



ADMINISTRATIVE REPORT

Report Date: September 11, 2012
Contact: Tom Hammel
Contact No.: 604.873.7545
RTS No.: 9711
VanRIMS No.: 08-2000-20
Meeting Date: October 3, 2012

TO: Standing Committee on Planning, Transportation and Environment
FROM: Chief Licence Inspector
SUBJECT: 1262 Davie Street - Score Hospitality Group Ltd.
Liquor Primary Liquor Licence Application
Liquor Establishment Class 2 - Neighbourhood Pub (Score on Davie)

RECOMMENDATION

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notification, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by Score Hospitality Ltd. for a 104 person Liquor Primary liquor licence (Liquor Establishment Class 2 - Neighbourhood Pub) with a 35 person (outdoor) patio located at 1262 Davie Street subject to:

- i. A maximum total capacity of 104 persons inside and 35 persons outside;
- ii. Standard Hours of operation, for the first six months, limited to 11 am to 2 am, seven days a week; after which time Extended Hours of operation may be considered which are limited to 9 am to 3 am, seven days a week;
 - i. The outdoor patio ceasing all liquor service and vacated by 11 pm nightly;
 - ii. No music or entertainment permitted on the patio
- iii. A Time-limited Development Permit;
- iv. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- v. Food service to be provided while the establishment is operating as well as on the patio when open;
- vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance; and
- vii. The surrendering of the existing Food Primary liquor licence #300034 at the time of issuance of the Liquor Primary liquor licence.

REPORT SUMMARY

Score Hospitality Group Ltd. is requesting a Council resolution endorsing their application for the conversion of their existing restaurant to a new 104 person Liquor Primary liquor licence in addition to a 35 person outdoor patio located at 1262 Davie Street, Score on Davie.

The proposal for a new Liquor Primary establishment is consistent with Council's liquor policy for size and location. However, the proposed patio is not consistent with Council's policy for permitted seating capacity for outdoor patios when associated with a Liquor Primary. Staff support the relaxation of Council policy for Liquor Primary outdoor patios in this case as an outdoor patio has operated in conjunction with a Food Primary establishment at this location without any issues since 2008. The number of seats being proposed will be reduced from 41 to 35 seats therefore; staff do not anticipate any issues.

Staff is recommending approval of this application noting that there will be little change with respect to how this establishment will operate.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

City role in liquor licence applications - The Liquor Control and Licensing Branch of the Provincial Government has senior authority in approving liquor licence applications. Their regulations require local governments to provide a Council resolution on any liquor primary liquor licence application unless the local government decides to opt out of the application review process. Council policy has been to provide comments on these applications.

Approval process/requirements - Council policy requires new Liquor Primary liquor licences and changes to existing Liquor Primary liquor licences be subject to a Time-limited Development Permit, Good Neighbour Agreement and public consultation.

West End Liquor Licensing Policy - Davie Village was identified in the 1999 West End Liquor Licensing policy as a district where an increased number of liquor primary establishments could be considered, including this block.
(Refer to: vancouver.ca/ctyclerk/cclerk/000518/Pe6.htm)

Hours of service - Policy for this Downtown Primarily Commercial area are:

Standard hours of liquor service:

- 11 am to 2 am, seven days a week

Extended hours of liquor service:

- 9 am to 3 am, seven days a week

Sidewalk patios adjacent to liquor establishments - On April 17, 2007, Council approved policy and guidelines that allow Liquor Primary liquor establishments to have sidewalk patios on both public and private property subject to:

- Food service being available to the patio;
- A food preparation area large enough to safely handle the capacity increase;
- Closing time of no later than 11 pm;

- Outdoor seating limited to 20% of total seating capacity; and
- Public consultation.

Outdoor patios on private property adjacent to liquor primary establishments require amendments to existing Liquor Primary liquor licences and are subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of the foregoing.

