

CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: February 11, 2008  
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Meeting Date: February 28, 2008

TO: Standing Committee on Planning and Environment

FROM: Chief License Inspector

SUBJECT: 1062 Granville Street - Jasper Morgan  
Non-Alcohol Cabaret (Dance Hall)

**RECOMMENDATION**

THAT Council, having considered the opinion of area residents and business operators of the community as determined by neighbourhood notification, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in the Administrative Report dated January 31, 2008, entitled "1062 Granville Street - Jasper Morgan - Non-Alcohol Cabaret (Dance Hall)", does NOT endorse the request by Jasper Morgan for a non-alcohol cabaret (dance hall) in the basement at 1062 Granville Street.

**GENERAL MANAGER'S COMMENTS**

The General Manager of Community Services RECOMMENDS the foregoing.

**COUNCIL POLICY**

Council policy is that new applications for Non-alcohol cabarets (dance halls) be limited to the Granville Street Theatre Row Entertainment District (700, 800 and 900 blocks Granville) and The Central Business District. Council has also developed planning guidelines for non-alcohol cabarets (dance halls).

On September 13, 2001, Council adopted the Central Business District Liquor License Policy which included the support of a limited number of legal, non-alcohol late night entertainment opportunities.

Council designated the 1000 block of Granville Street as a local shopping area and as a transition area by deleting pubs and cabarets from the zoning but allowing restaurant class 2 in order to allow some low-impact entertainment.

## **PURPOSE**

Jasper Morgan is requesting a Council resolution endorsing his application for a 300 seat non-alcohol cabaret (dance hall) at 1062 Granville Street.

## **BACKGROUND**

The applicants' proposal is to provide a venue in the downtown core (1000 block Granville Street) where on weekends people can continue to dance and socialize after 2:00 a.m. when liquor licensed cabarets close. The non-alcohol cabaret (dance hall) will be located in the basement at 1062 Granville Street which is located outside of the Policy area. House music will be provided for dancing. No alcoholic beverages will be available, only juices and water.

Non-alcohol cabarets are excluded from the Granville Street Theatre Row Entertainment District liquor license policy and not included in the overall seat count. Therefore, any decision on this application will not impact Council liquor policy for the District. However, Council's decision should consider that the proposed non-alcohol cabaret is located outside of the Policy area and the potential street impacts of this establishment when operating in conjunction with the other existing and proposed establishments in the Entertainment District.

The only two approved non-alcohol cabarets in the city are at 816 Granville Street and 695 Smithe Street.

## **Regulations and Policies**

There is no separate definition for a dance hall under the Zoning and Development By-law. The by-law defines a cabaret as the use of premises for dancing by customers and where entertainment may be provided.

License By-law regulations require dance halls to close between 2:00 a.m. and 7:00 a.m., with the exception of weekends when they can operate 24 hours a day, effectively from Friday 7:00 a.m. through to Monday 2:00 a.m. The license holder can also apply to the Chief License Inspector for a variance to these operating hours on public holidays and for special events.

Should Council endorse the application and permits are issued approving the use as a cabaret (typically development, building and occupancy permits), then at some time in the future the business owners could apply to the Liquor Control and Licensing Branch for a liquor license. The required temporary Development Permit with a condition that no liquor license be approved at this location, along with a Good Neighbour Agreement, should prevent the issue of a liquor license. Any future request for a permanent liquor license would require Council approval.

Amplified musical instruments, recorded music and patron dancing are all permitted forms of entertainment. There is no explicit restriction on the number of entertainers permitted on stage at any given time. Exotic entertainment/dancers are not permitted.

### Area Surrounding Premises

The subject premises are located in the DD Downtown zoning district, half-a-block south of the designated "Entertainment District". The surrounding area is a mixture of retail, office, hotel, hostel, restaurant, cabaret, and pub uses, and a significant number of residential buildings (refer to the appendix).

There are liquor establishments within a 1000' radius of the subject site including an after-hours non-alcohol cabaret located at 695 Smithe Street, a concert hall venue with 150 seats (Tom Lee Music), and a Private Liquor Store (Beer, Wine and Spirits) located at the Sheraton Wall Centre Hotel.

There are 3 Liquor Establishment Class 1 (117 seats), 7 Liquor Establishment Class 2 (725 seats), 10 Liquor Establishment Class 3 (2255 seats), 4 Liquor Establishment Class 4 (1504 seats), and 1 Liquor Establishment Class 7 - Private Club (325 seats) located within a 1000' radius of the subject site (4926 total liquor seats). Approximately 42 licensed restaurants are within the area.

### RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 2,000 notices in the survey area (see Appendix A). A site sign was erected advising the community of the application and where to send concerns or comments. From within the notification area, 1 telephone message was received in support of the application; 1 telephone message was received with concerns about the application; and 7 emails, 2 telephone messages, 1 letter and 1 fax were received opposing the request.

Respondents opposing the application are most concerned with the establishment's close proximity to the "Entertainment District", including increased noise, concerns for safety and increased nuisance issues for the community.

