



COUNCIL REPORT

Report Date: February 7, 2023
Contact: Sarah Hicks
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RTS No.: 15512
VanRIMS No.: 08-2000-20
Meeting Date: March 8, 2023
[Submit comments to Council](#)

TO: Standing Committee on City Finance and Services
FROM: General Manager of Development, Buildings and Licensing
SUBJECT: 1193 Granville Street – Cold Tea Restaurant Ltd (“Cold Tea Restaurant”)
Dual Licence – Liquor Primary Licence Application
Liquor Establishment – Class 2

Recommendations

- A. 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, Cold Tea Restaurant Ltd., for a new Dual Licence – Liquor Primary liquor licence (Liquor Establishment – Class 2) located at 1193 Granville Street, subject to:
- i. A maximum interior capacity of 150 persons and outdoor patio capacity of 50 persons;
 - ii. Extended Hours of operation limited to 10 pm to 2 am, Sunday to Thursday, and 10 pm to 3 am, Friday to Saturday;
 - iii. The outdoor patio ceasing all liquor service and vacated by 11 pm nightly;
 - iv. No music or entertainment permitted on the patio;
 - v. A Time-Limited Development Permit;
 - vi. An acoustic report 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.

Purpose and Executive Summary

Staff recommend Council endorse the applicant’s request to operate a new 150 person and 50 person patio Dual Licence Liquor Primary (Liquor Establishment – Class 2), located at 1193 Granville Street, subject to the conditions noted in this report (See Appendix A). The application complies with current Council policy and Council direction. 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.

Council Authority/Previous Decisions

[City role in Liquor Primary licence applications](#) – The Liquor and Cannabis Regulation Branch (LCRB) of the Provincial Government regulations require local government to provide a Council resolution on new 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 new licence application on the community and to provide comment, generally in the form of a resolution.

[Liquor Licence Policy: Liquor Primary Size, Capacity, and Location \(July 14, 2005\)](#) – Council Policy states that no Class 2 Liquor Primary establishment shall be located within 100 metres of another Class 2 Establishment. This policy only pertains to Liquor Primary establishments and not Food Primary establishments (restaurants).

[Dual Licenses, Cocktail Culture, and Vibrant Urban Nightscape \(June 15, 2022\)](#) – Council approved policy directing staff to lift the moratoria on Liquor Primary licensing in the DTES and GED specifically to allow existing Food Primary Liquor licensee’s to apply for Dual Licence – Liquor Primary licenses.

[Dual Licenses \(July 5, 2022\)](#) – Council approved policy directing staff to suspend the 2005 policy guidelines for Downtown liquor establishment locations and distancing as applied to existing establishments seeking dual licensing.

City Manager’s Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

In 2017, the Liquor and Cannabis Regulations Branch modernized their Liquor Policy, allowing Food Primary establishments to apply for a Liquor Primary Licence (Dual Licence) at the same location and operate as a bar or nightclub after 9 pm. In the case of a Dual Licence, the licensee must operate in the same footprint. No physical separation is required, and only one licence may be operative at any given time.

In the [2017 Liquor Policy Review](#), Council approved policy that enabled restaurants with Food Primary licences to operate as a Dual Licence Liquor Primary after 10 pm. This condition was to address the concern that residents may be unable to easily access food service after 9 pm, depending on the uptake from the restaurants to pursue this option.

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

The applicant, Cold Tea Restaurant Ltd., with Joseph Cheng, Ronald Cheng, Paul Rivas and Thien Vuong listed as its Directors, have authorized the consulting firm of Blue Diamond

Hospitality Inc., to act as their representative for this application. The proposed establishment located at 1193 Granville Street is for a 150 person interior service area and a 50 person patio Dual Licence Liquor Primary, located in the “Granville Entertainment District” of the Downtown District. The applicant has been operating a Food Primary liquor licence at this location since November 12, 2019. If this application is approved, Cold Tea Restaurant Ltd., will transition from a Food Primary licence to a Dual Licence Liquor Primary at 10 pm every day of the week. This will allow the establishment to stay open and serve patrons, but not have to keep their full kitchen open and staffed.