REPORT

Background/Context

The applicant is requesting a Council resolution endorsing the Score on Davie's application for a 104 person Liquor Primary liquor licence (Liquor Establishment Class 2 - Neighbourhood Pub) and for a 35 person outdoor patio located at 1262 Davie Street (refer to Appendix A), via the conversion of the existing 105 person (interior) and 41 person (outdoor) patio Food Primary liquor licence to a Liquor Primary licence. The current Food Primary liquor licence will be terminated if the Liquor Primary liquor licence is approved.

Licence Category	Current		Proposed		Recommended	
	Capacity	Hours	Capacity	Hours	Capacity	Hours
Food Primary (#300034)	97 8 (lounge interior)	9 am to 2am, 7 days a week	N/A (licence terminated)	N/A	N/A	N/A
Liquor Primary	N/A	N/A	104	10 am to 2 am, 7 days a week	104	First 6 months: 11 am to 2 am, 7 days a week After 6 months: 10 am to 2 am, 7 days a week
Outdoor Patio	41 (Food Primary)	9 am to 11 pm, 7 days a week	35 (Liquor Primary)	10 am to 11 pm, 7 days a week	35 (Liquor Primary)	10 am to 11 pm, 7 days a week
TOTAL	105 (interior) 41 (exterior)		104 (interior) 35 (exterior)		104 (interior) 35 (exterior)	

The applicant has co-owned and has managed the existing restaurant since 2008 and intends to continue to offer full food service in a sports lounge environment catering to area residents and tourists. Very little is expected to change as food service will continue to be required as a component of the business. If the application for the Liquor Primary licence is approved, this

will allow the establishment more flexibility to serve and accommodate clients who only wish to have a drink without food and minors will no longer be permitted in the establishment.

Strategic Analysis

Results of Neighbourhood Notification

A neighbourhood notification was conducted by circulating 500 notices in the survey area (refer to Appendix B). site sign was erected 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 38 responses were received in response to the application. The results of the notification are summarized as follows:

	Within 800' radius of subject site	Outside 800' radius of subject site	No contact information	Total
Support	9	9	4	22
Opposed	13	0	3	16

As well, one petition signed by 103 residents from 81 units from a nearby building was received opposing the application.

Respondents opposing the application are most concerned with increased nuisance issues for the community including; noise, drunkenness and disturbances with patrons leaving the establishment, increased area traffic and lack of parking, garbage and litter, patrons smoking outside the establishment and the close proximity to residential buildings. As well, respondents generally felt that there are currently sufficient liquor establishments in the area.

In order to hear more from residents about their concerns, two "open houses" were organized by the applicant. Notices were delivered by the applicant to two nearby residential buildings which had sent in comments regarding the application. City staff also emailed residents who responded with their concerns and issues regarding the open houses. The open houses were held on September 5th and 6th, 2012. The Liquor Licence Coordinator attended both of these open houses. One local resident attended the open house on September 5th and no one attended the September 6th open house. The person who attended the open house, was in support of the application.

Location of Establishment

The subject site is situated in the Davie Village which is within the Commercial West End (C-5) Zoning District and for the purpose of liquor policy, it is considered to be part of the Downtown Primarily Commercial area. The current approved use of this building is Restaurant Class 1 with approval for a patio for outdoor seating. The surrounding area is a mixture of residential, hotel, retail, restaurants, office, recreation uses and other commercial uses.

Davie Village is an area where residents, employees and visitors can shop, wine and dine and was identified in the 1999 West End Liquor Licensing policy as a district where an increased number of Liquor Primary establishments could be considered. Emerging directions in the West End Community Plan process support the proposal to have a variety of pubs and other licensed establishments which are oriented to the neighbourhood and operated so that

impacts on the livability of the neighbourhood are minimized. Patios are viewed as an amenity for the Davie Village which enhances the area as a destination.

Proximity to other social or recreational facilities and to other Liquor Primary Establishments

There are no social or recreational facilities in the immediate area that would create a potential conflict with the proposal to increase the person capacity of the existing Liquor Primary liquor licence.

