



REPORT

Report Date: November 8, 2019
Contact: Sarah Hicks
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VanRIMS No.: 08-2000-20
Meeting Date: November 27, 2019
[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities

FROM: Chief Licence Inspector

SUBJECT: 3123 West Broadway – Hollywood Theatres Ltd.
Liquor Primary Liquor Licence Application
Liquor Establishment Venue

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 Report, endorse the application submitted by Christa Montpetit of Blue Diamond Hospitality Inc., on behalf of the applicant, Hollywood Theatres Ltd., for a new event-driven Liquor Primary liquor licence (Liquor Establishment Venue), with an interior capacity of 594 persons located at 3123 West Broadway, subject to:

- i. A maximum interior capacity of 594 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. Liquor service is event-driven and only permitted in conjunction with pre-booked events;
- iv. Food service to be available while the establishment is operating;
- v. A Time-Limited Development Permit
- vi. An acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements; and
- vii. Signing a Good Neighbour Agreement with the City prior to business licence issuance, including a commitment to providing use of the venue by local non-profit arts and culture organizations for arts and cultural purposes at cost.

REPORT SUMMARY

Blue Diamond Hospitality Inc. (representative for Hollywood Theatres Ltd.) has submitted an application requesting a Council resolution endorsing a new event-driven 594 person Liquor Primary licence (Liquor Establishment Venue), located at 3123 West Broadway (see Appendix A). Located in Kitsilano, the proposed establishment is the site of the existing theatre building, which received heritage designation in July 24, 2018, thereby retaining its cultural heritage by transforming it into a mixed use performing arts centre.

Built in 1935, the Hollywood Theatre was once a popular single-screen neighbourhood cinema. This important cultural space will serve as a venue dedicated to arts and entertainment events, including music performances, live theatre, film presentation, as well as hosting corporate, private, and non-profit events and functions. Liquor service will be offered in conjunction with pre-booked events only.

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 Residential area.

Extended Hours of liquor service, which may be considered after the business has operated for the first six months under the Standard Hours of liquor service, are 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday and Saturday. The six month time frame will provide an evaluation period to monitor the business' ability to review and address any potential issues before an application for Extended Hours can be considered. The approval process for Extended Hours would require the submission of a business licence application, where staff would review the operational history of the business and assess whether to grant the extension. If there are significant concerns, staff will determine whether to require further public consultation and further restrictions to the conditions of the business licence.

The applicant is applying for the Family Food Service endorsement to their Liquor Primary licence 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, 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 acoustical report is to be submitted and reviewed to ensure the operation of the business meets the Noise Control By-law. Furthermore, a Community Use Agreement, created in conjunction with Arts, Culture and Community Services, to provide for local non-profit use and access to the theatre at cost, has been secured as a condition of development permit as it relates to the redevelopment of the site.

This application meets Council policy as a live performance venue and aligns with the City's commitment to providing more live performance venues. 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 – Event-driven “Venue” businesses are not subject to restrictions based on distancing from other liquor primary establishments.

Hours of Service Policy (May 16, 2006) for this Non-Downtown – Primarily Residential 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.

Live Performance Venues (February 3, 2011) – Council received an update on the Live Performance Venues Regulatory Review as outlined in the Administrative Report dated January 18, 2011, entitled “Cultural Services Regulatory Review for Live Performance Venues: Phase I”, with the goal of increasing the number of Live Performance Venues in the City of Vancouver.

Liquor Policy Implementation Update (May 2, 2018) – Council approved policy allowing Arts and Culture businesses to apply for ancillary Liquor Primary licences; that patios be considered in the Granville Entertainment District, on a case by case basis, public notification, neighbourhood fit and review by the Vancouver Police Department.

Culture|Shift: Blanketing the City in Arts and Culture – Vancouver Culture Plan 2020-2029 (September 11, 2019) – Council approved the Culture|Shift and the incorporated Cultural Infrastructure Plan that sets out strategic directions to enhance and expand arts and cultural initiatives and spaces. The Broadway Plan¹ provides a significant opportunity to advance these goals and actions; including expanding tools to prevent displacement and secure spaces, and expanding community partnerships.

