



## COUNCIL REPORT

Report Date: March 29, 2023  
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Meeting Date: April 26, 2023  
[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities  
FROM: General Manager of Development, Buildings and Licensing  
SUBJECT: 110 Water Street (Basement & Mezzanine Level)  
Little Mountain Gallery Community Arts Performance Association  
Liquor Primary Liquor Licence Application  
Liquor Establishment – Venue (Theatre)

### Recommendations

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 Little Mountain Gallery Community Arts Performance Association, for a new event-driven Liquor Primary liquor licence (Liquor Establishment – Venue (Theatre)), located at 110 Water Street, subject to:

- i. A maximum interior capacity of 135 persons;
- ii. Hours of operation limited to 11 am to 12 am, Sunday to Thursday, and 11 am to 1 am, Friday and Saturday;
- iii. Liquor service is event-driven and only permitted in conjunction with pre-booked events;
- 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, including a commitment to providing use of the venue by non-profit and community groups a minimum of two times per month.

### Purpose and Executive Summary

Staff recommend Council endorse the applicant's request to operate a new 135 person event-driven Liquor Primary (Liquor Establishment – Venue (Theatre)), located at 110 Water Street (see Appendix A), subject to the conditions noted in this report. The application complies with current Council policy regarding size and location. The requirement for a Time-Limited

Development Permit, a Good Neighbour Agreement and the 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 \(July 14, 2005\)](#) – Event-driven “Venue” businesses are not subject to restrictions based on distancing from other liquor primary establishments.

[Liquor Policy Review – Recommended Actions \(June 14, 2017\)](#) – Council approved maintaining the current Downtown Eastside (DTES) Liquor Primary moratorium to restrict new Liquor Primary licences to event-driven performance venues and disallow new seats.

[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.

### **City Manager’s Comments**

The City Manager concurs with the foregoing recommendations.

### **Context and Background**

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.

This application submitted by Brent Constantine and Abdel-Aziz Shehata, Directors of Little Mountain Gallery, a non-profit society, is for a 135 person interior event-driven Liquor Primary located in the Gastown area of the Downtown Eastside neighbourhood at 110 Water Street. The establishment is in the basement (main) and mezzanine floor levels within an existing mixed-use building.

Little Mountain Gallery was previously located at 195 East 26th Avenue where they had operated from 2006 until 2021, when the site was approved for redevelopment. The arts venue did not have a permanent liquor licence and instead had applied for individual special event permits, which allowed temporary liquor service during performances.

Liquor service proposed for this performance arts venue (theatre) will be event driven and in conjunction with pre-booked private and public events for comedy, live music, dance, film, rehearsal studio, classes and workshops, and other private bookings. Catered food services will be available.

The proposal for this application is for 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 will be applying for the Family Food Service Endorsement which permits minors accompanied by a parent or guardian in the establishment until 10 pm.

## **Discussion**

### Public Input – Results of Neighbourhood Notification

A neighbourhood notification advising of the event-driven Liquor Primary application was conducted by distributing approximately 880 postcard notifications to property owners within the notification area of approximately 750 ft. (229 m) radius (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 92 pieces of feedback (emails and phone messages) were received from the public in response to the notification, of which one (1) response was opposed to the application. This feedback was from an area resident who expressed concerns related to the potential for increased noise, public disturbances and disruption to the neighbourhood that is already in need of desperate care and attention.

Respondents in support expressed fondly how Little Mountain Gallery (LMG) has served as an integral cultural resource and community hub for the arts, culture and comedy in Vancouver for many years, and that the new venue will be a welcomed asset for artists and performers to create art and perform comedy, especially during this area of revitalization that includes the reimagining of Blood Alley. Some have said that their success as a performer was attributed to LMG, that the society fills a much needed gap in our cultural infrastructure and that the venue will provide a great alternative to nightclubs and restaurants in Gastown, activating an important part of the city and nightlife and creating benefits to the whole neighbourhood and city.

### Location of Establishment

The subject site is located in the Gastown Historical Area District (HA-2) and for the purposes of liquor policy, it is considered to be located in the Downtown Primarily Mixed-Use area. The surrounding area is a community with residential, commercial, retail and cultural mixture (see Appendix B).

### Proximity to other Liquor Primary Establishments

Within a 750 ft. (229 m) radius of the subject site, there are currently ten (10) Liquor Primary establishments and thirty-three (33) active Food Primary establishments. The nearest Liquor Primary is a Class 3 establishment located 40 metres from the proposed establishment, at 210 Abbott Street (The Lamplighter Pub). The nearest event-driven Liquor Primary is located at 149

West Hastings (Simon Fraser University School for the Contemporary Arts). 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 this event-driven Liquor Primary licence at this event-driven venue is 135 persons (see Appendix A). Final occupancy calculations will be provided in accordance with Building and Fire by-laws. Final occupant load calculation will not increase beyond what Council approves.

The proposed hours of operation for the event-driven 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 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 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. A condition of the development permit will allow for non-profit and community groups use and access to the venue (theatre) a minimum two times per month at a subsidized rate for equity-seeking groups.

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.

Vancouver Police Department (VPD) has reviewed the application and has no concerns other than requesting that the operator be considerate of the impact their business has on the surrounding neighbourhood.