### POLICY

There are three policy issues which relates to this application. One being the location of the venue which does not meet Council approved guidelines of locations for new applications for late night non-alcohol dance halls which are limited to the Granville Street Entertainment District (700, 800 and 900 blocks) and to the Central Business District. The second is related to Council Policy establishing the 1000 block as a transition area which would only allow low impact uses. The other issue relates to the requested seating capacity of 300 which is well above Council approved guidelines of 200 people. A cursory review of the applicants' preliminary plans appears to indicate that the space could support an occupant load of this magnitude. As a result, staff is not supportive of a venue of this size, although on March 28, 2002, Council endorsed a seating capacity of 240 people for a non-alcohol cabaret at 695 Smithe Street which was over the approved guidelines.

### **Affirmative Proposal Aspects**

Staff feels that the proposal should add to the variety of entertainment on Granville Street even though it is located outside of the Theatre Row Entertainment District. Viable "after-hours" operations help ease the demand for illegal late night venues throughout the city which are often held in unsafe, dangerous premises.

### **Negative Proposal Aspects**

At 300 people, staff would be concerned about the size of the venue and the potential impact on the street. However, at a lesser capacity, this concern diminishes substantially. Staff have concerns with the proposed non-alcohol cabaret being located outside of the Policy area and the potential street impacts and additional Police resources which may be required of this establishment when operating outside the area.

The other concern relates to the lack of a statutory right of the Police Department to enter the premises. Unlike an establishment that holds a provincial liquor license where the Liquor Control Act grants law enforcement officers the right to enter the establishment, the City License Bylaw does not have the equivalent authority. Therefore, unobstructed police access would have to be guaranteed through agreements between the City, Police Department and the licensee. These agreements could not be enforced at a specific point in time when an officer's access to the premises is being obstructed, but would be followed up at a later date. It is unlikely the operators would refuse access and jeopardize the operation of the venue and this has not been an issue with the two existing venues.

### **COMMENTS**

**The Police Department** has reviewed the application and does not support the application at this time.

The Police take exception to the statement in the application submitted by Jasper Morgan that " the applicants previous club at 3-695 Smithe St. (Gorg-O-Mish) using essentially the same format as the proposed business and their "clean bill of health" from both the City and the **Police Department** ..." The Police have never stated that Gorg-O-Mish has an unblemished record. Various incidents of noise complaints, patrons smoking, uncooperative staff, disturbances/fights, minors on premise and gang activity have been noted at this premise as well as at The World. These incidents are part of the reasoning for the present extra conditions on Non-Alcohol Afterhours business licenses and consideration should be given to the additional condition that these premises should have an identification scanner and search all patrons with a metal detector wand as is presently done at liquor licensed establishments on Granville St. Previous Police reports to Council have noted the increased calls for service in the Entertainment Zone and the addition of another after hours club at this time will only add to the existing problems and resource issues that we are presently trying to address.

**The Development Services Department** has reviewed the application and does not support the application. The site is zoned Downtown Official Development Plan (DD) and is subject to Council's Land Use and Development Policies and Guidelines: Cabarets Not Licensed To Serve Alcohol.

The proposed 300 - Persons Non-alcohol After Hours Cabaret is a conditionally allowable use within the Downtown Official Development Plan; however, this change will require Development Permit approval.

As part of the Development Permit Application review, processing staff would include assessment of the anticipated impacts on nearby sites and for compliance with the Zoning and Development By-law along with applicable Guidelines and Policies. It is noted that the proposal is not compliant with Council's Land Use and Development Policies and Guidelines: Cabarets Not Licensed To Serve Alcohol, with respect to section 3, limiting the capacity to 200 persons at any one time; and section 11, limiting the location to the Granville Street Entertainment District (700, 800 and 900 blocks).

The Environmental Health Department has reviewed the application and notes that the applicant is advised that the Health Bylaw prohibits smoking within a commercial premise and prohibits the construction of smoking rooms therein. An acoustic report shall be submitted that demonstrates the operation will comply with the restrictions on noise emanating from commercial premises as detailed in the Noise Control By-law. Detailed drawings of the bar area(s) shall be submitted for review by the Vancouver Coastal Health for compliance with the Food Premises Regulation.

The Vancouver Fire Department has reviewed the application and comments on:

The assembly occupancy in question must produce a current occupant load issued by the VFRS if the applicant wishes to occupy this space. The occupant load is issued to all assembly occupancies with an occupant load of more than 60 persons. Non Alcohol events included.

The Housing Centre has reviewed the application and notes there are several social housing projects in the two blocks radius. The Housing Centre's concern will be around noise issue and late night operation.

The Social Planning Department has reviewed the application and comments:

As I understand it, we have issues with too many licensed seats in this area, and public disorder. Since the application is also contrary to Council policy, I don't believe we should support it.

The Central Area Planning Department has reviewed the application and concluded non-support due to conflicts with the Cabarets Not Licensed To Serve Alcohol Guidelines. Specifically section 3, limits the capacity to 200 persons at any one time; and section 11, limits the location to the Granville Street Entertainment District (700, 800 and 900 blocks).