¹ Broadway Plan – Phase 1 Engagement and Proposed Guiding Principles (October 22, 2019)

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 and any comments for a final decision to issue the liquor licence.

The applicant, Hollywood Theatres Ltd., with Dino Bonnis listed as its Principal Director, has authorized the liquor hospitality consulting firm of Blue Diamond Hospitality Inc., to act as the representative for this application. If this application is approved, Hollywood Theatres Ltd. would become the Licensee (or holder of the liquor licence) and operate the facility. The Hollywood Theatre's operations management team of David Hawkes and Sean Mawhinney are long-time entertainment producers and, along with Mr. Bonnis, are committed to the heritage preservation and ongoing cultural use of the venue.

The proposed establishment is for a 594 person event-driven Liquor Primary venue, in the Kitsilano Neighbourhood, which will provide important cultural space for the arts, entertainment as well as the community. In order for the Hollywood Theatre to remain economically sustainable and competitive with other venues of similar size, they are proposing to offer diverse and inclusive programming.

The multidimensional programming proposed in this revitalized space will include independent film screenings, musical performances from a wide spectrum of music genres, fine art performances, live theatre, comedy, film screenings including premieres, festival events, educational events, technical seminars and lectures, as well as providing room availability and access for events dedicated to fundraising, building-strength-in-community events, trade symposiums, non-profit organizations, all-ages and free events. The applicant will also allow for local non-profit use and access to the theatre at cost through a Community Use Agreement, created in conjunction with Arts, Culture and Community Services. The Community Use Agreement was a condition of the development permit approval as it relates to the redevelopment of the site. Liquor service will be event driven and only served in conjunction with pre-booked events. The applicant has indicated this added amenity is important to the success and viability of the facility for the perpetuity of the business.

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 residential, including the impacts of potential noise, parking, 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.

The applicant is applying for the Family Food Service endorsement to their Liquor Primary licence 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. Food menus will include a variety of light snacks and beverages.

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 distributing approximately 461 postcard notifications to property owners within the neighbouring area (see Appendix B). A site sign was installed 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 215 pieces of feedback were received from the public in response to the liquor application: 163 responses were in support, which included 4 form letters plus one petition containing 29 signatories in support of the application. 49 responses were in opposition, which included one petition letter containing 5 responses opposed to the application; and 3 responses with neutral comments were received. In addition, a letter of support was received from the West Broadway Business Improvement Association (see Appendix C).

The following table summarizes the results of the notification:

	Within Notification Area (approx. 750 ft. radius)	Outside Notification Area	No addressing information	Petition	Total
Support	22	83	57	1 Petition with 29 signatures	163
Opposed	30	2	16	1 Petition letter	49
Neutral	-	-	3	-	3

Respondents in support of the application indicated the need for more arts and cultural spaces and community facilities in the area and were excited about the heritage theatre's revitalization and the broader enhancement of the neighbourhood. Many expressed how much they cherished and valued the culture and history that the theatre brings to the area, and noted the Hollywood Theatre would be a welcomed asset since there is a desire for more community and public spaces for the arts throughout the city.

Respondents also felt that a liquor licence would bring a greater scope of ages and interests together and would complement the diverse, multi-use programming proposed for the establishment, which is integral to the financial and economic viability of the theatre and neighbourhood.

Respondents opposed to the application felt that the immediate primarily residential neighbourhood does not need another Liquor Primary establishment in such close proximity. Concerns of potential increased noise, parking and traffic concerns, and public nuisances and disturbances, as well as safety and security issues for the community were noted. Many were against the requested hours of liquor service. Some felt the establishment should operate only under the standard hours or earlier while the majority were strongly against the extended hours. In addition, respondents felt that there are already too many liquor serving establishments in the area as well as the need to preserve views and sunlight for the adjacent development project was also noted.

As a result of the concerns expressed in the feedback, the applicant held a community meeting on August 1, 2019, from 5 pm to 7 pm, at the St. James Community Square (3214 West 10th Avenue). Approximately 21 people attended the meeting.

