



COUNCIL REPORT

Report Date: August 3, 2023
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Meeting Date: September 13, 2023
[Submit comments to Council](#)

TO: Standing Committee on City Finance and Services
FROM: General Manager of Development, Buildings and Licensing
SUBJECT: 1039 Mainland Street – 1097130 BC Ltd (“Banter Room”)
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 Christina Beehler of Rising Tide Consultants, on behalf of the applicant, 1097130 BC Ltd (doing business as “Banter Room”), for a new Dual Licence – Liquor Primary liquor licence (Liquor Establishment Class 2), located at 1039 Mainland Street, subject to:

- i. A maximum interior capacity of 124 persons and outdoor patio capacity of 43 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. 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 to be submitted 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 124 person interior and 43 person outdoor patio Dual Licence – Liquor Primary (Liquor Establishment Class 2), located at 1039 Mainland 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, 1097130 BC Ltd, with Thomas (Ted) Wilkie listed as its Director, have authorized the consulting firm of Rising Tide Consultants Ltd, to act as their representative for this application. The proposed establishment located at 1039 Mainland Street is for a 124 person interior Dual Licence Liquor Primary Licence with an outdoor patio capacity of 43 persons. Operating since 2017, Banter Room 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 a variety of culinary dishes to their patrons throughout the service hours with lighter 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 new Dual Licence Liquor Primary will allow the establishment to offer entertainment consisting of, but is not limited to live or recorded music (DJs), dancing, karaoke and 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 3,623 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 32 pieces of feedback (emails and phone messages) were received from the public: Three (3) in support and 29 oppose. All respondents were from within the notification area.

Respondents in support provided personal endorsement of the operator.

Respondents expressed concerns regarding the proposed extended hours, the potential for increased noise, increased public nuisances, safety and security issues, and parking and traffic concerns. Respondents also voiced concerns that the current operation continually has their sliding windows/doors open, with the outdoor patio adversely impacting the nearby residential with excessive patron and music noise. Many residents also felt that there are too many liquor establishments in close proximity and that the peace and enjoyment of their homes would be lost.

Location of Establishment

The subject site is located in the HA-3 Zoning District (Yaletown Historic Area) 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 mix of commercial, industrial 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 six (6) Liquor Primary and twenty-seven (27) Food Primary establishments with issued business licences. The nearest Liquor Primary is a Class 1 establishment located steps away from Banter Room at 1035 Mainland Street (Pierre’s). The nearest Class 2 establishment is approximately 40 metres at 1011 Hamilton Street (The Parlour). 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 124 person interior and a 43 person exterior (outdoor patio) 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 1 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 1 business licence.

Since 2019, this establishment has received 12 noise complaints, roughly two (2) to three (3) per year. These noise complaints relate to loud noise and music, crowd management, patron

behaviour and the outdoor patio (sliding windows/doors are always kept open). Recent complaints surrounding the sliding windows/doors being kept open late at night have been the focus of concerns. Staff have advised the establishment that the windows and doors must remain closed beginning at 11 pm nightly. Inspection staff will continue to monitor the premise. To date, no violation has been found to substantiate the complaints.

The applicant has stated the establishment currently employs security personnel seven days a week, to ensure that disbursement of guests in the evenings is done in a safe and quiet manner. The establishment has agreed to ensure that the patio doors and windows are closed to ensure noise does not negatively impact the neighbourhood, as they are focused on attracting the surrounding residential community as part of their client base. The applicant is committed to working with the area residents and the community to help mitigate their concerns.

