



ADMINISTRATIVE REPORT

Report Date: March 5, 2009
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 07859
VanRIMS No.: 08-2000-20
Meeting Date: March 26, 2009

TO: Standing Committee on Planning and Environment
FROM: Chief License Inspector
SUBJECT: #200-911 Denman Street - Calverton Holdings Ltd.
Relocation of Liquor Primary Liquor License

CONSIDERATION

- A. THAT Council, having considered the opinion of area residents and business operators of the community as determined by site signage, neighbourhood notification, a public information meeting/open house, and having considered the proximity of residential developments, traffic patterns, road access, availability of parking, noise impacts, the overall design, and relevant Council policy as outlined in this Administrative Report dated March 5, 2009 and titled "#200 - 911 Denman Street - Calverton Holdings Ltd., Relocation of Liquor Primary Liquor License", endorse the application by Calverton Holdings Ltd. to relocate their existing Liquor Primary liquor license from their current site at 1251 Howe Street (The Odyssey) to their proposed site at #200-911 Denman Street, subject to:
- i. Standard hours of operation for the first six months are limited to 11:00 a.m. to 1:00 a.m., Sunday to Thursday; and 11:00 a.m. to 2:00 a.m., Friday and Saturday; after which time the Extended hours of operation may be considered which are limited to 9:00 a.m. to 2:00 a.m., Sunday to Thursday; and 9:00 a.m. to 3:00 a.m., Friday and Saturday;
 - ii. A maximum total capacity of 224 persons;
 - iii. Acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
 - iv. Signing a Good Neighbour Agreement with the City prior to business license issuance; and
 - v. A Time-limited Development Permit.

OR

- B. THAT Council, having considered the opinion of area residents and business operators of the community as determined by site signage, neighbourhood notification, a public information meeting/open house, and having considered the proximity of residential developments, traffic patterns, road access, availability of parking, noise impacts, the overall design, and relevant Council policy as outlined in this Administrative Report dated March 5, 2009 and titled "#200 - 911 Denman Street - Calverton Holdings Ltd., Relocation of Liquor Primary Liquor License", DOES NOT endorse the application by Calverton Holdings Ltd. to relocate their existing Liquor Primary liquor license from their current site at 1251 Howe Street (The Odyssey) to their proposed site at #200-911 Denman Street.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services submits the choice of A or B for CONSIDERATION.

COUNCIL POLICY

Council Policy requires that amendments to existing Liquor Primary licenses be subject to public consultation and Good Neighbour Agreements.

On May 16, 2006, Council enacted amendments to the Business Premises Regulation of Hours By-law that implements the Hours of Liquor Service policy for the city bars into by-law regulation.

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.

On November 18, 2004, Council adopted the Hours of Liquor Service Policy that established 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.

On May 18, 2000, Council approved policy and guidelines relating to liquor establishments in the West End.

SUMMARY

Calverton Holdings Ltd. has applied to relocate their existing Liquor Primary liquor license from 1251 Howe Street to #200-911 Denman Street due to the redevelopment of their existing site which is City-owned. The development proposed for the current location of the liquor primary liquor license will consist of a 12-storey multiple dwelling development containing 110 dwelling units (supportive housing). The lease at their current location (1251 Howe Street) will terminate on April 30, 2009.

Significant public consultation (1000 notices delivered, a public meeting and open house) was conducted for this application. The applicant has generated broad support for his request, particularly within the gay community. However, the majority of those respondents live outside the immediate notification area.

Four hundred and seventy-three residents within the notification area submitted advice to staff indicating that they were opposed to the request. Five petitions were also received from residents living within the notification area, a letter from the West End Citizens' Action Network opposing the application and a letter from the Vancouver School Board expressing their concerns. Staff note that the overall response rate from the area residents was very high compared to other recent liquor primary applications.

This type of application (relocation of Liquor Primary license) and the operator's track record would generally result in staff supporting the request. However, staff have put this application forward for Council's consideration due to Vancouver Police Department concerns, concerns raised by area residents and potential neighbourhood impacts and noise associated with smokers congregating outdoors due to the smoking regulations and patrons leaving the club late at night.

PURPOSE

Calverton Holdings Ltd. is requesting a Council resolution endorsing their application to relocate their Liquor Primary liquor license (Liquor Establishment Class 3) from their current site at 1251 Howe Street to their proposed site at #200 - 911 Denman Street.

BACKGROUND

Calverton Holdings Ltd. has operated a 212 seat Liquor Primary liquor license with a 30 seat patio at 1251 Howe Street since 1987 and due to the redevelopment of this city owned site (12 storey multiple dwelling development containing 110 dwelling units of supportive housing) is applying to relocate to #200 - 911 Denman Street (second floor). The approved use of this space is for restaurant use. The space is currently vacant.