Christa Montpetit of Blue Diamond Hospitality 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. Ms. Montpetit noted that attendees expressed concerns regarding the proposed hours of operation, venue size, parking and increased traffic for the area, potential noise, public nuisances and disturbances, 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. The revision was made in response to public feedback received through public consultation. The applicant is committed to creating a positive relationship with the area residents and the community, to help mitigate any concerns and minimize potential 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 Residential area. The surrounding area is a mix of residential, retail, restaurant, office and other ground level commercial uses (see Appendix B).

Proximity to other Liquor Primary Establishments

There are no other event driven liquor primary establishments in the immediate vicinity. Within a 750' (229 metre) radius of the subject site, there are two Liquor Primary licensed establishments. The nearest liquor primary establishment is located directly across from the Hollywood Theatre at 3124 West Broadway (The Fringe Café Ltd.). The next nearest liquor primary has a distance of approximately 600 ft. and is located at 3255 West Broadway (The Colony Bar Ltd.). 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.

Person Capacity and Hours of Operation

The proposed capacity for this Liquor Primary licence at this event-driven venue is 594 persons (see Appendix A). Final occupancy calculations will be provided in accordance with Building and Fire codes once building permits have been finalized. Final occupant load calculation will not increase beyond what Council approves.

The hours of operation 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 Residential 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.

Arts, Culture and Community Services has reviewed the application and noted the following:

Cultural Services is supportive of the Hollywood Theatres Ltd. event-driven liquor primary licence application. Having once been the site of a popular single-screen cinema, the Hollywood Theatre will be transformed into a dedicated venue for arts and culture programming, including live music, film presentation, festival events, etc., for the city and the region. A Community Use Agreement has been secured in perpetuity through a Statutory Right of Way and a 219 Covenant, providing use of the space by local non-profit arts and culture organizations for arts and cultural purposes at cost. Cultural Services recommends maximizing the number of allowable liquor seats, in a safe and socially responsible manner, to ensure business sustainability, ongoing cultural programming and community access.

As part of the 2019 Council approved Culture|Shift: Blanketing the City in Arts and Culture plan, the Making Space for Arts and Culture: Cultural Infrastructure Plan lays out the City's long-term long term vision and commitment to address acute space challenges. Making Space sets targets of 800,000 square feet of affordable, preserved, renewed, expanded, or new space over the next ten years, including additional new and repurposed spaces and policies and incentives to work towards no net loss of cultural space. Findings show that the majority of Vancouver's existing arts and cultural spaces are extremely vulnerable, including private spaces due to insecure short term rentals. Securing community access in perpetuity to privately-owned cultural spaces like the Hollywood Theatre, is one way ensure legacy spaces continue to provide vibrant arts and culture programming.

