

CITY OF VANCOUVER

ADMINISTRATIVE REPORT



Report Date: July 8, 2008
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VanRIMS No.: 08-2000-20
Meeting Date: July 22, 2008

TO: Standing Committee on Transportation and Traffic

FROM: Chief License Inspector

SUBJECT: 210 Abbott Street - KKBL No. 546 Ventures Ltd.
Liquor Primary Liquor License for Outdoor Patio Seating and an Increase in Patron Capacity

RECOMMENDATION

- A. 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 July 8, 2008, entitled "210 Abbott Street, KKBL No. 546 Ventures Ltd., Liquor Primary Liquor License for Outdoor Patio Seating and an Increase in Patron Capacity", endorse the application by KKBL No. 546 Ventures Ltd., for a Liquor Primary patio (on City property) at the Lamplighter Pub, 210 Abbott Street subject to:
- i. A maximum capacity of 36 persons;
 - ii. The signing of a Good Neighbour Agreement with the City;
 - iii. The patio ceasing all liquor service and vacated by 11:00 p.m.;
 - iv. No music permitted on the patio;
 - v. A license agreement with an initial one-year term;
 - vi. Food service while the patio is open; and
 - vii. Smoking prohibited on patio.
- B. 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 July 8, 2008,

entitled "210 Abbott Street, KKBL No. 546 Ventures Ltd., Liquor Primary Liquor License for Outdoor Patio Seating and an Increase in Patron Capacity", endorse the application by KKBL No. 546 Ventures Ltd., for an increase in patron capacity for the Liquor Primary Liquor License (License #002249) from 169 seats to 183 seats at The Lamplighter Pub, 210 Abbott Street.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services and the General Manager of Engineering Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Outdoor patios on **public property (City streets)** are permitted through license agreements subject to meeting Council-approved guidelines, including the requirement that the business be licensed as a limited service food establishment or restaurant.

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

New Council policy requires amendments to existing Liquor Primary liquor licenses to be subject to Food service (Provincial Food Premises Operating permit from Vancouver Coastal Health), including consideration as to whether the food preparation area is large enough to safely handle the 20% increase, closing time of no later than 11:00 p.m., outdoor seating limited to 20% of total seating capacity, no sidewalk patios adjacent to liquor establishments in the 700, 800 and 900 blocks of Granville, and public consultation.

On July 14, 2005, Council approved policy and guidelines relating to the size and location for new liquor establishments or for capacity increases to existing liquor establishments.

PURPOSE

KKBL No. 546 Ventures Ltd. is requesting a Council resolution endorsing their application for a 36 seat Liquor Primary Outdoor Patio on City property at 210 Abbott Street and for an increase in patron capacity to their existing Liquor Primary Liquor license from 169 seats to 183 seats (Liquor Establishment Class 3) via the renovating of the women's washroom to provide an additional stall to accommodate the addition of the outdoor patio. This additional washroom stall resulted in a slight increase (14 persons) to the allowable interior occupant load.

BACKGROUND

KKBL No. 546 Ventures Ltd. recently assumed operation of the Lamplighter Pub in December 2007 and in doing so, made some interior renovations and updates to the establishment which resulted in a seating capacity change (increase of 14 interior seats). Work included a new

kitchen (DB427378) and alterations to the women's washroom. This liquor establishment has been operating at this location since 1982 under different ownership.

Site History

The applicant has been operating at this location since December 2007. The applicants parent company, Donnelly Hospitality Management Ltd. hold numerous business licenses in the City which include two Restaurant Class 1 with Dining Lounge, Liquor Establishment Class 1 (65 seats), Liquor Establishment Class 2 (273 seats) and Liquor Establishment Class 3 (845 seats).

This application is for the Liquor Establishment Class 3 which currently has a capacity of 169 seats. This application would allow the establishment to increase their interior capacity to 183 and serve liquor on the outdoor patio (36 seats).

