

CITY OF VANCOUVER

POLICY REPORT LICENSING

Date: May 31, 2005
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Meeting Date: June 16, 2005

TO: Standing Committee on Planning and Environment

FROM: Chief License Inspector

SUBJECT: Hours of Liquor Service Policy: Amendments to Davie Village including the Odyssey at 1251 Howe Street

RECOMMENDATION

- A. THAT Council not amend the Hours of Service policy to permit hours of liquor service in the Davie Village area equivalent to those in "primarily commercial" areas.
- B. THAT Council approve a site specific amendment to the Hours of Liquor Service policy for 1251 Howe Street (The Odyssey) to allow extended hours of liquor service that are equivalent to those in "primarily mixed-use" areas, subject to the Chief License Inspector reporting back under the following circumstances:
 - i. Significant neighbourhood complaints regarding impacts associated with the Odyssey; or
 - ii. Redevelopment of the site.
- C. THAT Council instruct the Chief License Inspector to consider applications for extended hours for special events, as provided for under the Hours of Liquor Service policy, generally as outlined in this report.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A, B and C.

COUNCIL POLICY

In July 1996, Council approved the Downtown Liquor Licensing Policy that encouraged the reduction of the number of licensed seats in the residential areas of Downtown South through relocation.

In June 1997, Council approved the Theatre Row Liquor Licensing Policy for the Granville Street Entertainment District (Theatre Row) and provided guidelines for distribution of liquor licensed establishments, relocation from other areas, and a policing strategy.

In May 2000, Council approved the West End Liquor License Policy that emphasized smaller neighbourhood pubs, primarily serving a local clientele and distributed over a number of blocks, to minimize neighbourhood impacts.

In November 2004, Council approved the Hours of Liquor Service Policy that establishes a new model for regulating hours of liquor service for Liquor Primary establishments, based on an area approach and incorporating a two-tiered licensing system and impact reduction measures.

PURPOSE & SUMMARY

The purpose of this report is to respond to Council's request that staff consider the implications of including Davie Village (1000 to 1200 blocks of Davie Street) and the Odyssey nightclub (1251 Howe Street) as part of the "primary commercial" area, as defined under the Hours of Liquor Service policy. Policy recommendations are also provided regarding special events, including statutory holidays, City festivals and other celebrations, to be eligible for extended hours of liquor service.

The newly adopted city-wide Hours of Liquor Service policy establishes three types of commercial areas, each with varying hours of liquor service. The "primarily commercial" category, with the most liberal hours, includes the Granville Street Entertainment District which has specific policy pertaining to entertainment uses and does not permit residential uses.

Davie Village, zoned to permit residential uses and surrounded by high-density residential buildings, falls under the slightly more restrictive "primarily mixed-use" category. The Odyssey, a non-conforming use in the residentially zoned Downtown South area, falls under the "primarily residential" category with the most restrictive hours.

This report recommends that Davie Village not be reclassified as "primarily commercial" at this time. Altering the hours of liquor service contrary to the recently adopted policy without prior regulatory changes, will create a precedent for other areas and make any effective application of the policy difficult. Although Davie Village is the "downtown" of the gay community, it is also the centre of a large and diverse residential neighbourhood. However, if Council wishes to further consider the option of changing the classification of this area to be the equivalent of an entertainment district, Council could request that the Director of Planning report back on the cost and schedule of a more detailed land-use review.

It is further recommended that the Odyssey at 1251 Howe Street remain classified as “primarily residential” but that extended hours of liquor service equivalent to those of “primarily mixed-use” areas be implemented. This option recognizes that the new policy creates a disadvantage for the Odyssey, a non-conforming use and long-term business that has traditionally been linked with Davie Village both socially and economically. At the same time, the option provides staff with some flexibility should there be any concerns associated with the operation.

BACKGROUND

Hours of Liquor Service Policy

On November 18, 2004, Council approved the Standard Hours of Liquor Service Policy and supported in principle the Extended Hours of Liquor Service Policy, for Liquor Primary establishments. This licensing model establishes three types of areas based on factors such as existing policy, level of commercial intensity and mix of uses: “primarily commercial”, “primarily mixed-use” and “primarily residential” areas. It further establishes standard, extended and special events hours for each of the areas, as shown below in Table 1.