Implications/Related Issues/Risk

Financial

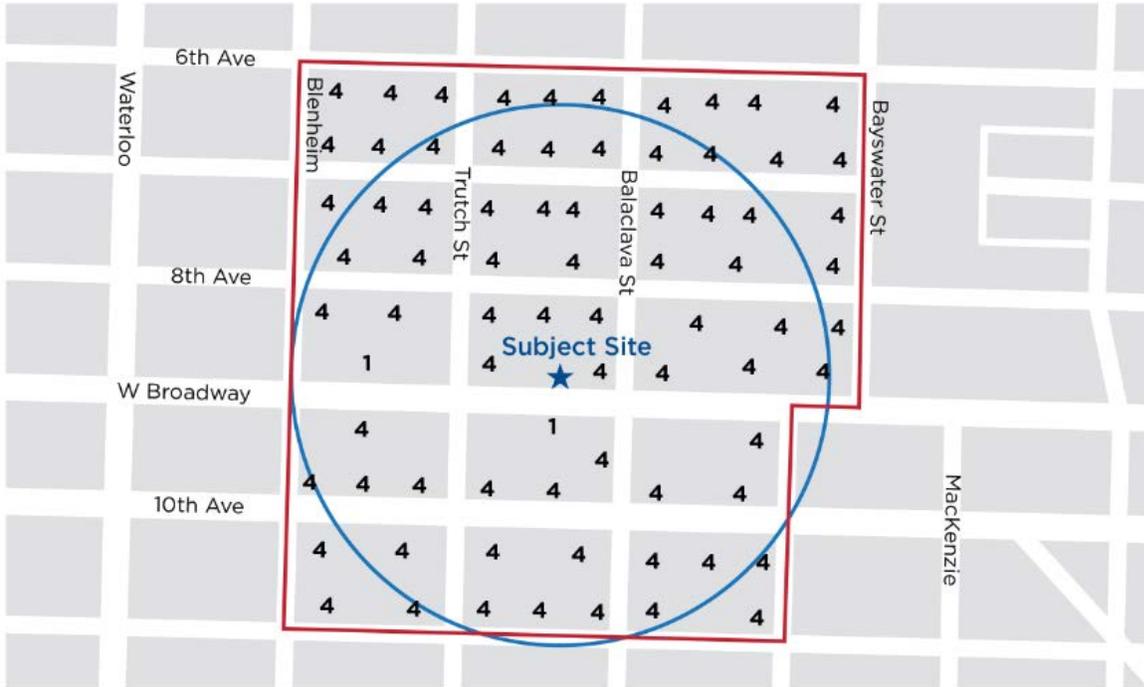
There are no financial implications.

CONCLUSION

Staff recommend Council endorse the applicant's request to operate a new 594 person event driven Liquor Primary licence in this multi-use arts and culture and community venue, located at 3123 West Broadway, subject to the conditions noted in this report. The application complies with Council's policy to support live performance venues. Staff experience generally shows that liquor service in these event-driven venues is an amenity for patrons and not the primary focus of the business. 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.

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Liquor Primary (Liquor Establishment Venue)
 3123 West Broadway - The Hollywood Theatre



LEGEND

- 1 Liquor Primary Establishments - {The Fringe Café Ltd}, {The Colony Bar Ltd.}
- 2 Liquor Stores - {n/a}
- 3 Social Housing - {n/a}
- 4 Residential
- 5 Parks - {n/a}
- 6 Schools - {n/a}

- 750ft radius from Subject Site
- Notification Area

* * * * *



October 21, 2019

Cathy Joe
License Coordinator
City of Vancouver

Re: The Hollywood Theatre Liquor Primary License Application

Dear Ms. Joe,

On behalf of the West Broadway Business Improvement Association, a non-profit organization representing 450 businesses and commercial property owners in Vancouver, I am writing to express support for The Hollywood Theatre liquor primary license application.

We believe that we are in very good hands with The Hollywood Theatre operators and owners. From the beginning of the revitalization project, the architects and operators met with community stakeholders and engaged the community. The development team has been very receptive to community input, and included feedback from the community into the design and development plans.

In addition to an extensive entertainment operations background, the Hollywood Theatre operators are conscientious and committed to the well-being of the neighbourhood. There has been constructive dialogue with community partners, including residential groups, about operating the theatre as a community-oriented, dynamic venue where artists of all kinds can perform for patrons of all ages. There has also been extensive outreach pertaining to the liquor primary license application.

Alongside community stakeholders, local merchants - including pub owners - support the liquor primary license application, as it will be a win-win in many ways. Due to exorbitant operating costs for small businesses and commercial properties, it's imperative to generate sufficient revenue streams. A liquor primary license can draw more patrons to the venue and to the area, which will help the theatre and other small businesses remain viable, and in turn, help the vibrancy of the small business neighbourhood overall.

If there are any public realm or safety-related concerns that may arise, both the operators and BIA have experience and resources to address them. We are an engaged and connected area, and together - with local community partners, businesses and residents - we can continue to make a positive impact in the community.

We appreciate your work on The Hollywood Theatre development and application. Thank you for the opportunity to provide support for a viable arts and culture venue, and a vibrant neighbourhood.

Sincerely,

Michelle Barile
Executive Director, West Broadway BIA

West Broadway Business Improvement Association

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