



## 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: 1133 Robson Street – Primary Holdings Ltd (“Fantacity Restaurant”)  
Dual Licence – Liquor Primary Licence Application  
Liquor Establishment Class 2

### 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 Susan Mander of Rising Tide Consultants, on behalf of the applicant, Primary Holdings Ltd (doing business as “Fantacity Restaurant”), for a new Dual Licence – Liquor Primary liquor licence (Liquor Establishment Class 2), located at 1133 Robson Street, subject to:

- i. A maximum interior capacity of 137 persons;
- ii. Extended Hours of operation limited to 10 pm to 2 am, Sunday to Thursday, and 10 pm to 3 am, Friday and Saturday;
- iii. A Time-limited Development Permit;
- iv. An acoustic report to be submitted 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 137 person Dual Licence – Liquor Primary (Liquor Establishment Class 2), located at 1133 Robson Street (see Appendix A), subject to the conditions noted in this report. 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 licences.

[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 Regulation 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, Primary Holdings Ltd., with Han Seung Song and Chul Jin Song listed as its Directors, have authorized the consulting firm of Rising Tide Consultants Ltd, to act as their representative for this application. The proposed establishment located at 1133 Robson Street is for a 137 person interior Dual Licence Liquor Primary Licence. Operating since 2002, Fantacity

Restaurant currently has an active Food Primary liquor licence and if this application is approved, the establishment will transition from a Food Primary Liquor 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 provided food service offered during the operation of the Food Primary from 9 am to 10 pm will not change, offering menus of Western-Asian dishes to their patrons throughout the service hours with a limited variety of menu options available once the liquor primary hours begin.

The current hours of liquor service for the Food Primary are 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday and Saturday. If approved the applicant would see the Food Primary hours change from 9 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 and Saturday. The establishment offers karaoke, which will continue to be an entertainment option for the proposed Dual Licence Liquor Primary. The new Dual Licence Liquor Primary will allow the establishment to offer additional entertainment that includes games of skill such as darts and pool.

## **Discussion**

### Public Input – Results of Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary application was conducted by distributing 784 postcard notifications to property owners within the notification area of approximately 750 ft. (229 m) radius (see Appendix B). A site sign was installed on the site 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.

In response to the neighbourhood notification, a total of 37 pieces of written feedback were received from the public: Five (5) in opposition and 32 form letters in support.

Respondents opposed to the application expressed concerns regarding the proposed extended hours and the potential for increased noise, public disturbances and safety.

Respondents in support are excited to see a venue that provides upscale karaoke experience and that the venue will further diversify this area of Robson Street and be of benefit to surrounding residents and other businesses.

### Location of Establishment

The subject site is located in Downtown District (DD) 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 mixture of retail, office, service, cultural and recreational, and residential uses (see Appendix B).

### Proximity to other Liquor Primary Establishments

Within a 750 ft. (229 m) radius of the subject site, there are currently four (4) Liquor Primary and thirty-two (32) active Food Primary establishments with issued business licences. The four

liquor primaries in the area are all approximately 180 metres from Fantacity. 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 Liquor Primary licence at this location is a 137 person interior occupant load (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 Dual Licence Liquor Primary licence are 10 pm to 2 am, Sunday to Thursday; and 10 pm to 3 am, Friday and 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 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 2 business licence remains the primary use for the space. Issuance of the City of Vancouver business licence for the new Dual Licence Liquor Establishment – Class 2 establishment will be ancillary to the current Restaurant – Class 2 business licence.

Operating since 2002, this establishment has had 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**