The proposed Liquor Establishment - Class 2 is greater than 100 metres away from another Liquor Establishment Class 2, therefore, the proposed establishment complies with Council's liquor policy for venue size and location.

Person Capacity and Hours of Operation

The Vancouver Fire Department has reviewed the application and approved an occupant load of 104 persons inside and 35 persons on the outdoor patio.

The proposed patio is not consistent with Council's policy for outdoor patios with respect to the permitted seating capacity for Liquor Primary establishments. The policy states that outdoor seating for patios is limited to 20% of total seating capacity of the liquor primary establishment. For this application, policy would allow for a 21 person patio but the applicant is requesting approval for a 35 person patio. Staff support the request for a 35 person patio located on private property as the applicant has operated a Food Primary establishment with an outdoor patio (with liquor service) for a number of years with no issues or concerns. The number of seats being proposed will be reduced from 41 to 35 seats and food service will continue to be required therefore; staff do not anticipate any issues.

The applicant has no intention of extending the closing time past the current closing time of 2 am but would like to extend his opening time from 11 am to 10 am in order to accommodate breakfast and brunch patrons. If no concerns or issues occur in the first six months of operation, the operator may apply to extend their hours of liquor service to 10 am to 2 am, seven days a week. The proposed outdoor patio must cease all liquor service and vacate by 11 pm, nightly. No entertainment or music will be permitted on the patio.

Traffic, Noise, Parking and Zoning

The proposal to change the use of this building to a Liquor Primary (Neighbourhood Public House) including any outdoor seating will require a Development Permit. Traffic, noise, parking and zoning will be considered further as part of this process.

Impact on the Community

Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption. As well, the time-limited Development Permit and 11 pm closing time for the patio should address any potential problems.

Very little is expected to change as to the operation of the establishment. There have been no enforcement issues associated with this establishment and no complaints have been received related to the management of this business. The area is predominantly mixed-use with retail on the ground floor and residential apartments nearby (see Appendix B).

The Time-limited Development Permit and Good Neighbour Agreement should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

The Vancouver Police Department have no concerns and support the application.