This proposal will see the new Dual Licence Liquor Primary operate within the same footprint as the existing Food Primary licence. The establishment will continue to offer food within their operation. Food menus will include Asian cuisine that includes but is not limited to bao, dim sum and fried chicken. The current hours of liquor service for the Food Primary are 12 pm to 2 am, Monday to Saturday, and 12 pm to 12 am, Sunday. If approved the applicant would see the Food Primary hours change from 12 pm to 10 pm, seven days a week, and the new Dual Licence Liquor Primary permitted to operate from 10 pm to 2 am, Sunday to Thursday, and 10 pm to 3 am, Friday to Saturday. Entertainment will consist of, but is not limited to live music, pre-recorded music (DJ’s), dancing, patron participation (karaoke, stand-up comedy), films and games of skill (darts, pool, trivia, etc.).

Per City policy, the outdoor patio must cease all liquor service and vacate by 11 pm nightly, unless otherwise approved to operate the patio with extended hours. No music or entertainment is permitted on the patio.

Discussion

Public Input – Results of Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary application was conducted by distributing approximately 1,887 postcard notifications to property owners within a 750 foot radius of the subject site (see Appendix B). A site sign was installed advising the community of the application and where to send comments or concerns. Staff allowed three weeks for the community to respond with concerns or support.

A total of nine (9) pieces of feedback were received from the public in response to the liquor application, which includes two (2) anonymous voicemails and one (1) anonymous letter. Of the respondents, one (1) was in support, seven (7) were in opposition and one (1) inquired about the application type. Five (5) responses were from the notification area.

The respondent in support of the application indicated how this change would help enhance business opportunities for this establishment given the challenging previous years dealing with COVID-19 restrictions.

Respondents opposed to the application expressed concerns regarding potential increased noise, public nuisances and disturbances as well as safety issues for the community. Some felt that the establishment should not be able to operate with extended hours, as the establishment is surrounded by residential condominium towers with families, and it’s already creating intolerable noise levels into the early hours of the morning. The applicant is committed to working with the area residents and the community to help address and mitigate any concerns to minimize negative impacts.

Location of Establishment

The subject site is located in the Downtown District (DD) and for the purposes of liquor policy, it is considered to be located in the Downtown – Primarily Mixed-Use area. The establishment is located in a single storey building within the Granville Entertainment District.

Proximity to other Liquor Primary Establishments

Within a 750 foot (229 metre) radius of the subject site there is one (1) Class 2 Liquor Primary establishments, 1227 Granville Street – The Morrissey. The nearest Liquor Primary establishment is Aura Nightclub (Class 4) located at 1176 Granville Street, approximately 57 metres away from the proposed location. Within the 750 foot radius there are currently seven (7) Liquor Primary establishments and twenty-nine (29) Food Primary establishment with active business licenses in the area. It should be noted that a Food Primary establishment’s primary purpose is the service of food with liquor as an additional service.

Person Capacity and Hours of Operation

The proposed capacity for the Dual Licence Liquor Primary at this location is 150 person interior and a 50 person patio (See Appendix A). Final occupancy calculations will be provided in accordance with Building and Fire by-laws once permits have been finalized. Final occupant load calculation will not increase beyond what Council approves.

The proposed hours of operation for the Dual Licence Liquor Primary are 10 pm to 2 am, Sunday to Thursday, and 10 pm to 3 am, Friday to Saturday, which are within the parameters of the Extended Hours permitted in this 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 business 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.

To further mitigate potential impacts, the current Restaurant – Class 1 business licence remains the primary use for the space. Issuance of the City of Vancouver business licence for the new Liquor Establishment – Class 2 establishment will be ancillary to the current Restaurant – Class 1 business licence.

Since opening in November 2019, this establishment has received two (2) complaints related to loud music/noise. The last recorded noise complaint dates back to August 2022. Upon

investigation, By-law inspection staff determined that no violation was found to substantiate the complaint.

With the approval of this Dual Licence application and others, the Vancouver Police Department recognizes that any extension to the hours of liquor service, may lead to increased calls for service.