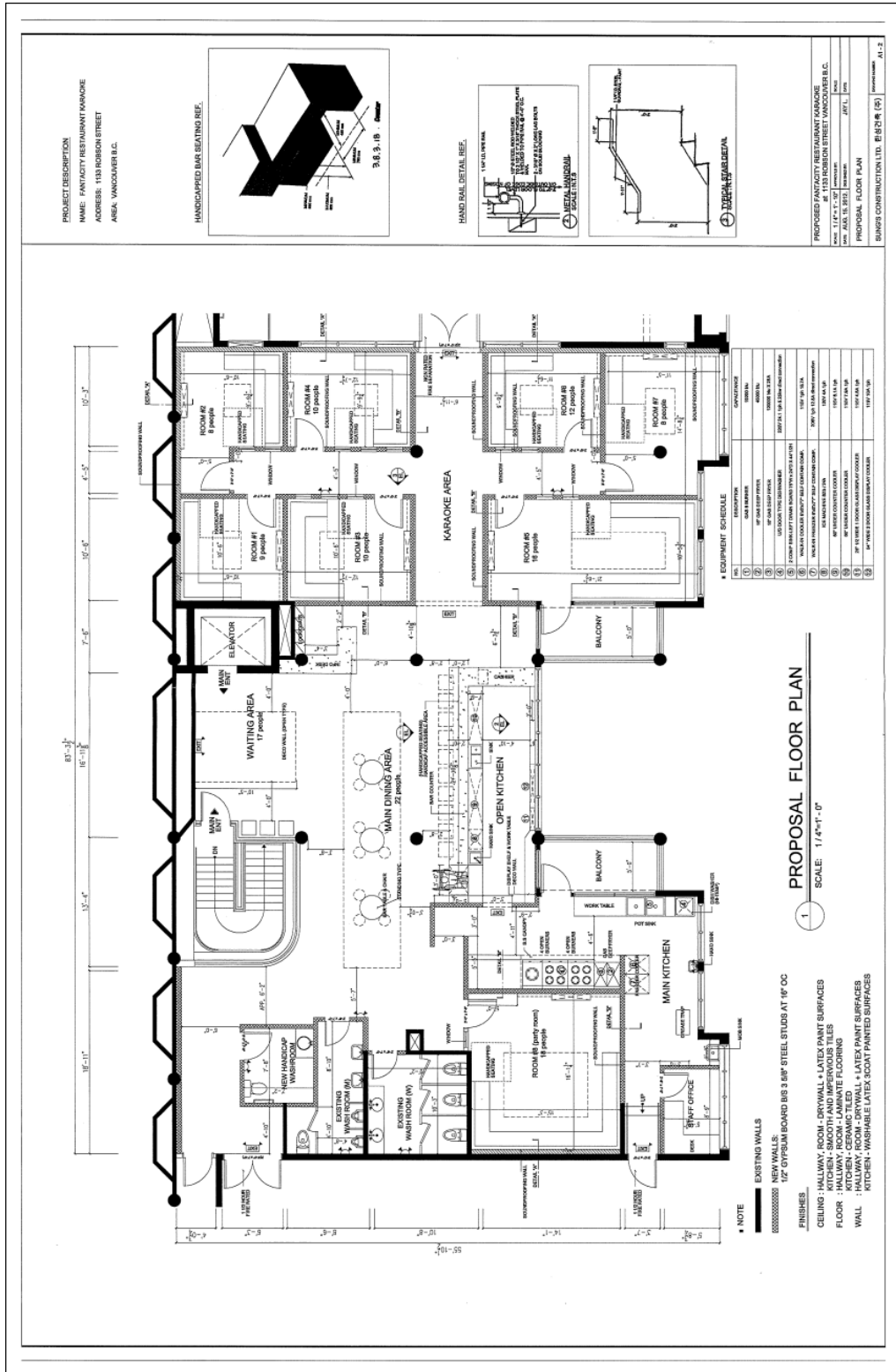
There are no financial implications associated with this report’s recommendations.

### **Legal Implications**

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

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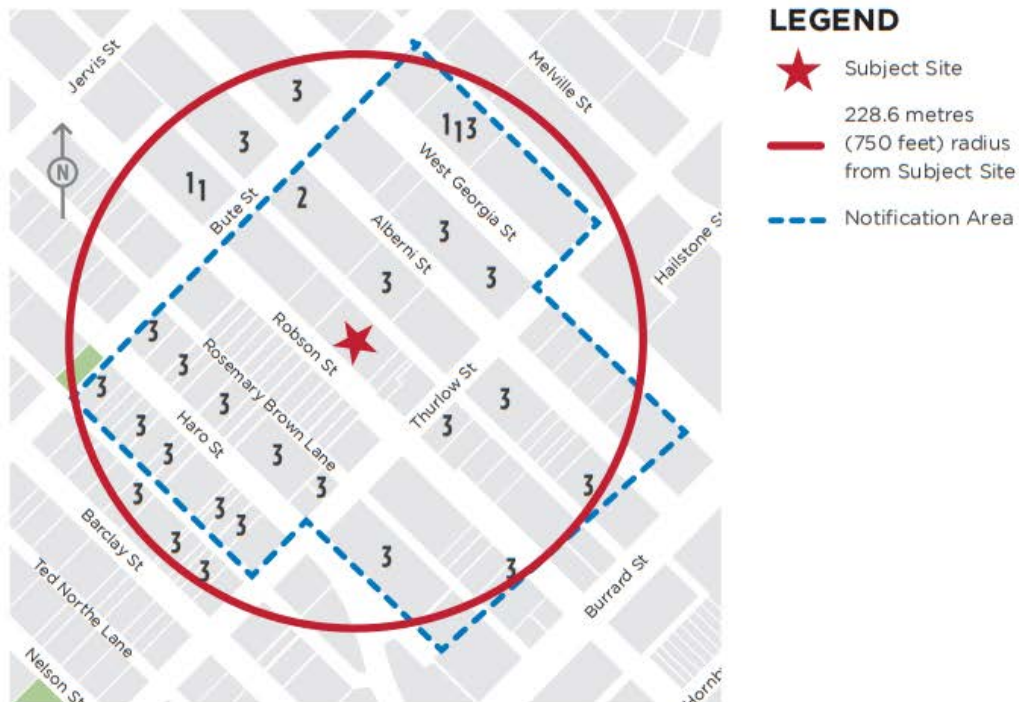
## APPENDIX A ESTABLISHMENT FLOOR PLAN



## APPENDIX B NOTIFICATION AREA

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

Primary Holdings Ltd (Fantacity) – 1133 Robson Street



#### 1 Liquor Primary Establishments:

- Inlets Bistro & Lounge – Class 2
- Karma Lounge – Class 2
- Mansion Night Club – Class 4
- Shenanigans – Class 3

#### 2 Liquor Retail Stores:

- BC Liquor Store #129 (Alberni & Bute)

#### 3 Residential

#### 4 Parks:

- Non-applicable

#### 5 Schools:

- Non-applicable