Application

The applicant is requesting a Council resolution endorsing their application for a 36 (person) seat Liquor Primary Outdoor Patio at 210 Abbott Street with hours of operation of 9:00 a.m. to 11:00 p.m., 7 days a week. The interior hours of operation will remain unchanged (9:00 a.m. to 2:00 a.m., Sunday to Thursday, and from 9:00 a.m. to 3:00 a.m. Friday and Saturday).

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

Branch regulations allow liquor service between the hours of 9:00 a.m. to 4:00 a.m. seven days a week for Liquor Primary Licenses. All changes/amendments to the liquor license hours of service are subject to local government support. The LCLB has no specific policy for patios.

Liquor Control and Licensing Branch regulations also stipulate that the liquor capacity must be the same as the fire capacity.

Area Surrounding Premises

The subject site is located in the HA-2 Zoning District (Gastown Historic Area). The surrounding area is comprised of offices, retail stores, restaurants, hotels and residential uses.

Liquor establishments closest to the site are located at 23 W Cordova St (Club 23 West) and 66 Water St (Fabric Night Club) with a total capacity of 261 seats (Class 3) and 520 seats (Class 5) respectively. The site also includes the applicant's Liquor Establishment Class 3 (169 seats). Additionally, there are 11 restaurants in the area which hold Food Primary liquor licences.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 500 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. No responses were received regarding the application.

DISCUSSION

There is no enforcement history related to the Lamplighter Pub as it appears to be a well run facility. Staff generally supports outdoor patio areas subject to comments from the neighbourhood. In this case, there are no concerns or comments from the surrounding neighbourhood.

Staff has no significant issues with the proposed patio provided the patio is closed and vacated by 11:00 p.m. each night. The license agreement with an initial one year term and 11:00 p.m. closing time should address any potential problems.

The capacity increase does not result in a change to the establishment's business license class (i.e.: the business remains a Liquor Establishment - Class 3). Therefore, the distancing policy between similar establishments does not become a factor for consideration.

The applicant contends the approval will have no impact on the local area as the increase in the number of interior seats (14) is not significant. Staff have advised the applicant of the recent amendments to the Health By-law No. 9535 which restricts smoking in all customer service areas and away from all entrances, windows and incoming air vents.

COMMENTS

The Engineering Services Department has reviewed the application and have no objection to the application.

The Development Services and Central Area Planning Departments have reviewed the application and comments on the following:

The site at 210 Abbott Street is located within the HA-2 Historic Gastown Zoning District. The building on the site is a Municipally Designated Heritage Building and is approved for use as a Hotel/ Neighbourhood Public House/Retail building and has Single Room Accommodations (SRAs) within the building.

The proposed changes include outdoor patio areas which appear to be located fully on City property, and as such will require approval by the General Manager of Engineering Services. These areas on public land do not fall within the jurisdiction of the Zoning and Development By-law, however the Director of Planning would support a closing time of 11:00 pm for the patio area, similar to what is typically approved for Patios on private property.

The plans are not clear as to any intended "exterior" alterations to the building and as a Designated Heritage structure, any proposed exterior alterations would require approval by the Director of Planning, through a development permit application and would also require a Heritage Alteration Permit.

In Summary, the Director of Planning supports the application, in keeping with current Council policy for liquor licensing in this area and for sidewalk patios. Any exterior alterations to the Municipally Designated Heritage building would require additional permits. Should Council support the increased seating at this location, the Director of Planning would support a closing time of 11:00 pm on any exterior patio areas, however, should those patio areas be

located on City Property, they would require approval from the General Manager of Engineering Services.

The Police Department has reviewed the application and request that the patio be on a one year development extension. At the end of the year we will review all calls for service at The Lamplighter Pub and determine if the patio should be approved for another year. There are no comments concerning the request for a capacity increase.

The Environmental Health Department: In accordance with the Health By-law, smoking is prohibited within "customer service areas" (i.e. open patios) of food and/or liquor establishments and within six metres of the area's perimeter, an entryway, openable windows or air intake of a building.

