



REPORT

Report Date: September 15, 2020
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RTS No.: 14005
VanRIMS No.: 08-2000-20
Meeting Date: October 7, 2020
[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities

FROM: Chief Licence Inspector

SUBJECT: 435 West Pender Street - Days Inn Limited Partnership
Liquor Primary 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 report, endorse the application submitted by Rising Tide Consultants on behalf of the applicant, Days Inn Limited Partnership, for a new Liquor Primary licence (Liquor Establishment Class 1) with an interior capacity of 57 persons located at 435 West Pender Street, subject to:

- i. A maximum interior capacity of 57 persons;
- ii. Standard Hours of operation limited to 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday for the first six months after which time Extended Hours of operation may be considered;
- 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 Days Inn Limited Partnership), has submitted an application requesting a Council resolution endorsing a new 57 person Liquor Primary licence (Liquor Establishment Class 1) located at 435 West Pender Street (refer to Appendix A). The proposed establishment, located within the Ramada Hotel, will operate as a cocktail lounge/bar offering a variety of alcoholic and non-alcoholic beverages along with a menu of locally sourced food servicing hotel guests. The hotel has operated with a Liquor Primary licence at this location since the 1980s and is looking to replace the hotel's previous 250 person Liquor Primary licence. The hotel has not operated the Liquor Primary licence for approximately 25 years, as

such the licence was placed in dormancy with the LCRB in 2017. Since the licence had been in dormancy past the allowable timeframe of two years, the LCRB cancelled the liquor licence in 2019. The hotel commenced renovations and a smaller licensed area was a result.

The hotel is located in the Downtown Eastside (DTES) and current liquor policy is that there is a moratorium on new liquor primary licences in the DTES with the exception for hotel lounges and live performance based venues on a case by case basis. The DTES Planning Group and Affordable Housing Programs Group have reviewed this application and are supportive of this application subject to hours of operation being restricted to Standard Hours.

Requested hours of operation are 9 am to 2 am, Sunday to Thursday and 9 am to 3 am, Friday and Saturday, which meet the Extended Hours of Liquor Service policy for this Downtown Primarily Mixed-use area. Staff are recommending approval of Standard hours which are 11 am to 1 am, Sunday to Thursday and 11 am to 2 am, Friday and Saturday as per the recommendations by the DTES Planning Group and Affordable Housing Programs Group.

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. Internal stakeholder groups such as the Vancouver Police Department, DTES Planning Group and the Affordable Housing Programs Group will also be consulted before a determining if Extended Hours can be considered.

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.

Downtown Eastside Liquor Policy – In the DTES, applications for new liquor primary licences and for increased liquor seats at liquor establishments will not be supported, except on a case by case basis for hotel lounges and live performance based venues.

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 Downtown – Primarily Mixed-use area are:

- 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

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

The applicant is proposing to operate a 57 person Liquor Establishment Class 1 Liquor Primary licence at this location within the Ramada Hotel. The hotel previously held a 250 person Liquor Primary licence but had not operated it for approximately 25 years and the liquor licence was put into dormancy status in 2017. Per standard Provincial policy the liquor licence was cancelled in January 2019 by the Liquor and Cannabis Regulation Branch as it had not resumed operation. The proposed reduced capacity is due to renovations that the hotel recently undertook.

The proposed establishment will consist of a cocktail bar/lounge that will cater to guests staying in the hotel. Entertainment will consist of live music, background music, and television monitors. Food service from a menu of locally sourced ingredients will be offered.

The applicant, Days Inn Limited Partnership, has authorized the consulting firm of Rising Tide Consultants Ltd., to act as the representative for this application. Days Inn Limited Partnership held the previous Liquor Primary licence since 2007. If this application is approved, it has been confirmed by their representatives that Days Inn Limited Partnership would become the Licensee (or holder of the liquor licence) and that a Third Party operator, Temperance Industries Ltd., will be managing the business.

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 463 postcard notification to property owners within the neighbouring area of 750 ft. (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 community to respond with concerns or support for the application.

In response to the neighbourhood notification, a total of five comments were received; two in support and three in opposition. Respondents opposed to the application expressed concern that there are enough drinking establishments in the area and report that they believed there to be an increase in public nuisances and disturbance such as garbage, noise and crime.

Location of Establishment

The subject site is located in the DD (Downtown District) zoning district and for the purposes of liquor policy, it is considered to be located in the Downtown Primary Mixed-use area. The surrounding area is a mixture of commercial, retail, office, hotel, social housing, educational, cultural, and restaurant uses. There is a large specialized long-term care facility (Central City Lodge) just east of the site.

Proximity to other Liquor Primary Establishments

The proposal complies with liquor policy for Liquor Primary size and location as it is not located within 50 metres of another Liquor Establishment Class 1. The closest Liquor Primary establishment (Liquor Establishment Class 4) is located approximately within 120 metres radius of the subject site.

