



REPORT

Report Date: January 27, 2020
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Meeting Date: February 12, 2020

[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities

FROM: Chief Licence Inspector

SUBJECT: 1001 West Broadway Unit 200 – 1111539 BC Ltd.
Liquor Primary Liquor Licence and Outdoor Patio Application
Liquor Establishment Class 5

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 Raymond Huynh, Principle Director of 1111539 BC Ltd. (*doing business as "Privé"*), to operate a new Liquor Primary liquor licence, with an interior capacity of 319 persons (Liquor Establishment Class 5), and a 182 person outdoor patio via the conversion of the existing Food Primary liquor licence (Restaurant Class 2), located at 1001 West Broadway Unit 200, subject to:

- i. A maximum interior capacity of 319 persons and a 182 person outdoor patio;
- 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. The outdoor patio ceasing all liquor service and vacated by 11 pm nightly;
- iv. No music or entertainment permitted on the patio;
- v. Food service to be available while the establishment is operating as well as on the patio when open;
- vi. A Time-Limited Development Permit;
- vii. An acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- viii. Signing a Good Neighbour Agreement with the City prior to business licence issuance; and
- ix. The surrendering of the existing Food Primary liquor licence (#308417) at the time of issuance of the new Liquor Primary liquor licence.

REPORT SUMMARY

Raymond Huynh, Principle Director of 1111539 BC Ltd., has submitted an application requesting a Council resolution endorsing a new Liquor Primary liquor licence (Liquor Establishment Class 5) via the conversion of the existing 319 persons (inside) and 182 persons outdoor patio Food Primary liquor licence (Restaurant Class 2), located at 1001 West Broadway Unit 200 (refer to Appendix A).

The proposed establishment is located on the second floor of a six-storey retail/ office/ restaurant building with three levels of underground parking. Located in the former space of the Red Robin restaurant, the establishment currently operates a restaurant with karaoke. Entertainment in the future establishment will primarily be karaoke with the addition of a variety of game playing options such as arcades, table tennis and electronic darts as well as live television sports programming.

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.

The applicant is also 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.

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 5 Liquor Primary establishment shall be located within 750 metres of another

Class 5 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

Outdoor patios adjacent to liquor establishments (Council April 17, 2007) – Council policy and guidelines allow liquor primary establishments to have adjacent outdoor patios on both public and private property, subject to a requirement for food service and closing time of no later than 11 pm.

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.

Liquor Policy Update (June 14, 2017) – Council approved policy and guidelines removing a 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 City Manager recommends approval of the foregoing.

REPORT

Background/Context

The applicant, 1111539 BC Ltd., with Raymond Huynh listed as its Principle Director, has submitted an application to operate a Liquor Primary licence consisting of 319 persons with a 182 person outdoor patio. The proposed establishment is in the Fairview neighbourhood at the northwest corner of Oak Street and West Broadway. The applicant has been operating a restaurant and karaoke at this location since September 1, 2019, and also operates other food and liquor establishments in the city.

This proposal will replace the existing Food Primary licence (restaurant) with a new Liquor Primary licence. The existing seating capacity of 319 persons with a 182 person outdoor patio, will remain unchanged and there will be no structural alterations or changes to the menus or facilities. Food menus will include a variety of pub-style food and beverages. Current hours of liquor service for the restaurant are 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am,

Friday and Saturday, which are less restrictive than the hours the applicant will be permitted to operate initially under a new Liquor Primary licence.

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. As a result of concerns raised during the initial operations of the restaurant, where City staff received complaints related to noise from patrons attending the new establishment and concerns raised through the public notification process, the applicant has since amended their application. The applicant has reduced their hours of operation, 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 has also hired additional security personnel to monitor patrons at entrances and patios, and will work to ensure positive relationships with the area residents and the community, to help mitigate any concerns and minimize negative impacts. Since addressing the concerns with the applicant, staff have received no further complaints related to the establishment.

Extended Hours of liquor service may be considered after the business has operated for six months under the Standard Hours of liquor service. The six month evaluation time frame is standard for a new Liquor Primary, to monitor the business' ability to review and address potential issues before an application for Extended Hours can be considered. The approval process for Extended Hours will require the submission of a licence application. Through ongoing monitoring and review of the operational history, a determination can be made whether to grant the extension or if there are significant concerns, staff may determine whether to require further public consultation and whether further restrictions to the conditions of the business licence are required.

Per City policy, the outdoor patio must cease all liquor service and vacate by 11 pm nightly. No music or entertainment is permitted on the patio, and food service must be provided during all hours of operation.

The applicant is also 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.

Strategic Analysis

Staff support the proposed application based on the following analysis.

Public Input – Results of Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary application was conducted by distributing approximately 742 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 29 pieces of feedback were received from the public in response to the liquor application: 3 responses were in support; 25 responses in opposition; and 1 response with neutral comments were received.

The following table summarizes the results of the notification:

	Within Notification Area (approx. 500 ft. radius) – Addressing information provided	No addressing information	Total
Support	2	1	3
Opposed	9	16	25
Neutral	-	1	1

Respondents in support of the application felt that the area is in need of more nightlife, and places where people can enjoy food, entertainment, community, and utilize public transportation (including the future Broadway subway), would make the Broadway corridor more vibrant and enhance the neighbourhood.