## FINANCIAL IMPLICATIONS

There are no financial implications.

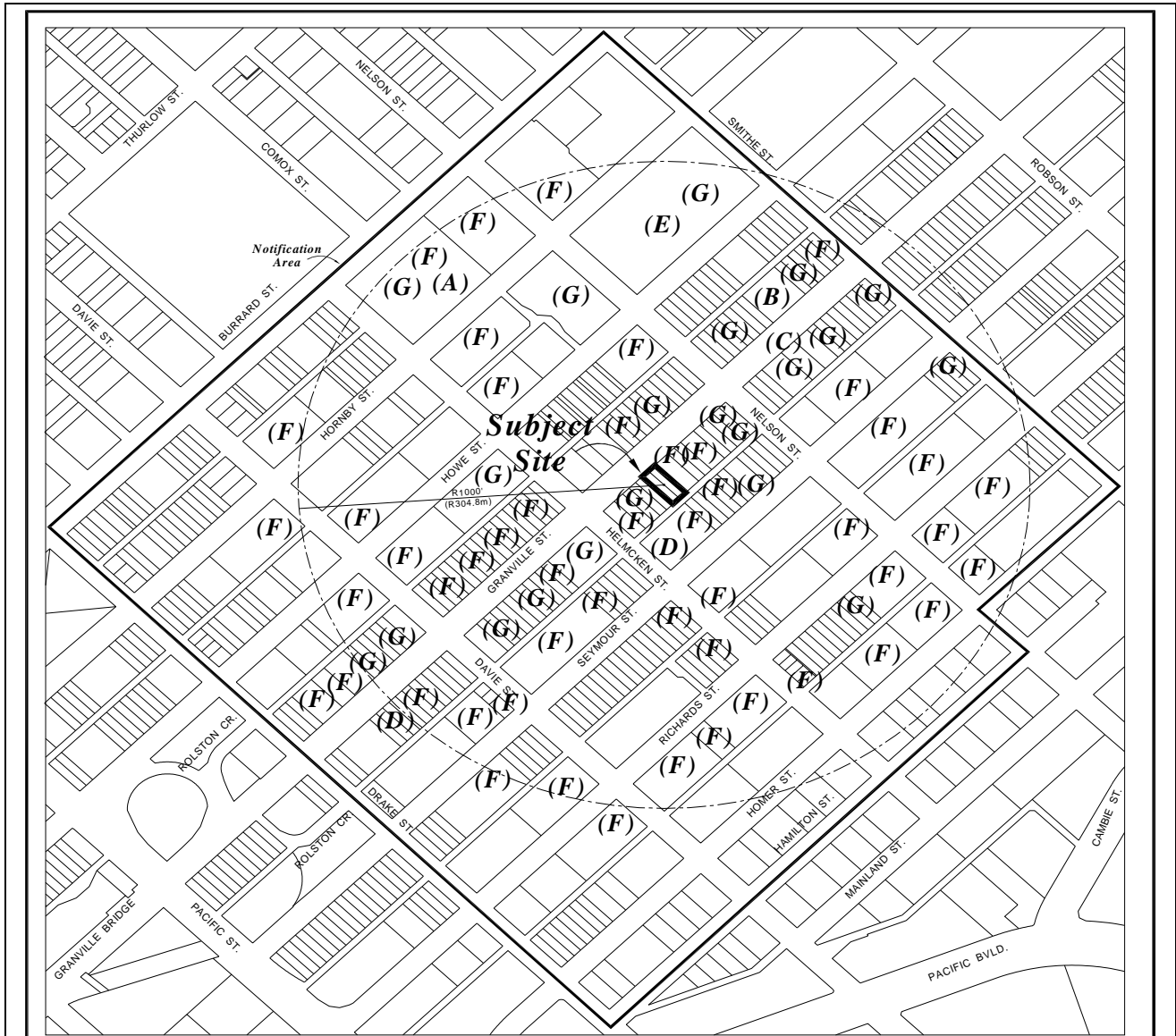
## CONCLUSION

Generally staff would recommend approval of this type of application if it meets Council policy (Venue location and seating capacity) and there was no significant opposition from area

residents and businesses. However, in this situation, the application does not meet Council policy. As a result, staff recommend that Council not endorse the request for approval of the Non-Alcohol Cabaret at 1062 Granville Street.

The applicant has acknowledged staff's concerns with the application not meeting Council policy but has chosen to proceed with the application.

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**LEGEND**

- (A) Liquor Retail Store - Sheraton Vancouver {Fine Spirits}
- (B) Venue (Concert Hall) - Tom Lee Music Co Ltd.
- (C) Granville St. Entertainment District (700, 800 & 900 Blk. Granville St.)
- (D) Social Facility / Centre
- (E) Vancouver Law Courts
- (F) Residential Buildings
- (G) Liquor Establishments

1062 Granville St. - Afterhours Cabaret (Non-Alcohol)

map: 1 of 1