Person Capacity and Hours of Operation

The proposed capacity for the Liquor Primary licence at this location is 57 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 for this licence will not increase beyond what Council approves.

As this application and public notification was processed prior to the change in occupancy calculations as approved by Council on July 7, 2020, where the Vancouver Fire Bylaw was updated to align occupant load calculation methods with the BC Fire Code calculations, the applicant has chosen to move forward with the initial occupancy of 57 persons. The applicant may choose to apply for an increase in their occupant load at a future date. Any increase in

occupancy will be reviewed against current liquor policies and regulations as well as determining further public consultation needs.

The applicant requests hours of operation of 9 am to 2 am, Sunday to Thursday and 9 am to 3 am, Friday and Saturday which falls under the allowable hours of liquor service for Extended Hours for this Downtown Primary Mixed-use area. The operator will be operate within Standard Hours of operations for the first six months which are 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.

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.

Both the Downtown Eastside Planning Group and Affordable Housing Programs Group have reviewed and are supportive of the application based on the requirement of a Time-Limited Development Permit and that Standard Hours of operation are adhered to.

The Vancouver Police Department has reviewed the application and have no comments for this application.

Implications/Related Issues/Risk

Financial

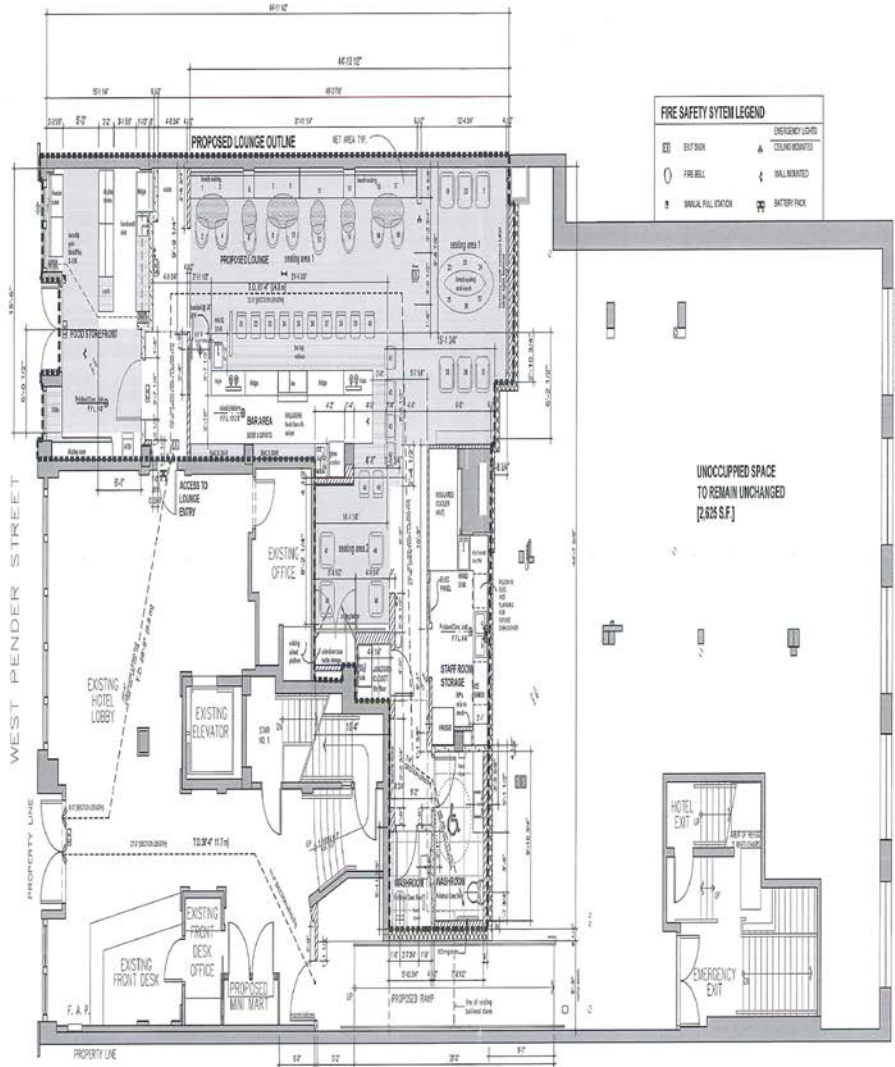
There are no financial implications.

CONCLUSION

Staff recommend Council endorse the applicant's request to operate a new 57 person Liquor Primary licence (Liquor Establishment Class 1) located within the Ramada Hotel at 435 West Pender Street, 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.