Financial Implications

There are no financial implications associated with this report’s recommendations

Legal Implications

There are no legal implications associated with this report’s recommendations.

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APPENDIX A Establishment Floor Plan



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SUBMITTAL NO. 2024-04-12
 DATE: 04/12/2024
Caracaldeo

PROJECT NO. 1193 GRANVILLE STREET
 VANCOUVER BC

PROJECT NAME: COLD TEA RESTAURANT
 PATIO ASSISTANCE

SCALE: KEY PLAN

DATE: 04/12/2024

DRAWN BY: [Signature]

CHECKED BY: [Signature]

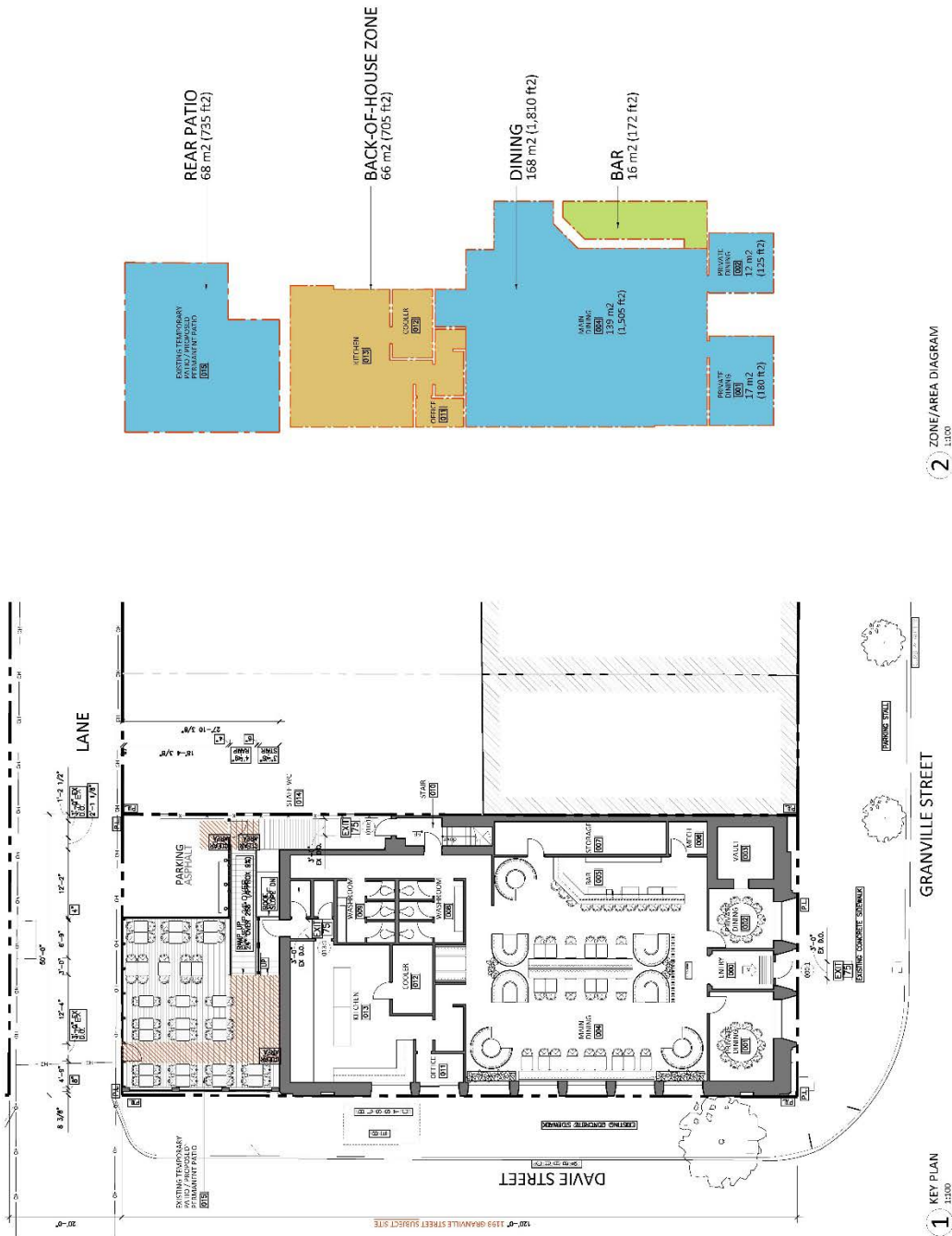
DATE: 04/12/2024

SCALE: 1/8" = 1'-0"