The applicant is proposing to establish a 224 seat Liquor Establishment Class 3 at this location with licensed hours from 9:00 a.m. to 3:00 a.m., 7 days a week. This establishment has been operating in a successful manner with respect to the relevant by-laws and regulations. The applicant has operated at the current location since 1987.

The proposed establishment will be located on the second floor of 911 Denman Street. The operator maintains the clientele will remain the same catering to the local gay community. The City of Vancouver hours of service policy for this Primarily Mixed-Use area allows for standard hours of liquor service from 11:00 a.m. to 1:00 a.m. on weekdays and 11:00 a.m. to 2:00 a.m. on weekends. The applicant feels that this establishment will have little impact on the local area and will continue to benefit the gay community and will take all necessary measures to make sure their presence at this location will not disrupt the area residents.

The applicant advises that interior alterations will be carried out by renovating the space which will include acoustic work such as building two offices which would enclose the two bay windows facing Barclay Street. This would reduce the noise emissions to this side of the building. The sound isolation of the door and window to the balcony facing Barclay Street, and the windows facing Denman Street would also be significantly increased. The acoustic report with recommendations and conclusions is in Appendix B.

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. The liquor license capacity for a new establishment

is based on the building capacity for the premise as determined by the local authority. Any new liquor license application is subject to local government support.

Area Surrounding Premises

The subject premises is located in the C-5 zoning district of the West End and for the purposes of liquor policy it is considered a primarily mixed-use area. The surrounding area is a mixture of residential, hotel, pub (Dover Arms), retail, restaurant, office, recreational uses and other commercial uses (refer to Appendix A). The West End Community Centre and King George Secondary School are located in close proximity to this establishment.

There is 1 Liquor Establishment Class 2 (99 seats-Dover Arms Pub), 1 Liquor Retail Store (961 Denman St) and approximately 14 licensed restaurants within the 700' radius of the subject site.

RESULTS OF NOTIFICATION

A neighbourhood notification was conducted by circulating 1000 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. The charts below indicate the break-down of responses received for this application.

Notification Comment Summary #200 - 911 Denman St								
	SUPPORT				OPPOSED			
	Letter/Fax	E-Mail	Phone	Totals	Letter/Fax	E-Mail	Phone	Totals
Inside Notification Area		16	1	17	35	160	31	226
Outside Notification Area, within Vancouver	1	53	10	64	2	73	33	108
Outside Vancouver		4		4	1	1		2
No Attached Address		27		27		117		117
	Total Support			112	Total Opposed			453
Note: This summary does not include "Form" comments or responses from the February 18/09 Open House Also received five (5) petitions and letter from WECAN (West End Citizens' Action Network) opposing this application.								

“Standard Comment Form” Summary
#200 - 911 Denman Street

	SUPPORT	OPPOSED
Inside Notification Area	10	46
Outside Notification Area (within Vancouver)	336	78
Outside Notification Area (outside Vancouver)	80	0
Unknown	9	0
TOTAL	435	124

These were “standard comment forms” (all pre-typed, not individually written) which were submitted by individuals either in “support” or “opposed” to the application. These forms were pre-made by individuals.

Responses received in support of the application generally felt that the Odyssey is an establishment that has been around for 21 years catering to the local gay community and is much needed in the West End. Most respondents provided a personal endorsement of the operators. Many patrons of the Odyssey have advised staff that they are concerned that the night club will not find a new home. Some have also expressed concerns with locating the night club in a location outside the West End or Downtown South due to concerns with personal safety for those who are gay, lesbian or transgender.

Respondents opposing the application are most concerned with the effects of allowing this Liquor Primary establishment in the area, including increased noise, lack of parking, close proximity to residential and a high school, concerns for safety, noise associated with patrons smoking outside the establishment, noise associated with outdoor line-ups, noise/disturbances when patrons are leaving the establishment and increased nuisance issues for the community. There was also a general feeling that there were enough liquor establishments in the area.

Staff invited individuals responding to a neighbourhood notification to a meeting held on February 5, 2009. It was attended by approximately 160 concerned residents and business owners. The applicant was also present to answer questions and address concerns. Comments made at the meeting included the concern of residential being in close proximity to the establishment, parking and traffic impacts in the area, late night noise created by patrons leaving the establishment, proposed hours of operation, noise from patrons smoking outside and in the line-ups, proximity to the West End Community Centre and King George Secondary School.