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FIRE SAFETY SYSTEM LEGEND

EXIT SIGN	EMERGENCY LIGHT
FIRE BELL	CEILING MOUNTED
MANUAL FIRE ALARM	WALL MOUNTED
	BATTERY PACK

1 LOUNGE FLOOR PLAN

LOUNGE OCCUPANT LOAD CALCULATION - REFER TO FORM 1

AREA	OCCUPANT LOAD			
	SQ FT	S/M	SMPERSON	PERSONS
GROSS AREA	1575	146.3		
NET AREA (SHOED)	719	88.7	12	57
TOTAL OCCUPANT LOAD				57 PERSONS

1. 57 PER PERSON
2. SEE 202-1000

RAWADA LTD
VANCOUVER
DOWNTOWN
437 W. Pender St
VANCOUVER, B.C.

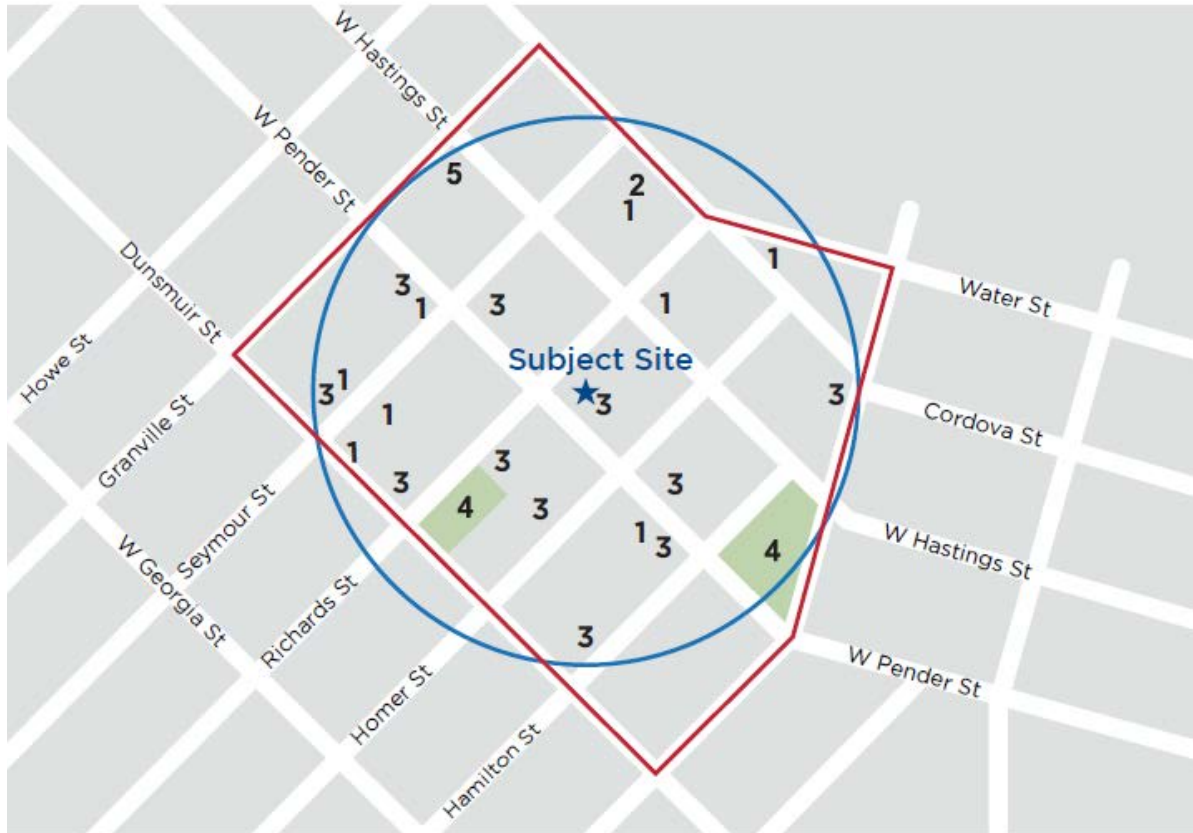
SA

TRAC 13-25
RUM OIL
KONO OIL
SIA 141112

TRAC 13
0110

Liquor Primary (Liquor Establishment Class 1)

435 West Pender Street - Days Inn Limited Partnership



LEGEND

- 1 **Liquor Primary Establishments** - {British Columbia Institute of Technology}, {Levels Nightclub}, {Malone's Bar & Grill}, {MIA Nightclub}, {Simon Fraser University}, {The Permanent}, {The Railway Club}, {The Red Room}
- 2 **Liquor Stores** - {BC Liquor Store}
- 3 **Residential** - {social, non-market and market housing}
- 4 **Parks** - {Cathedral Square}, {Victory Square}
- 5 **Schools** - {Alexander Academy}
-  **750ft radius from Subject Site**
-  **Notification Area**