Table 1: Hours Permitted by Hours of Liquor Service Policy

Area Category	Standard Hours	Extended Hours	Special Events Hours
Primarily Commercial	11am - 2am 7 days/wk	9am -3 am 7 days/wk	9 am - 4 am 7 days/wk
Primarily Mixed-Use	11am - 2am weekends 11am - 1am weekdays	9am - 3 am weekends 9am - 2am weekdays	9am - 4 am weekends 9am - 3am weekdays
Primarily Residential	11am - 1am weekends 11am - 12am weekdays	9am - 2 am weekends 9am - 12am weekdays	9am - 3 am weekends 9am - 12am weekdays

“Primarily commercial” areas, which include the Granville Street Entertainment District and the core of the Central Business District, have little or no residential component, are identified through policy as an entertainment area, and incorporate a higher tolerance for noise and other impacts related to entertainment areas. Because of these qualities, the hours of liquor service in these areas are the least restrictive, allowing establishments to serve liquor up to 3 am seven days a week under extended hours.

In contrast, “primarily mixed-use” areas are comprised of a variety of land-uses, including residential uses, and are considered high activity zones. In the downtown, this includes Yaletown, Gastown, the West End commercial areas, and other commercially zoned areas outside the Central Business District core. Hours of liquor service in these areas are slightly more restrictive, requiring establishments to close one hour earlier on weekdays than those in “primarily commercial” areas.

Although “primarily residential” areas also permit a mix of uses, they tend to be quieter lower activity zones. In the downtown, this category includes residential areas with existing non-conforming Liquor Primary establishments, such as parts of Downtown South. The “primarily residential” areas are the most restrictive, with extended hours of liquor service restricted to midnight on weekdays and 2 am on weekends.

The Hours of Liquor Service policy will be implemented subject to Provincial regulatory amendments and after staff reports back on impact reduction measures and a fee schedule.

DISCUSSION

On November 18, 2004 Council directed staff to report back on the implications of including Davie Village (1000 to 1200 blocks of Davie Street) and the Odyssey nightclub (1251 Howe Street) as part of the “primary commercial” area, as defined under the Hours of Liquor Service policy. In considering the reclassification of Davie Village (“primarily mixed-use”) and the Odyssey (“primarily residential”) to “primarily commercial”, the following factors were reviewed and are discussed in more detail below:

- Do these areas fit the criteria for reclassification to “primarily commercial”?
- Is such a reclassification supported by the community?

