 3 - Alley Bar**



Drawn/Checked:	Project Code:
REV: N/A	100
Date:	04/04/2018
Drawn/Checked:	Revision:

SKA001



Est. Interior  
Occupancy  
= 24 persons

1" = 1'-0"  
CRU 3 - ALLEY BAR  
SKA001