The Housing Centre has reviewed the application and provided the following comments:

The premises is situated in a midst of residential development and within close proximity of many social housing projects as listed below. With the increase of 50 seats (36 outdoor and 14 indoor), noise will be a big concern. The SRO rooms above the pub were closed, it would be nice if we can get some kind of public benefits in return.

NAME	ADDRESS	LOCAL AREA	ZONING	FAMILIES	SENIORS	OTHERS	TOTAL
Alexander House	176 Alexander St	Central Business District	HA-2	0	81	0	81
Alexander Residence	58 Alexander St	Central Business District	HA-2	0	30	0	30
Bridge Housing	100 E Cordova St	Central Business District	HA-2	0	0	36	36
Central Residence	42 E Cordova St	Central Business District	HA-2	0	0	65	65
Columbia House	101 Powell St	Central Business District	HA-2	0	0	85	85
Dart Coon Club	490 Columbia St	Central Business District	HA-1	0	34	0	34
Europe Hotel	43 Powell St	Central Business District	HA-2	0	0	84	84
Ford Building	375 Main St	Downtown-Eastside	DEOD	0	0	76	76
Four Sisters Co-op	118 Alexander St	Central Business District	HA-2	16	0	37	53
Four Sisters Co-op	133 Powell St	Central Business District	HA-2	43	0	57	100
Golden Age Court	145 E Cordova St	Central Business District	HA-2	0	71	0	71
Ian Leman Place	27 W Pender St	Central Business District	DD	0	0	98	98
James McCready Residence	129 E Cordova St	Central Business District	HA-2	0	0	44	44
Lore Krill Co-op	65 W Cordova St	Central Business District	HA-2	10	0	96	106

New Portland Hotel	20 W Hastings St	Central Business District	DD	0	0	86	86
Pendera	133 W Pender St	Central Business District	CD-1	0	109	5	114
Pennsylvania Hotel	412 Carrall St	Downtown-Eastside	HA-2	0	0	44	44
Regal Place Hotel	146 W Hastings St	Central Business District	DD	0	0	40	40
Stanley/New Fountain	36 Blood Alley Square	Central Business District	HA-2	0	0	103	103
Sunrise Hotel	101 E Hastings St	Downtown-Eastside	DEOD	0	0	52	52
Tellier Tower	16 E Hastings St	Downtown-Eastside	HA-2	0	90	0	90
The Lux	65 E Hastings St	Downtown-Eastside	CD-1	0	0	92	92
The Oasis	40 E Hastings St	Downtown-Eastside	DEOD	0	0	84	84
Washington Hotel	177 E Hastings St	Downtown-Eastside	DEOD	0	0	84	84
TOTAL:						1752	

The Social Planning Department has reviewed the application and has no comments at this time.

The Fire Department has reviewed the application and notes the applicant may have to apply for a new occupant load certificate and stamp from Fire if the capacity has increased. The exiting from the main floor must not be compromised by fences or any other obstructions. If there is a Fire Department connection, the patio must not be obstructed.

