



ADMINISTRATIVE REPORT

Report Date: June 3, 2019
Contact: Sarah Hicks
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RTS No.: 12962
VanRIMS No.: 08-2000-20
Meeting Date: July 10, 2019

TO: Standing Committee on Policy and Strategic Priorities

FROM: Chief Licence Inspector

SUBJECT: 208 East 12th Avenue – Donnelly Holdings Ltd. (Gift Shop)
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 application submitted by Rising Tide Consultants, on behalf of the applicant and registered property owner, Donnelly Holdings Ltd. (*doing business as* "Gift Shop"), for a new Liquor Primary liquor licence (Liquor Establishment Class 1), with an interior capacity of 25 persons located at 208 East 12th Avenue, subject to:

- i. A maximum interior capacity of 25 persons;
- ii. Standard Hours of operation limited to 11 am to 12 am, Sunday to Thursday, and 11 am to 1 am, Friday and Saturday, for a minimum of six months;
- iii. Food service to be available while the establishment is operating;
- iv. A Time-Limited Development Permit;
- 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

Rising Tide Consultants (representative for Donnelly Holdings Ltd) has submitted an application requesting a Council resolution endorsing a new 25 person Liquor Primary licence (Liquor Establishment Class 1), located at 208 East 12th Avenue (refer to Appendix A). The proposed establishment will be located on the ground level of the "Domain Condos" building (a four-storey mixed-use building with commercial units at

grade and residential units above). The residential entrance is accessible from Main Street (2828 Main Street).

The establishment will offer patrons food and beverage service in a lounge environment. Food menus will offer a variety of locally sourced hot and cold snacks. Entertainment supporting local up-and-coming artists and talents will be showcased from time to time.

Requested hours of operation are 11 am to 12 am, Sunday to Thursday, and 11 am to 1 am, Friday and Saturday, which meet the Standard Hours of liquor service policy for this Non-Downtown – Primarily Mixed-Use area.

Extended Hours of liquor service are 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday and Saturday, which may be considered after the business has operated for the first six months under the Standard Hours of liquor service. The six month time frame will provide an evaluation period in order to monitor the business' ability to manage and address potential impacts related to the operations before an application for Extended Hours would be considered. The approval process for Extended Hours would require the submission of an application, where staff will review the operation of the business, gather local area feedback and assess whether to grant an approval for extended hours.

In addition, a Time-Limited Development Permit and a Good Neighbour Agreement will be required, 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 of the business meets the Noise Control By-law.

Staff is recommending Council endorse the applicant's request with the conditions outlined in the recommendation.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

City role in liquor primary licence applications – The Liquor and Cannabis Regulation Branch (LCRB) of the Provincial Government has senior authority in approving liquor licence applications. Their regulations require the local government to provide a Council resolution on liquor primary licence applications unless the local government decides to opt out of the application review process. Council policy has been to consider the impact of the licence application on the community and to provide comment, generally in the form of a resolution. However, staff will opt out if there is a conflict of interest due to a licence application located on City property or if the local government is the applicant.

LCRB criteria for comment on applications – In providing comment, the location of the establishment; and the person capacity and hours of liquor service must be taken into account:

Size and Location of New Establishments (July 14, 2005) – Council Policy states that no Class 1 Liquor Primary establishment shall be located within 50 metres of another Class 1 establishment. This policy only pertains to liquor primary establishments and not food primary establishments (restaurants).

Hours of Service Policy (May 16, 2006) for this Non-Downtown – Primarily Mixed-Use area 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

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

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

The LCRB 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. Once received, the LCRB will review the resolution/comments for a final decision to issue/endorse the liquor licence.

The applicant, Donnelly Holdings Ltd. has authorized the consulting firm of Rising Tide Consultants Ltd., to act as the representative for this application. If this application is approved, Donnelly Holdings Ltd. would become the Licensee (or holder of the liquor licence). It has been confirmed by their representative that the Licensee will operate their establishment and will not appoint a third party operator to manage the operation of their business. The applicant, also known as the Donnelly Group, is an experienced hospitality company who has successfully operated many liquor and food establishments in the city for over 20 years.

The proposed establishment is in the Mount Pleasant Neighbourhood at the southeast corner of Main Street and East 12th Avenue. This application is for a 25 person lounge, which will offer patrons food and beverage service. Food menus will offer a variety of locally sourced hot and cold snacks. Entertainment supporting local up-and-coming artists and talents will be showcased from time to time.

The initial proposal for this application was for Extended Hours of liquor service, which are 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday and Saturday. Through the public notification process, negative public feedback concerning the proposed establishment's close proximity to the residential units in the same building, including the

impacts of potential noise, nuisance and disturbance issues were raised during the assessment of the application. The applicant has since amended their application in recognition of these concerns and will operate within the Standard Hours of liquor service, which are 11 am to 12 am, Sunday to Thursday, and 11 am to 1 am, Friday and Saturday.