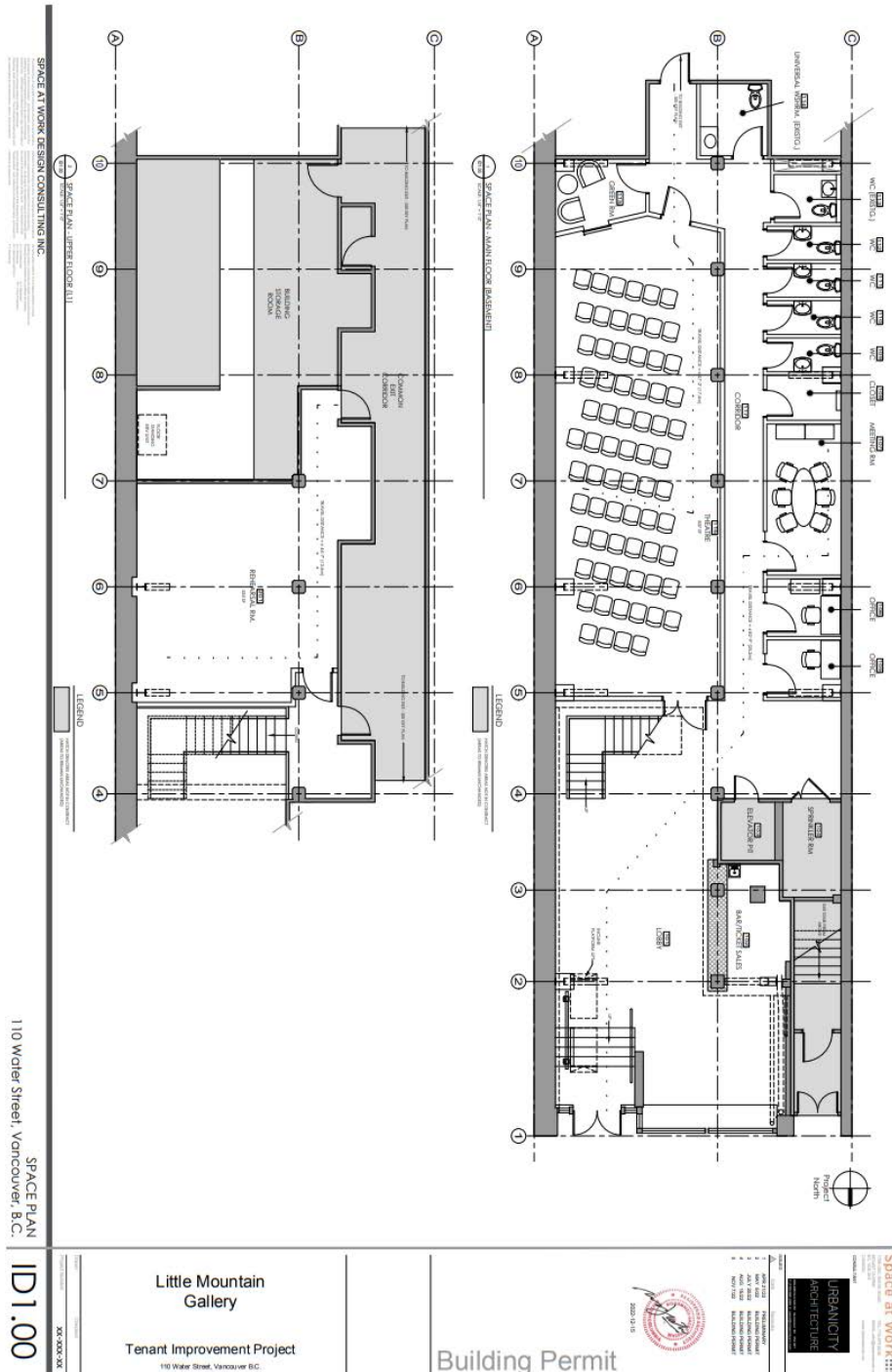
### **Financial Implications**

There are no financial implications associated with this report's recommendations.

### **Legal Implications**

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

## APPENDIX A ESTABLISHMENT FLOOR PLAN



## APPENDIX B NOTIFICATION AREA

### LIQUOR PRIMARY (Liquor Establishment - Venue)

Little Mountain Gallery – 110 Water Street



#### LEGEND

- ★ Subject Site
- 228.6 metres (750 feet) radius from Subject Site
- - - Notification Area

#### 1 Liquor Primary Establishments:

- Funky Winker Beans – Class 3
- Grand Union Pub – Class 3
- Greta Pub – Class 4
- Guilt & Company – Class 2
- Simon Fraser University – Venue
- The Cambie Pub – Class 3
- The GPO Bar + Kitchen – Class 2
- The Lamplighter Pub – Class 3
- The Portside Pub – Class 3
- The Metropole Pub – Class 3

#### 2 Food Primary Establishments:

- Restaurants with Liquor Service – Thirty-three (33)

#### 3 Liquor Retail Stores:

- None applicable

#### 4 Residential

#### 5 Parks:

- CRAB Park at Portside
- Pioneer Place (Pigeon Park)
- Victory Square

#### 6 Schools:

- Sino Bright School (Independent High School)