Category Reclassification

Davie Village

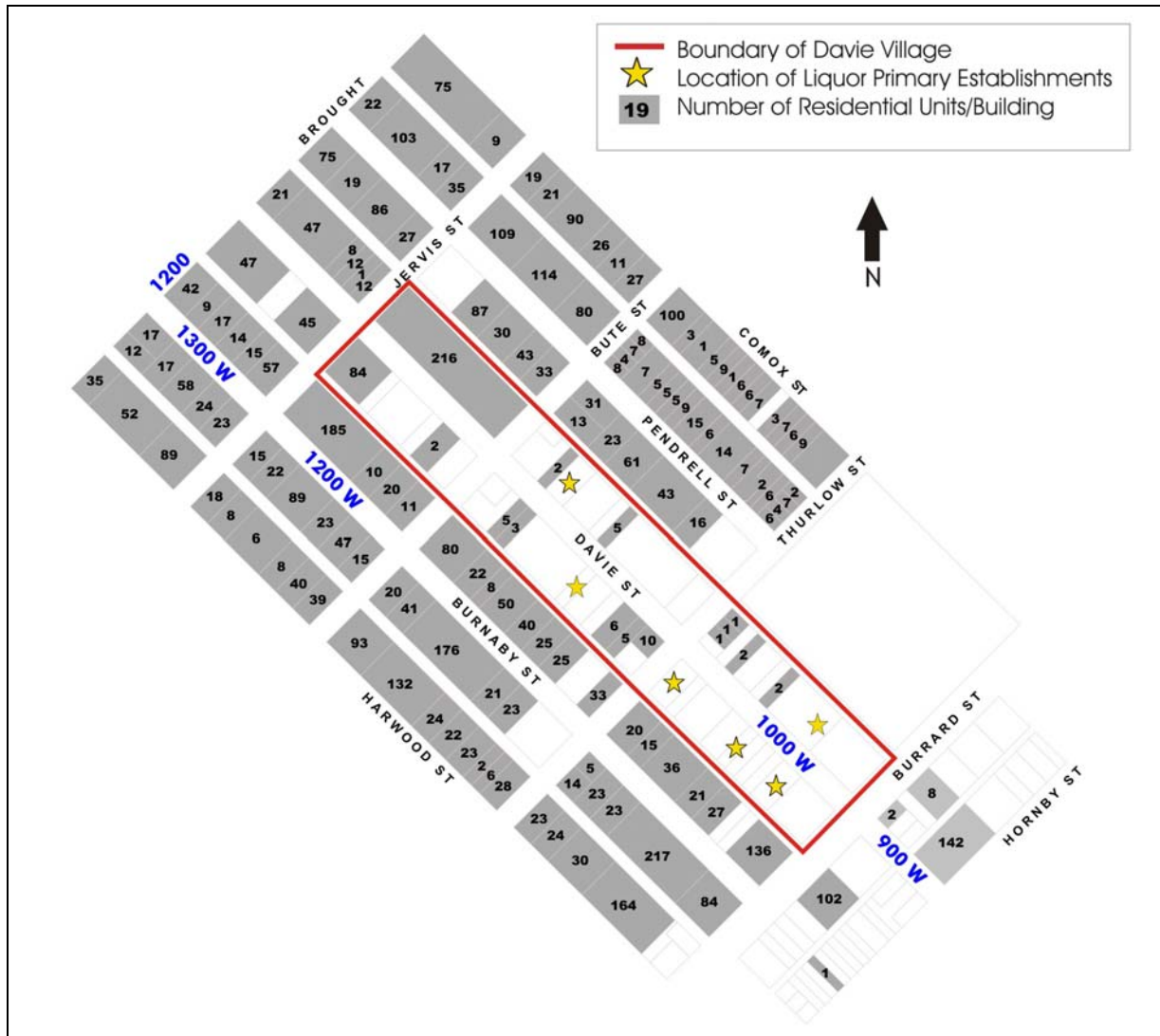
Davie Village, comprised of the 1000 to 1200 blocks of Davie Street, is a local shopping area located in the heart of the West End residential area. It is recognized by many as the “downtown” of the gay community, with a number of gay clubs and a wide range of the community’s festivals and celebrations. The area’s C-5 zoning permits residential uses and is intended to provide for uses and forms of development that are compatible with the primarily residential character of the West End.

Table 2 lists the Liquor Primary establishments in Davie Village and illustrates their existing, current, approved and proposed hours of liquor service. Each establishment’s existing permanent hours will remain in place until the Hours of Service policy is implemented. In the interim, operators are permitted to apply for hours of liquor service up to 3:00 am on Friday and Saturday nights, nights preceding statutory holidays, and specified festival dates.