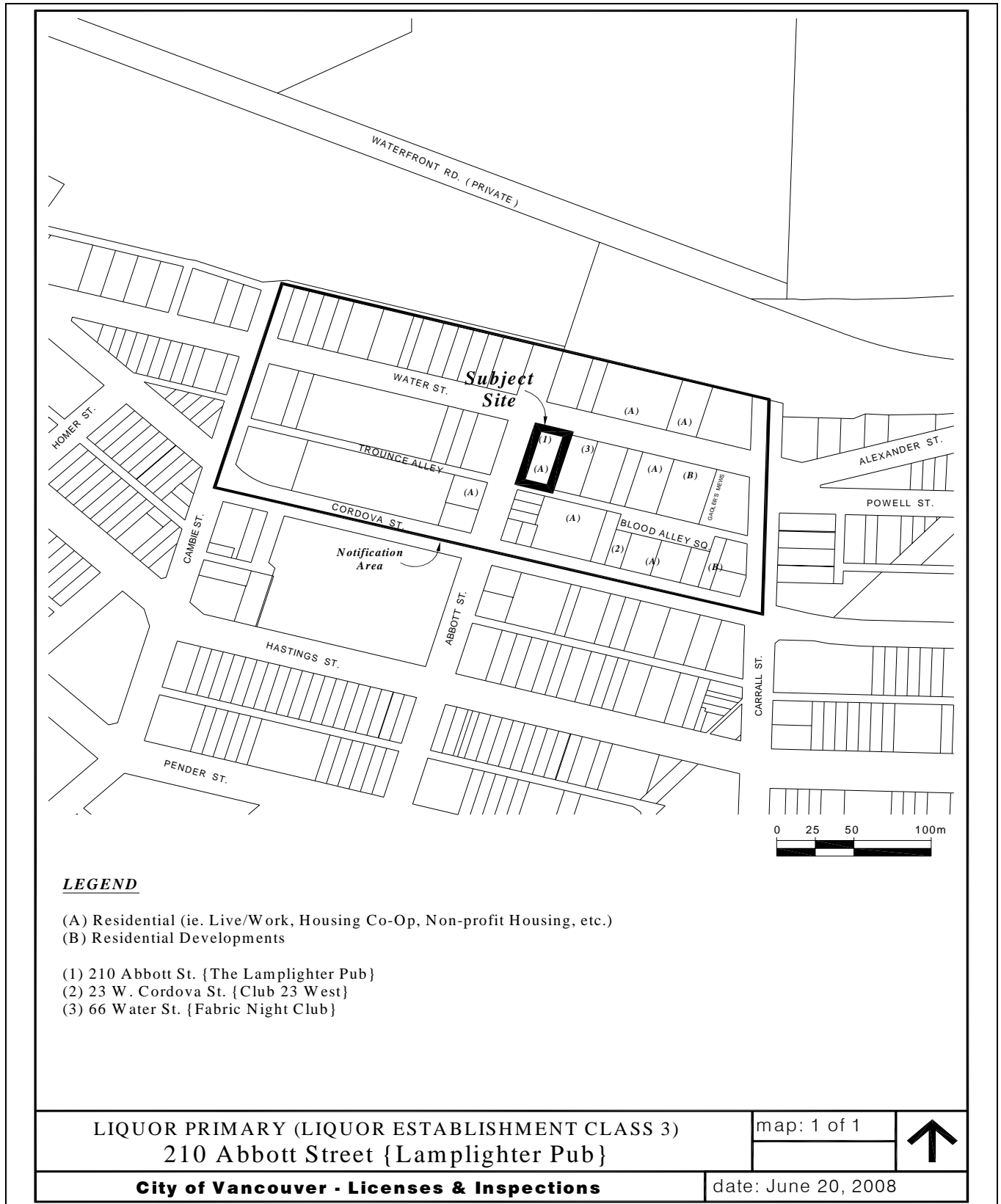
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Staff recommend that Council endorse the applicant's request for a 36 person Liquor Primary patio and for an interior capacity increase from 169 seats to 183 seats at 210 Abbott Street as outlined in Recommendation A and B. Given the proposed patio location, the license agreement subject to terms, and staff's recommended 11:00 p.m. closing time, staff do not anticipate any significant impacts from the operation of this patio.

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LEGEND

- (A) Residential (ie. Live/Work, Housing Co-Op, Non-profit Housing, etc.)
- (B) Residential Developments

- (1) 210 Abbott St. {The Lamplighter Pub}
- (2) 23 W. Cordova St. {Club 23 West}
- (3) 66 Water St. {Fabric Night Club}

LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3)
210 Abbott Street {Lamplighter Pub}

map: 1 of 1