Strategic Analysis

Staff support the proposed application based on the following analysis.

Results of Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary application was conducted by circulating approximately 434 notices to property owners 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.

In response to the neighbourhood notification, a total of thirty-seven comments were received; twenty-one in opposition and sixteen in support which included eight support form letters. The majority of the comments opposed to the application had come from the same building as the proposed establishment.

The results of the notification are outlined as follows:

	Within the notification area (approx. 750 ft. radius)	Outside the notification area	Total
Support	2	14	16
Opposed	21*	0	21

*19 of 21 respondents specified residing in the same strata building as the proposed *Gift Shop* site.

Respondents opposed to the application were most concerned with the potential of increased nuisance and disturbances in and around the building. These concerns include:

- Proposed hours of operation;
- Noise from patrons;
- Smoking by patrons in the area outside establishment; and
- Safety and security.

Several residents expressed concerns that liquor service would also be available in the barber shop next door. The Province does have regulations that enable businesses such as salons, spas, art galleries and retail stores, to apply for liquor primary licences as an additional service for their business. However, City liquor regulations do not currently allow liquor to be served in non-traditional businesses such as barber shops. The City's liquor policy, which was updated in May 2018, enabled only arts and culture businesses, specifically art dealers and art galleries, the ability to apply for a liquor licence as an additional, secondary service to their existing business.

In addition, some residents felt that there are already too many liquor serving establishments in the area. To provide clarification, the proposed establishment would be the only liquor primary in the immediate area. The nearest Liquor Primary establishment is at Main and Kingsway, which has a distance of more than 900ft. There are other establishments in the area which serve liquor, but they are considered food primary establishments where the primary purpose is the service of food with liquor as an additional service.

As a result of the negative feedback from the notification, Rising Tide Consultants organized a public information session for the local area residents and businesses. The meeting was held on April 30, 2019, at 7 pm in the Mount Pleasant Community Centre.

A total of seventeen people attended the meeting, all of whom were residents of the same strata building as the proposed establishment. Refer to Appendix C to view the applicant's information notice and their presentation handout. Signage informing of the meeting was also posted at the proposed site of 208 E 12th Avenue.

Bert Hick of Rising Tide Consultants provided a brief presentation on the application and explained the concept of the establishment and details of the application, followed by a question and answer session. Mr. Hick noted that the attendees expressed concerns regarding the proposed hours of operation, potential noise, public nuisance and public safety.

Since the public meeting was held, the applicant has agreed to amend their original application to operate within the Standard Hours of operation. They are committed to working with the area residents and the community to help mitigate their concerns and minimize negative impacts.

Location of Establishment

The subject site is located in C-2C and for the purposes of liquor policy, it is considered to be located in the Non-Downtown – Primarily Mixed-Use area. The surrounding area is a mix of residential, commercial and institutional uses (refer to Appendix B).

Proximity to other Liquor Primary Establishments

There are no other Class 1 Liquor Establishments within a 50 metres radius of the proposed site and therefore, the application meets City liquor policy distancing requirements for liquor primary size and location (refer to Appendix B). Council policy states that no Class 1 Liquor Primary establishment shall be located within 50 metres of another Class 1 establishment.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 25 persons (23 patrons plus 2 staff) (see Appendix A).

The hours of operation requested for the Liquor Primary licence are 11 am to 12 am, Sunday to Thursday, and 11 am to 1 am, Friday and Saturday, which are within the parameters of the Standard Hours permitted in the this Non-Downtown – Primarily Mixed-Use area.

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 should mitigate 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

A Time-Limited Development Permit will be required which will provide ongoing reviews to ensure the land/use and business remains compatible with the surrounding community. 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