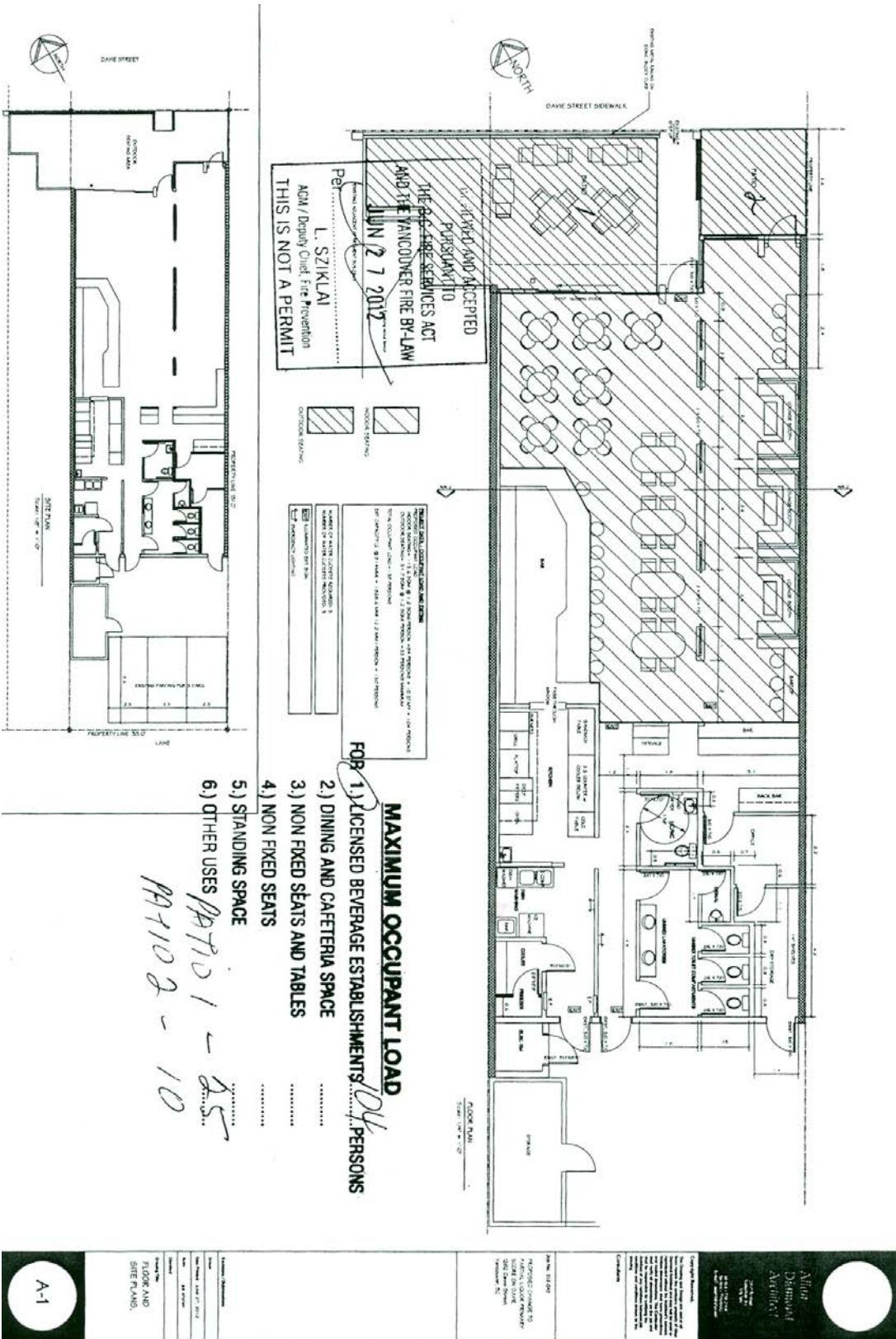
Financial

There are no financial implications.

CONCLUSION

Staff are recommending Council endorse the applicant's request for a 104 person Liquor Primary liquor licence with 35 person outdoor patio subject to the conditions outlined in the Recommendation as the application meets current Council policy regarding size and distance from other establishments. Staff acknowledge that this application does not meet Council policy for outdoor patios but given that the establishment has operated with a similar size patio and the requirement for a Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area. As well, the six month restriction to Standard Hours will provide an evaluation period for staff, Vancouver Police Department and the operator. Food service will also remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

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MAXIMUM OCCUPANT LOAD
 FOR 1) LICENSED BEVERAGE ESTABLISHMENTS: 104 PERSONS

- 2.) DINING AND CAFETERIA SPACE
- 3.) NON FIXED SEATS AND TABLES
- 4.) NON FIXED SEATS
- 5.) STANDING SPACE
- 6.) OTHER USES

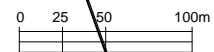
PT101 - 85
PT102 - 10

Title: **Definitive Architect**
 Project: **FLOOR AND SHEET PLANS**
 Date: **10/1/11**
 Scale: **AS SHOWN**
 Drawing No: **A-1**



LEGEND

- (1) Neighbourhood Pubs & Lounges - {1181}, {The PumpJack Pub}, {Moxie's}
- (2) Government or Private Liquor Stores - {BCLS #094 Bute St}
- (3) Residential/Strata buildings
- (4) Hotel - {Sandman Suites on Davie}
- (5) Social/Private Clubs - {N/A}
- (6) Parks
- (7) Churches - {Guardian Angels Parish}, {St. Paul's Anglican Church}
- (8) Other social facilities - {West End Community Policing Centre}, {Bute Street Clinic}
- (9) Schools - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2)
1262 Davie Street – Score on Davie

City of Vancouver - Licenses & Inspections

map: 1 of 1
nts
date: 2012-08-14