Table 2: Liquor Primary Establishments in Davie Village

Name of Establishment	Seating Capacity	EXISTING Permanent Hours		CURRENT Interim Policy		APPROVED “Primarily Mixed-Use” Hours	PROPOSED “Primarily Commercial” Hours
		Weekend	Weekday	Weekend	Weekday	Weekend	Weekday
Celebrities 1022 Davie Street	385	7pm -2am	7pm-2am	7pm -3am	7pm-2am	9am - 3 am 9am - 2am	9am -3 am 7 days/wk
Numbers 1042 Davie Street	195	12pm-2am	12pm-2am	12pm-3am	12pm-2am	9am - 3 am 9am - 2am	9am -3 am 7 days/wk
Fountainhead Pub 1025 Davie Street	111	11am-1am	10am-12am	11am-3am	10am-12am	9am - 3 am 9am - 2am	9am -3 am 7 days/wk
Oasis Pub 1240 Thurlow Street	110	11am-1am	10am-12am	11am-3am	10am-12am	9am - 3 am 9am - 2am	9am -3 am 7 days/wk
Sandman Hotel 1160 Davie Street	46	11am-1am	11am-1am	11am-3am	11am-1am	9am - 3 am 9am - 2am	9am -3 am 7 days/wk
Pumpjack Pub 1167 Davie Street	107	11am-1am	10am-12am	11am-3am	10am-12am	9am - 3 am 9am - 2am	9am -3 am 7 days/wk
	954						

Figure 1: Davie Village



In considering the criteria for reclassifying Davie Village, it is difficult to differentiate it from other “primarily mixed-use” areas such as Yaletown, Gastown and other West End commercial areas. Like these areas, Davie Village is a commercial area surrounded by a large amount of residential development: approximately 345 residential units are located along Davie Street and within a two block radius of Davie Village there are over 6300 residential units housing approximately 8600 people. Figure 1 shows Davie Village, the location of Liquor Primary uses and the number of units per building of adjacent residential areas.

In addition, while it is recognized that Davie Village is home to the majority of gay clubs in the city, unlike other “primarily commercial” areas, it is not identified through policy as an entertainment area. Prior to being designated as an Entertainment District, the 700 to 900 blocks of Granville Street underwent a lengthy consultation process, that resulted in a comprehensive strategy including distribution of liquor licensed establishments (number of bars and maximum capacity by block), relocations from other areas, land use changes including the deletion of residential uses as a permitted use, and policing and safety issues.

Due to the above factors, staff feel that Davie Village does not meet the criteria for reclassification to “primarily commercial” and that the existing area designation of “primarily mixed-use” appropriately reflects the high-density residential uses both on and adjacent to Davie Street. However, if Council wishes to further consider the option of changing the classification of this area to be the equivalent of an entertainment district, staff recommend that Council request the Director of Planning to report back on the cost and schedule of a more detailed land-use review.

The Odyssey (1251 Howe Street)

The Odyssey nightclub is located in Downtown South at 1251 Howe Street. Despite being located several blocks from Davie Village, the Odyssey is considered an extension of the nightclub scene of the area and has long been a key locale for the gay community.

