



## 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: 212 Carrall Street – 1289491 B.C. Ltd (“Smith’s”)  
Dual Licence – Liquor Primary Licence Application  
Liquor Establishment – Class 1

### 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 Christa Montpetit of Blue Diamond Hospitality Inc., on behalf of the applicant, 1289491 B.C. Ltd., for a new Dual Licence – Liquor Primary licence (Liquor Establishment – Class 1) located at 212 Carrall Street, subject to:

- i. A maximum interior capacity of 59 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. A Time-Limited Development Permit;
- iv. An acoustic report certifying that the establishment meets Noise Control By-law requirements; and
- v. 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 59 person Dual Licence – Liquor Primary (Liquor Establishment Class 1), located at 212 Carrall Street, subject to the conditions noted in this report (See Appendix A). The application complies with current Council policy regarding size and location. 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 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).

[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, 1289491 B.C. Ltd., with William Donnellan listed as its sole Director, has authorized the consulting firm of Blue Diamond Hospitality Inc., to act as their representative for this application. The proposed establishment, located at 212 Carrall Street is for a 59 person Dual Licence – Liquor Primary, located in the “Gastown Historic Area.” The applicant has been

operating a Food Primary Liquor licence and a Liquor Primary licence at this location since August 17, 2021. If this application is approved, 1289491 B.C. 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. The food menu consist of traditional Irish pub style foods. The current hours of liquor service for the Food Primary are 11 am to 1 am, Sunday to Thursday, and 11 am to 2 am, Friday and Saturday. If approved the applicant would see the Food Primary hours change from 11 am 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.).

If approved, this new Dual Licence will allow the applicant to operate with the same terms and conditions of their existing, space sharing Liquor Primary licence, Smith’s from 10 pm until close.

## **Discussion**

### Public Input – Results of Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary application was conducted by distributing 1,005 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 twenty-three (23) pieces of feedback were received from the public in response to the liquor application. Of the respondents, five (5) were in support and eighteen (18) were in opposition. All of the responses received were from within the notification area.

Respondents in support of the application expressed how this type of establishment would be a welcomed addition to the neighbourhood attracting both locals and tourists to the area, helping to revitalize Gastown.

Respondents opposed to the application expressed concerns regarding the proposed extended hours of operation, potential for increased noise, public nuisances and disturbances, impeded alley-way access and safety concerns. Some felt that a three-o’clock closing would affect their quality life, from the potential of increased noise, particularly if exiting in the back lane in the early hours of the morning. Others indicated that Gastown is not an entertainment district and with the recent amount of applications in the area and in conjunction with the numerous existing establishments, that residents are left to deal with implication of late night establishments without consultation.

As a result of the concerns expressed in the feedback, the applicant organized and hosted a community meeting on March 13, 2023, at the proposed Dual Licence location. Only one (1) persons who was originally in opposition to the application attended the meeting. The applicant – Christa Montpetit, along with the Owner/Operator’s William Donnellan and Paul Jacobs, the Director of Operations Aaron Lacey and the City of Vancouver Liquor Licence Coordinator Gage Bonneville were available to explain the application and respond to questions from the attendee. After responding to questions and addressing concerns raised by the attendee, the attendee left the meeting indicating they were now in support of the application. 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 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 establishment is located on the ground level of a mixed-use building within ‘Gastown’.

### Proximity to other Liquor Primary Establishments

Within a 750 foot (229 metre) radius of the subject site there are no Class 1 Liquor Primary establishments. The nearest Liquor Primary establishment is Smith’s – Liquor Establishment Standard – Class 2, located within the proposed establishment. Within the 750 foot radius there are currently nine (9) Liquor Primary establishments and thirty-five (35) Food Primary establishment with active business licenses. 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 59 persons (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 licence 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. The acoustic report is 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 1 establishment will be ancillary to the current Restaurant – Class 1 business licence.

Since opening in August 2021, there have been no recorded noise complaints.

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

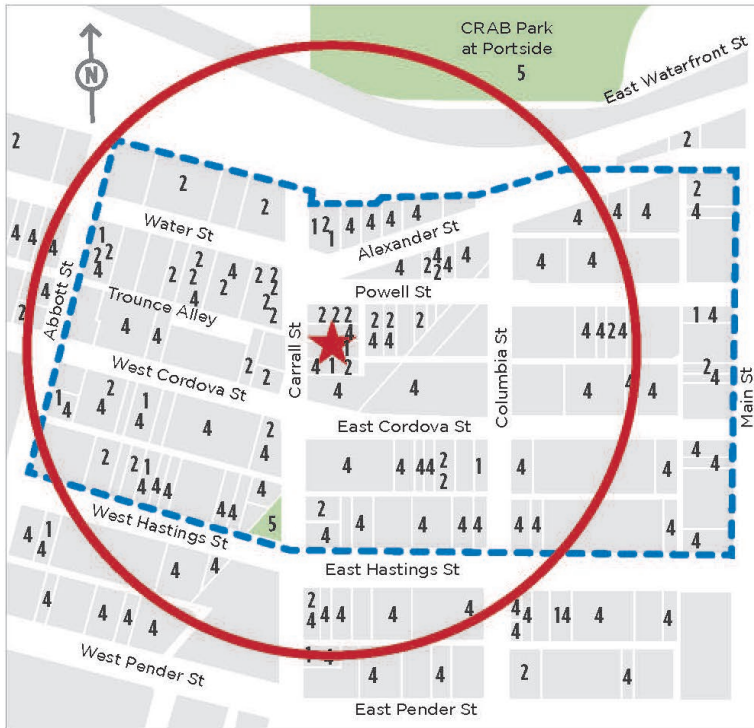


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**APPENDIX B**  
**Notification Area and Surroundings**

**DUAL LICENCE – LIQUOR PRIMARY**  
**(Liquor Establishment – Class 1)**

Smith’s – 212 Carrall Street



**LEGEND**

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

**1 Liquor Primary Establishments:**

- Back and Forth Bar – Class 3
- Funky Winker Beans – Class 3
- Grand Union Hotel Pub – Class 3
- Greta Bar YVR – Class 4
- Guilt & Co. – Class 2
- New Brandiz Pub – Class 3
- No5 Orange – Class 3
- Smith’s Irish Pub – Class 2
- The Blarney Stone – Class 3
- The GPO Bar + Kitchen – Class 2
- The Lamplighter Public House – Class 3
- The Metropole Community Pub – Class 3
- The Portside Pub – Class 3
- The West Pub – Class 2

**2 Restaurants with Liquor Service:**

- 40 Restaurants

**3 Liquor Retail Stores:**

- None applicable

**4 Residential**

**5 Parks:**

- Carb Park at Portside
- Pioneer Place (Pigeon Park)

**6 Schools:**

- None applicable