As a follow-up to the February 5, 2009 meeting, staff held an “open house” on February 18, 2009 at the West End Community Centre which was attended by approximately 476 people. Attendees included area residents, business owners, patrons of the Odyssey, residents of the West End and parties outside the West End area. An ad advising of this “open house” was

placed in the Westender on February 12, 2009 and notices were also mailed out to residents and business owners in the notification area. Notices were also sent to respondents living outside the notification area who had sent in comments regarding the application. The purpose of the "open house" was to give all interested parties the opportunity to speak to staff and the applicant, one-on-one and address issues/concerns brought forward. Attendees also had the opportunity to comment on the application by filling out a "comment form" which was provided by staff. A total of 313 comment forms were received (107 support, 201 opposed and 5 neutral) at this open house.

Open House - February 18, 2009
Comment Summary
#200 - 911 Denman Street

SUPPORT	OPPOSED	NEUTRAL (or Support w/concerns)
107	201	5

Total Comments Received at Open House - 313

DISCUSSION

Policy Issues

The subject site is located in the Downtown-Primarily Mixed Use area. The following policy issues apply in this area:

- The proposed Liquor Establishment - Class 3 venue must be greater than 100 metres away from another Liquor Establishment - Class 3 venue. Since there are no Liquor Establishments in this class within 100 metres of the site, the proposed establishment complies with Council's liquor policy for venue size and location.
- Policy also states that preference will be granted to applications relocating equivalent Liquor Primary liquor license seats from Downtown South and other areas of the City with a history of land use incompatibility issues. "Cabaret" use is no longer a permitted use in the current district schedule for 1251 Howe St. The Odyssey is considered "existing non-conforming use" under current zoning. This application complies with Council policy.

However, staff have concerns with neighbourhood impacts such as noise associated with nightclubs and patrons leaving the establishment in the early morning hours. In addition, the provisions of the smoking regulations prohibit smokers within six metres (20 feet) from entrances. This results in smokers congregating in back alleys and down residential side streets. The noise associated with patrons smoking is a concern for staff and those living in close proximity to 911 Denman St.

Concerns have been raised by the Liquor Control Licensing Branch and the Vancouver Police Department regarding having a Liquor Primary establishment located on the 2nd floor creating access issues to the establishment and any locking of access doors. As a minimum, there must be ready access to the front door of the establishment at any time when persons are inside, safe access and egress for Vancouver Police Department, City Inspectors and Liquor Inspectors at all times and a clear line of sight into all areas of the establishment.

This is a highly residential area with no sizeable nightclub or bar in the vicinity. This area does not have a significant vehicle and foot traffic flow or other type of major ambient noise as compared to the present location at 1251 Howe St.

Hours of Operation

The Odyssey, at their current location, operate under the Extended policy hours for the area which are 9:00 a.m. to 3:00 a.m. 7 days a week. The applicant is requesting the same hours of operation within the parameters of the Extended hours permitted in the Downtown - Primarily Mixed Use area. However, the hours of operation for the first six months of operation will be the standard hours for the area which are 11:00 a.m. to 1:00 a.m. on weekdays and 11:00 a.m. to 2:00 a.m. on weekends. The applicant has requested that once the six month trial period has elapsed, that staff consider granting them the Extended hours of operation if no issues/concerns have been received. The applicant is aware that the Extended Hours Liquor Establishment Class of business license is contingent on continued compliance with additional bylaw regulations.

Affirmative Proposal Aspects

- The application complies with Council's liquor policy for venue size and location;
- The applicant has demonstrated the ability to operate his business in a responsible manner;
- Council policy is to support relocation of Liquor Primary establishments out of the area of Downtown South and areas of the City with a history of land use incompatibility issues;
- Patrons of the Odyssey and members of the gay community have expressed concerns with locating the establishment outside the West End which would result in personal safety issues; and
- The time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding land uses.

Negative Proposal Aspects

- Increase in street noise and other related nuisance behaviour for area residents and business operators;
- The extended hours of liquor service may exacerbate the noise and nuisance activity in the neighbourhood;
- May exacerbate significant policing issues on the street, particularly at closing time;
- Negative synergy may result from the addition of this size of Liquor Primary establishment on Denman Street;
- Close proximity of residential area;
- Impact of patrons smoking outside and outside line-ups;
- Concerns with the location of the establishment on the second floor; and
- The number of comments received from area residents/business owners opposing the application.

As noted above, there are a number of positive aspects related to this application. There are also a number of negative issues which focus on policy issues, enforcement issues, impacts on surrounding residential areas and impacts on Denman Street which outweigh the positive attributes.

Enforcement History

SITE: Staff received regular complaints from area residents regarding noise from the restaurants which previously occupied this location.