PROJECT NO. 1193 GRANVILLE STREET

PROJECT NAME: COLD TEA RESTAURANT PATIO ASSISTANCE

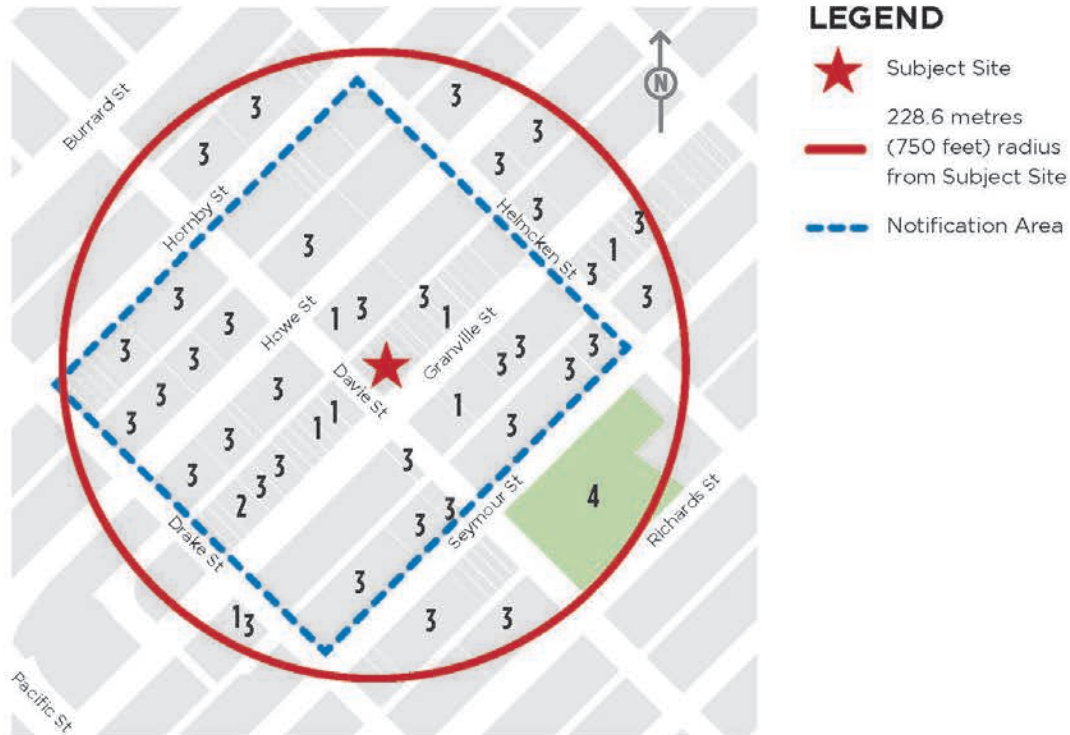
SCALE: A0.0



APPENDIX B Notification Area and Surroundings

DUAL LICENCE – LIQUOR PRIMARY (Liquor Establishment – Class 2)

Cold Tea Restaurant Ltd – 1193 Granville Street



1 Liquor Primary Establishments:

- Aura Nightclub – Class 4
- Cabana Lounge – Class 3
- Donnellan's Irish Pub – Class 3
- Mangos Kitchen Bar – Class 3
- The Morrissey – Class 2
- The Yale Saloon – Class 3
- Twelve West – Class 4

2 Liquor Retail Stores:

- Spirit of Howe Liquor Store

3 Residential

4 Parks:

- Emery Barns Park

5 Schools:

- None-applicable