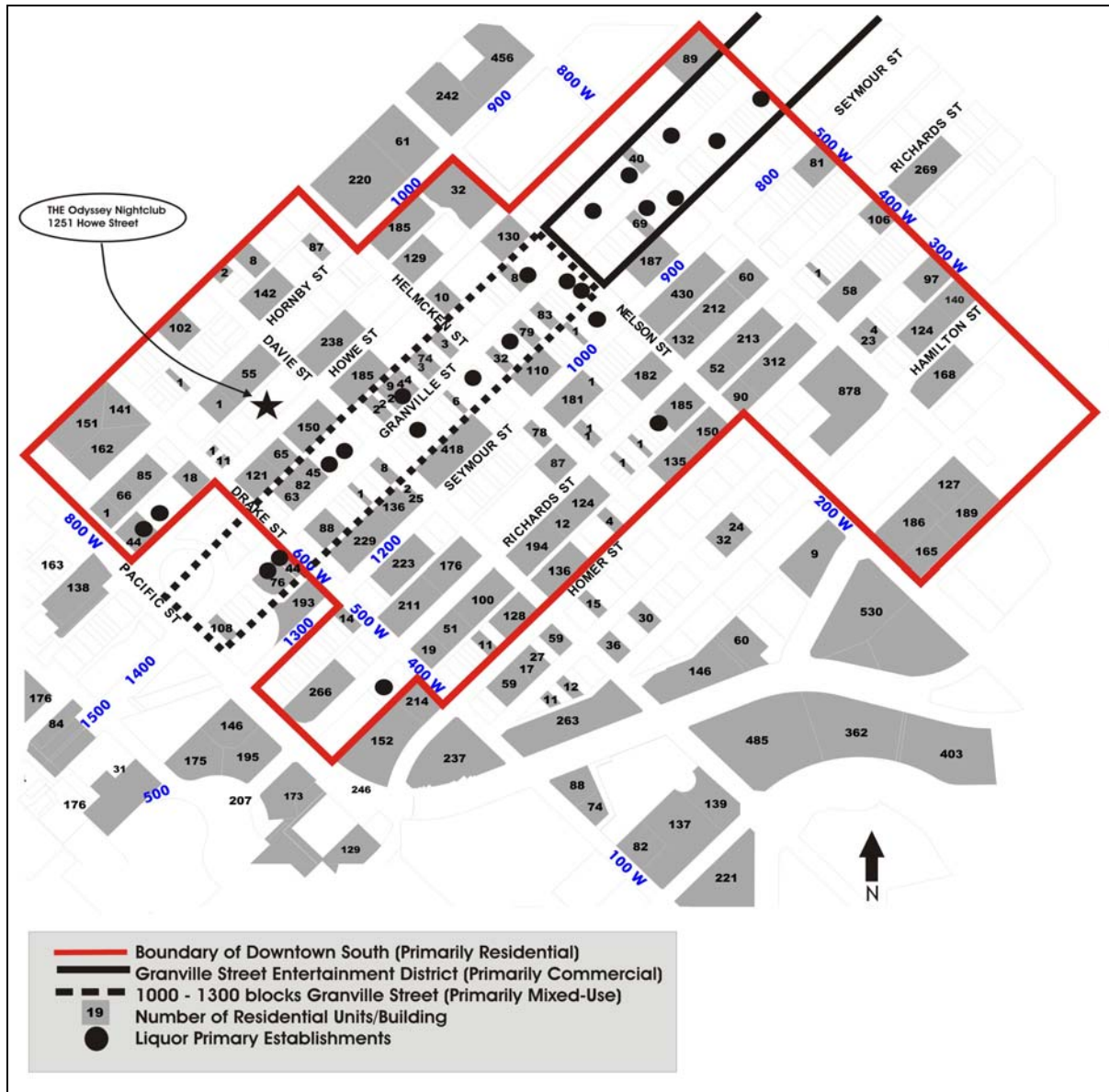
The Downtown South area was rezoned to residential in 1991 and uses (including cabaret and neighbourhood pub) were removed from the zoning schedule, resulting in a number of non-conforming clubs and bars. While City policy has encouraged their relocation, there are still six establishments, including the Odyssey, located here. With the exception of two hotels, these establishments tend to be located in smaller buildings on underutilized sites. Since the land values in this area are very high, it is likely that the sites will be redeveloped in the near future.

In this report, only the hours of liquor service of the Odyssey are under review. Table 3 shows the Odyssey’s existing, current, approved and proposed hours of liquor service. As with the Davie Village establishments, under the Interim Hours of Service Policy, application for hours of liquor service up to 3:00 am on Friday and Saturday nights, nights preceding statutory holidays, and specified festival dates is permitted.

Table 3: Odyssey Hours of Liquor Service

Establishment	Seats	EXISTING Permanent Hours (Weekend/Weekday)	CURRENT Interim Policy Hours (Weekend/Weekday)	APPROVED “Primarily Residential” Hours (Weekend/Weekday)	PROPOSED “Primarily Commercial” Hours (Weekend/Weekday)
Odyssey 1251 Howe	212	7pm-2am 7pm-2am	7pm-3am 7pm-2am	9am - 2 am 9am - 12am	9am -3 am 7 days/wk

Figure 2: Downtown South showing the Odyssey & Other Liquor Primary Sites



Under the Hours of Liquor Service policy, the Odyssey site falls under the area category of “primarily residential”. The site does not meet the criteria of the “primarily commercial” category. Policy identifies Liquor Primary uses such as the Odyssey, a non-conforming use in the Downtown South residential area, as ones that should either close or relocate to a more appropriate location.