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

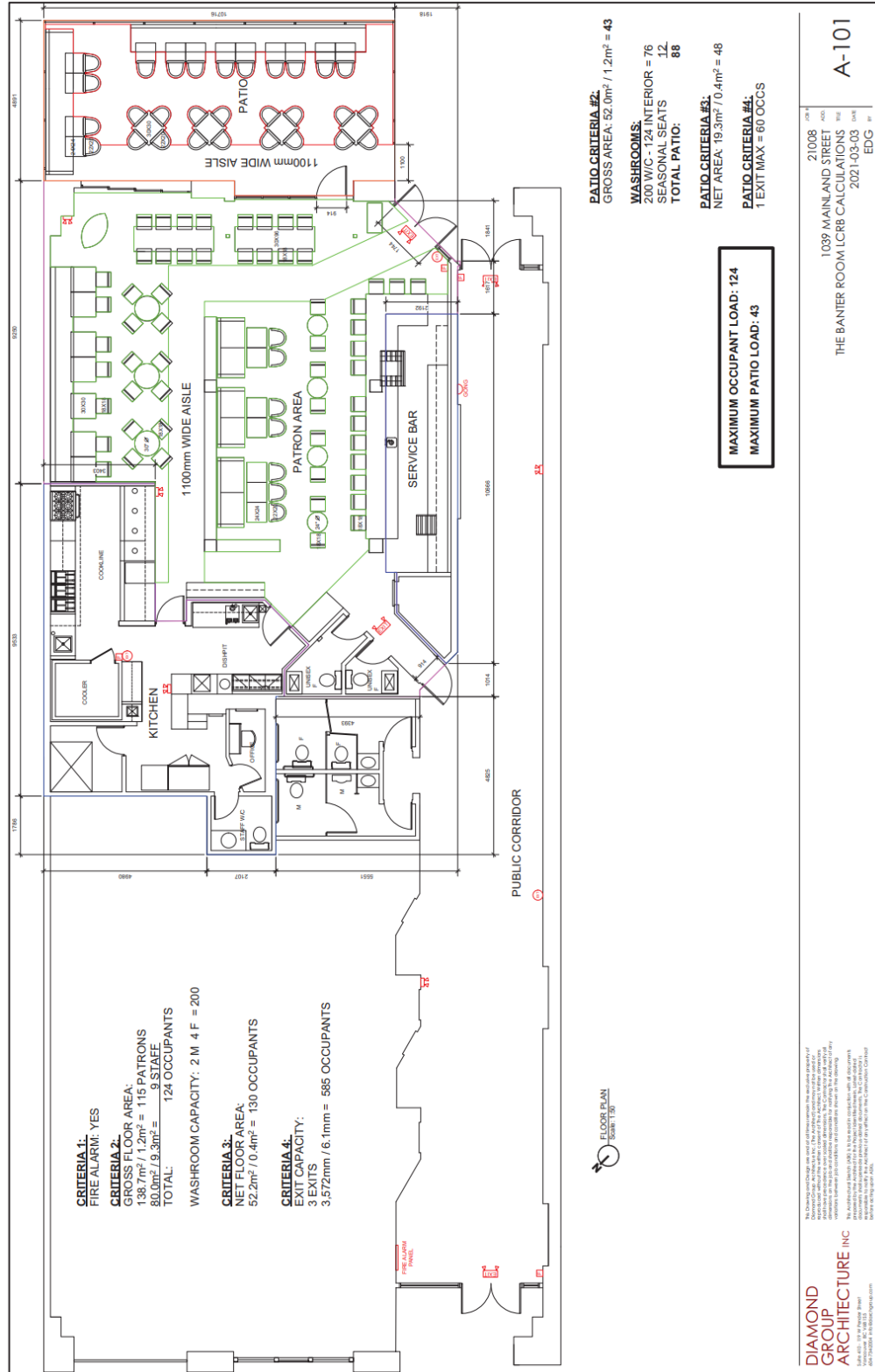
There are no financial implications associated with this report’s recommendations.

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)

1097130 BC Ltd (Banter Room) – 1039 Mainland Street



1 Liquor Primary Establishments:

- Hello Goodbye Bar (Class 1)
- Isabelle's Bar & Lounge (Class 2)
- Pierre's Champagne Lounge (Class 1)
- The Distillery Bar + Kitchen (Class 2)
- The Parlour (Class 2)
- Yaletown Brewing Company (Class 2)

2 Liquor Retail Stores:

- Yaletown Liquor Store

3 Residential

4 Parks:

- Helmcken Park
- Yaletown Park

6 Schools:

- Claren Academy (Independent School)