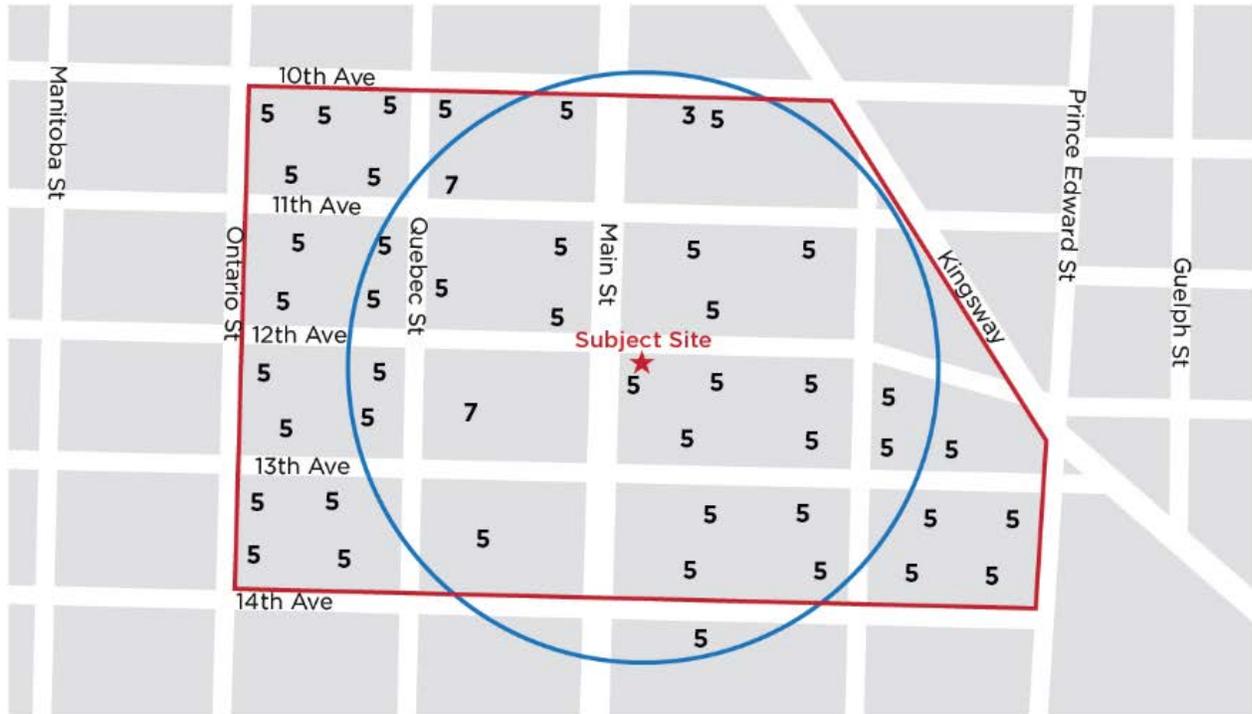
There are no financial implications.

CONCLUSION

Staff recommend Council endorse the applicant's request to operate a new 25 person Liquor Primary licence (Liquor Establishment Class 1), located at 208 East 12th Avenue, subject to the conditions noted in this report. The application meets current Council policy regarding size and distance from other establishments. The requirement for a Time-Limited Development Permit, a Good Neighbour Agreement and submission of an acoustical report will provide the necessary controls to ensure the premise operates in a manner that will mitigate impacts to the neighbourhood and surrounding area.

* * * * *

Liquor Primary (Liquor Establishment - Class 1) 208 East 12th Avenue - Gift Shop



LEGEND

- 1 Liquor Primary Establishments - {n/a}
- 2 Liquor Stores - {n/a}
- 3 Non-Market Housing - {Claude Douglas Place}
- 4 Single Room Accommodation - {n/a}
- 5 Residential
- 6 Parks - {n/a}
- 7 Schools - {St. Patrick's Elementary School}, {St. Patrick's Regional Secondary School}

- 750ft radius from Subject Site
- Notification Area

Rising Tide Consultants – Notice of Public Information Session

Public Consultation Invitation

A public information session will be held regarding an application for a Liquor Primary Licence to be located at 208 East 12th Avenue, Vancouver, B.C., V5T 2G9:

Date: Tuesday, April 30, 2019
Time: 7:00 PM
Location: Art Room
Mount Pleasant Community Centre
1 Kingsway
Vancouver, BC, CA V5T 3H7

For more information, please contact Rising Tide Consultants at 604-669-2928 or info@risingtideconsultants.ca.

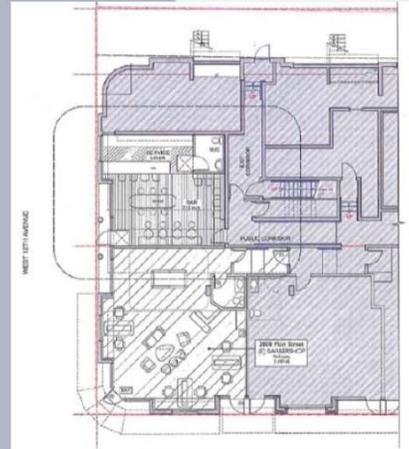
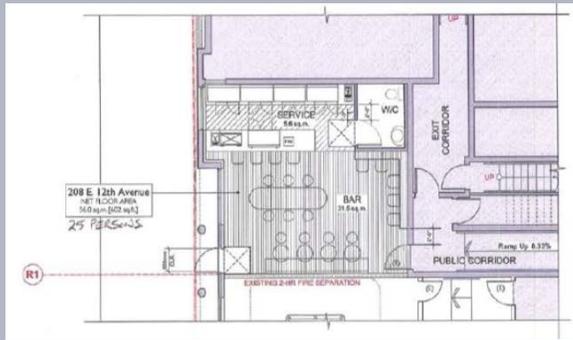
Rising Tide Consultants – Presentation



Benefits

-  It is a small establishments with a capacity of 25 persons
-  The neighbourhood is a cultural hub with a variety of retail shops, art galleries, breweries and independent restaurants. Gift Shop would like to add to this diverse and down to earth community.
-  This will be an added amenity for the customers of the barber shop next door.

Layout



Questions?