Further, the site will increasingly be surrounded by residential development. Downtown South is one of the fastest growing parts of the city with over 10,300 residential units (built or under construction) and currently housing approximately 12,000 people. The area also has many under-utilized sites providing future development potential for more than 20 residential towers, many of which will be situated west of Granville Street in the vicinity of the Odyssey.

Figure 2 shows the location of the Odyssey and adjacent residential uses with the number of units per building.

Staff recognize that the new policy will establish hours of liquor service that are less than those currently held by the Odyssey, and less than those permitted for Liquor Primary establishments in Davie Village. This factor combined with the likelihood of the redevelopment of the site in the near future, supports an argument for extended hours of liquor service equivalent to those permitted in the “primarily mixed-use” area of Davie Village.

An amendment to the Hours of Liquor Service policy can be implemented on a site-specific basis, noting that the Odyssey would remain as a “primarily residential” site and only the extended hours would be changed to echo those in “primarily mixed-use” areas. By varying only the extended hours, staff will be able to retain the flexibility to roll-back the additional hours of liquor service in response to problems, should this be required. Further, staff will report back to Council should there be significant neighbourhood complaints or redevelopment of the site.

Community Consultation

West End Liquor Policy

The West End Liquor License Policy, adopted in 2000, involved extensive public consultation and resulted in support for the following directions for Davie Village:

- Focussing new licensing opportunities on neighbourhood pubs, which close earlier than cabarets, to minimize noise impacts in the early hours of the morning.
- An emphasis on smaller establishments, to minimize neighbourhood impacts such as noise and provide an opportunity for catering to a variety of local patrons.
- Extending the hours of cabarets on an event specific basis up to 12 times a year, noting that alcohol would not be served after 2:00 am.

Hours of Liquor Service Policy

Initial consultation was undertaken during the city-wide Hours of Liquor Service Policy Review between February and June 2004, with various forms of public outreach including a series of open houses in the downtown area. Public opinion generally tended to be divided with regard to hours of liquor service. Although some responses indicated an interest in later hours for Davie Village, there were also concerns voiced by residents of the West End and Downtown South regarding community impacts such as noise and other disruptive behaviour in the early morning hours. It was also found that there was greater support for later hours of liquor service on weekends, than on weekdays.

Amendment to Hours of Liquor Service Policy

Further public consultation was undertaken in March and April 2005 to seek further input on hours of liquor service for Davie Village and the Odyssey. Over 8000 information letters and surveys were distributed to adjacent businesses and residents, and an open house meeting was attended by approximately 80 people.

In response to the mail-out and open house, staff received 175 responses, the majority of which were from downtown residents. Of the surveys received, approximately 58% were in

favour, and 42% were opposed to extending the hours of liquor service in Davie Village and for the Odyssey.

Table 4: Survey Results & Submissions in Response to Mail-Out & Open House

Location of Residence	Support	Non-Support	Total
West End/Downtown	79	66	145
Other Areas	23	7	30
Total	102 (58%)	73 (42%)	175 (100%)

In addition, the Odyssey submitted 514 copies of the City surveys in support of the later hours and Pumpjack Pub submitted 237 signed letter petitions supporting the later hours and requesting that Davie Village be treated equally to the Granville Street Entertainment District.

Table 5: Additional Submissions Supporting Later Hours from Liquor Primary Establishments

Location of Residence	Pumpjack (Davie Village)	Odyssey
West End/Downtown	143	235
Rest of Vancouver	37	121
Outside of Vancouver/ No Address	26	160
Total	206*	516

* An additional 27 indicated they had previously submitted a City survey form.

The key arguments in support of the later weekday hours included:

- The gay community feels that it requires a safe equivalent to the Granville Street Entertainment District, with the same hours of liquor service.
- Not extending the hours for Davie Village is discriminatory towards the gay community.
- The gay community is traditionally a late-night culture.
- There are already other late night establishments in the area such as a 24 hour grocery store and all-night restaurants.
- Most of the trouble associated with later hours has been concentrated on Granville Street and this area should not be penalized as a consequence.