Respondents opposed to the application were concerned with the potential of increased nuisance and disturbances in the area. These concerns included the proposed hours of operation, potential noise from patrons both in the outdoor patio and the surrounding area, and for general safety and security. As noted above, to address these matters, the applicant has reduced their hours of operation, has hired additional security personnel to monitor patrons at entrances and patios, and will work to ensure positive relationships with the area residents and the community, to help mitigate any concerns and minimize negative impacts.

Location of Establishment

The subject site is located in C-3A 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 retail, restaurant, office, hospital, hotel and residential uses (see Appendix B).

Proximity to other Liquor Primary Establishments

There are no other Class 5 liquor establishments within a 750 metre radius of the proposed site and therefore, the application meets City liquor policy distancing requirement for liquor primary size and location. The nearest liquor primary establishment is approximately 250 metres away at 898 W Broadway (Park Inn and Suites/ Fairview Pub), a Class 3 establishment with 183 persons. The next nearest liquor primary is approximately 465 metres away at 711 W Broadway (Holiday Inn), a Class 2 establishment with 80 persons. 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 the Liquor Primary licence at this location is a 319 person interior occupant load with a 182 person outdoor patio (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 Mixed-Use area. The 182 person outdoor 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 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.

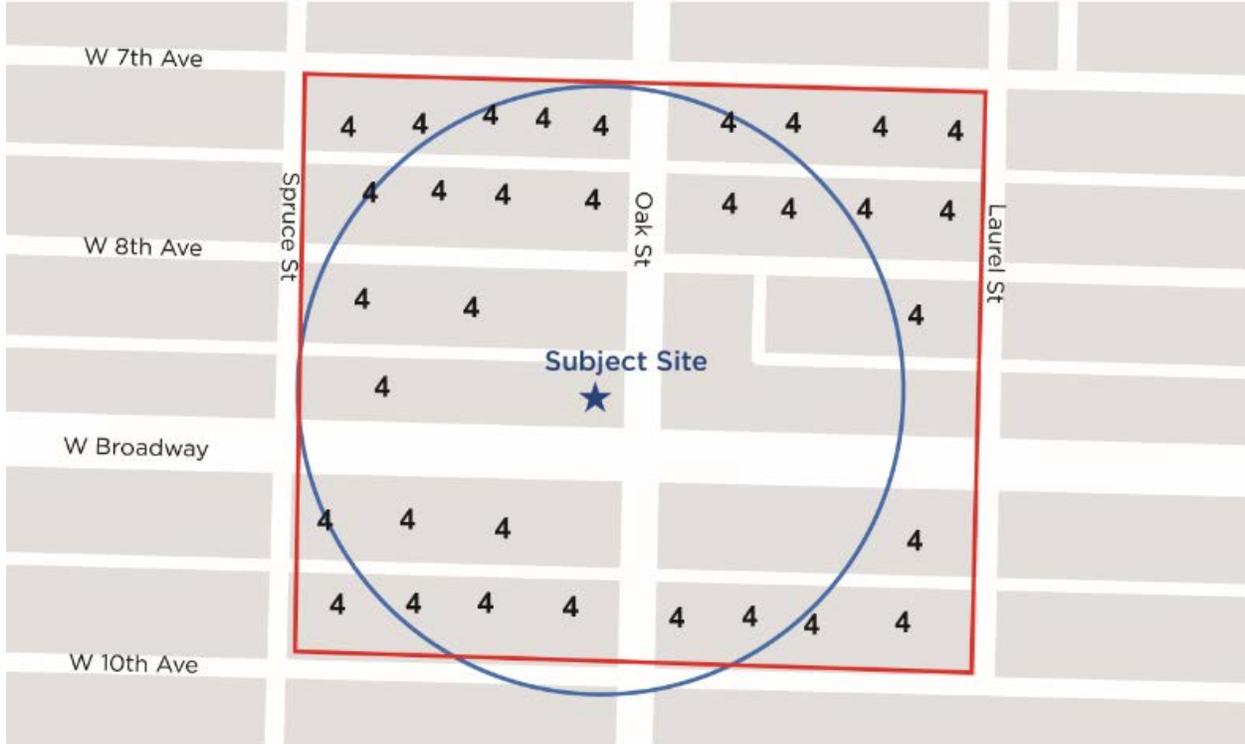
CONCLUSION

Staff recommend Council endorse the applicant's request to operate a new a Liquor Primary licence (Liquor Establishment Class 5) consisting of 319 persons with a 182 person outdoor patio via the conversion of the existing Food Primary liquor licence located at 1001 West Broadway Unit 200, 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 5)

1001 West Broadway Unit 200 - Privé Kitchen + Bar



LEGEND

- 1 Liquor Primary Establishments - {n/a}
- 2 Liquor Stores - {n/a}
- 3 Social Housing - {n/a}
- 4 Residential
- 5 Parks - {n/a}
- 6 Schools - {n/a}

-  500ft radius from Subject Site
-  Notification Area

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