The key concerns with extending hours of liquor service on weekdays included:

- Increased noise, particularly from intoxicated patrons exiting clubs and walking through the streets and laneways of the residential neighbourhood was the greatest concern. The area is considered noisy enough at night now, especially on the weekends, and extended hours will only extend noise.
- The negative impacts outweigh the benefits to the community.
- Increased violence, crime, drugs and vandalism might result.
- The gay community is only one component of this large diverse residential community.
- Davie Village should not be transformed into a cabaret district; rather the later hours should be restricted to Granville Street.

EXTENDED HOURS FOR SPECIAL EVENTS

Davie Village and the Odyssey would have opportunity for later extended hours of liquor service through the Special Events Extension provided by the Hours of Liquor Service policy. The hours for special events, shown in Table 6, were approved as part of the policy.

Table 6: Special Events Hours, Hours of Liquor Service Policy

Area Category	Special Events Hours	
	Weekends	Weekdays
Primarily Commercial	9am - 4 am	9am - 4 am
Primarily Mixed-Use	9am - 4 am	9am - 3am
Primarily Residential	9am - 3 am	9am - 12am

The following nights are recommended for potential special events hours:

- Nights preceding statutory holidays: Easter Friday, Easter Monday, Victoria Day, Canada Day, BC Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and New Year's Day.
- City Festival nights, at the discretion of the Chief License Inspector, including the following: Vancouver International Jazz Festival and Vancouver Pride Festival.
- Additional special events nights, not exceeding 12 per annum. These may include local festivals, charity events or other events, to be approved at the discretion of the Chief License Inspector.

As a "primarily mixed-use" area, the special events hours would provide Davie Village the opportunity for hours of liquor service up to 3 am on weekdays and up to 4 am on weekends. These dates could be identified at the beginning of each year or requested as required.

Staff anticipates that only a nominal fee would be required for these extensions. However, recommendations for all fees associated with the Hours of Liquor Service policy will be provided in the report for Business License fees for 2006.

STAFF COMMENTS

The recommendations in this report are supported by the Planning Department, the Housing Centre and the Vancouver Police Department.

The Director of Social Planning supports the recommendations of this report. When Council approved the hours of service policy, it also instructed staff to report back on impact reduction measures and to seek improved regulatory authority from the Province. These are important elements of a liquor policy which would balance the diverse needs and interests of different groups within the community. The Director of Social Planning believes that it is important to follow through on these mitigation measures before considering further hours extensions.

CONCLUSION

In this report staff recommends that no changes be made to the Hours of Service policy for Davie Village at this time. Council recently approved a city-wide Hours of Liquor Service policy that is based on distinctions between the mix of land-uses in each area, with residential being a key variable. Altering the hours of liquor service in Davie Village contrary to this policy will create a precedent for other areas and would reduce the effectiveness of applying the policy.

Staff acknowledge that Davie Village is a very important area for the gay community who may want extended hours of liquor service. However, the land use regulations along Davie Street encourage residential uses and the adjacent area is high-density residential that is home to a diverse population who want to limit noise and other impacts. While there is strong support from part of the community, there have also been serious concerns voiced by many of the residents about further extending hours of liquor service, particularly on weekdays.

If Council wishes to consider reclassification of Davie Village to the equivalent of an entertainment district, such changes to the Hours of Liquor Service policy should occur as part of a more detailed land-use review where the community can be consulted on a broad range of issues and determine future directions for the area.

Under the new policy, as part of the "mixed-use" category, Liquor Primary establishments in Davie Village will already recognize expanded hours over what was previously approved. In the interim, extensions through the Special Events option will provide for expanded opportunities for later hours of liquor service up to 4 am on weekends and up to 3 am on weekdays on nights preceding statutory holidays and for a range of festivals including the Pride celebration.

Staff also recommend that the Odyssey site remain within the "primarily residential" category. However, in recognizing the inequity created through the new policy and the strong public support, staff further recommend that extended hours of liquor service equivalent to those in "mixed-use" areas be permitted for this site, on a site-specific basis.

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