COMMENTS

The Police Department has reviewed the application and do not support the opening of a 230 seat cabaret/bar on the second floor of 911 Denman St. This location is not suitable for a cabaret type Liquor Primary. This is a highly residential quieter area with no other sizeable cabaret or bar in the vicinity. The impact of patrons smoking outside and lining up to enter, plus the increase in noise/disturbances when over 200 patrons leave this premise at 2:00 AM will be significant. This area does not have a significant vehicle and foot traffic flow or other type of major ambient noise as compared to the present location at 1251 Howe St.

Residents in the area have clearly indicated at the two well attended open houses that they feel there could be a significant increase in the number of noise and nuisance calls to the police and City Staff. They also understand that the ability of the police to respond to these calls is limited as our resources at that time of the night are already stretched as we handle higher priority calls.

The other concern for police is the location of the cabaret on the second floor. It has been our position for a few years now that any new Liquor Primary of a cabaret type with a significant number of seats be located on the main floor of the premise. This is due to public safety concerns for the patrons, staff and police if a confrontational or violent situation had to be dealt with...

The police understand that a suitable location is a priority for the owners of the club as they must move from the present location. The cabaret must be in an area where it meets the safety concerns and needs of the patrons that attend the club and these locations are limited. If Council does not approve the application the VPD Liquor Co-ordinator will assist City Staff as they work with the owner to find a more suitable location.

The Development Services Department has reviewed this application and notes this site falls within the C-5 Zoning District. The current approved use of the building is Retail, Office, Fitness Centre, Restaurant Class 1 and Restaurant Class 2.

A proposal for a "Cabaret" at this location, would require a development permit application. The review process for this type of approval would include an assessment of neighbourhood impacts. As well, an application of this type would be reviewed in accordance with the provisions of the Cabaret and Restaurant Guidelines adopted by City Council.

The Vancouver Fire Department has reviewed this application and the applicant is to submit approved sealed plans to this office to insure the premise meets all requirements for an A2 assembly for the purpose of the required license. The plans will be reviewed by the CSG group to insure the change of use does not increase non-conformity as per VBBL 2007.

The Social Development Department has reviewed this application and note that the proposed site is in a high density residential area with many seniors and children. The late night operations would likely have impacts on the local residents.

The Central Area Planning Department has reviewed this application and note that this application poses a difficult dilemma for Council respecting neighbourhood impacts and the challenge to find a new location for the liquor primary license held by the owners of the Odyssey nightclub. Regarding the advice from the applicant's acoustic consultant, planning staff accept the conclusion that the noise generated by the music within the club can be mitigated so that it is within noise levels permitted by the City's Noise Control By-law. However, the noise impact associated with nightclubs is also related to the departure of patrons in the early morning hours. In addition, the provisions of the Provincial and City smoking regulations limits smoking to areas outside the nightclub and smoking is not permitted within six metres (about 20 feet) from entrances. This results in smokers congregating in back alleys and down residential side streets. The noise associated with patron smoking is a concern for those living close to the proposed location of the Odyssey nightclub.

On the other hand, many patrons of the Odyssey have advised staff that they are concerned that the night club will not find a new home. Some have also expressed concerns with locating the night club in a location outside the West End or Downtown South due to concerns with personal safety for those who are gay, lesbian or transgendered.

Should Council chose to refuse the application to relocate of the liquor primary license to 911 Denman Street, the applicant can consult with staff when considering alternative locations. However, an alternative location that (1) is available, (2) can accommodate the night club's current capacity, (3) complies to City by-laws and policies for liquor primary licenses; and (4) addresses the safety concerns of patrons will be limited and difficult to achieve. We may find that alternative locations for the club would present noise impacts of concern for adjacent neighbours because residential is located throughout the downtown peninsula.

Comments to Satisfy LCLB Resolution Requirements:

Location: as noted previously.

Person capacity and hours of operation: as outlined above.

Market Analysis: The City of Vancouver has no authority to regulate an operator's clientele/target market. As a result, commenting or basing a decision on Market Analysis is an unproductive use of staff time.

Traffic, noise, parking and zoning: staff have considered traffic, noise, parking and zoning matters. Staff have no concerns with traffic and zoning at this time. The zoning is C-5 which considers "cabaret" use a "conditional" use in this zone. The traffic and zoning matters will be considered further as part of the Development Permit process. Staff do have some concerns with noise coming from the establishment, from patrons smoking outside and when patrons are leaving the establishment in the early morning hours. The requirement of an "Acoustic Report"

and the signing of a "Good Neighbour Agreement" should provide adequate controls to ensure compliance with the Noise Control By-law. With respect to parking, the relevant parking by-law provisions do not require the provision of parking beyond that current on a site in the case of a change-of-use for this site from Restaurant-Class 2 to Cabaret. There is no on-site parking.

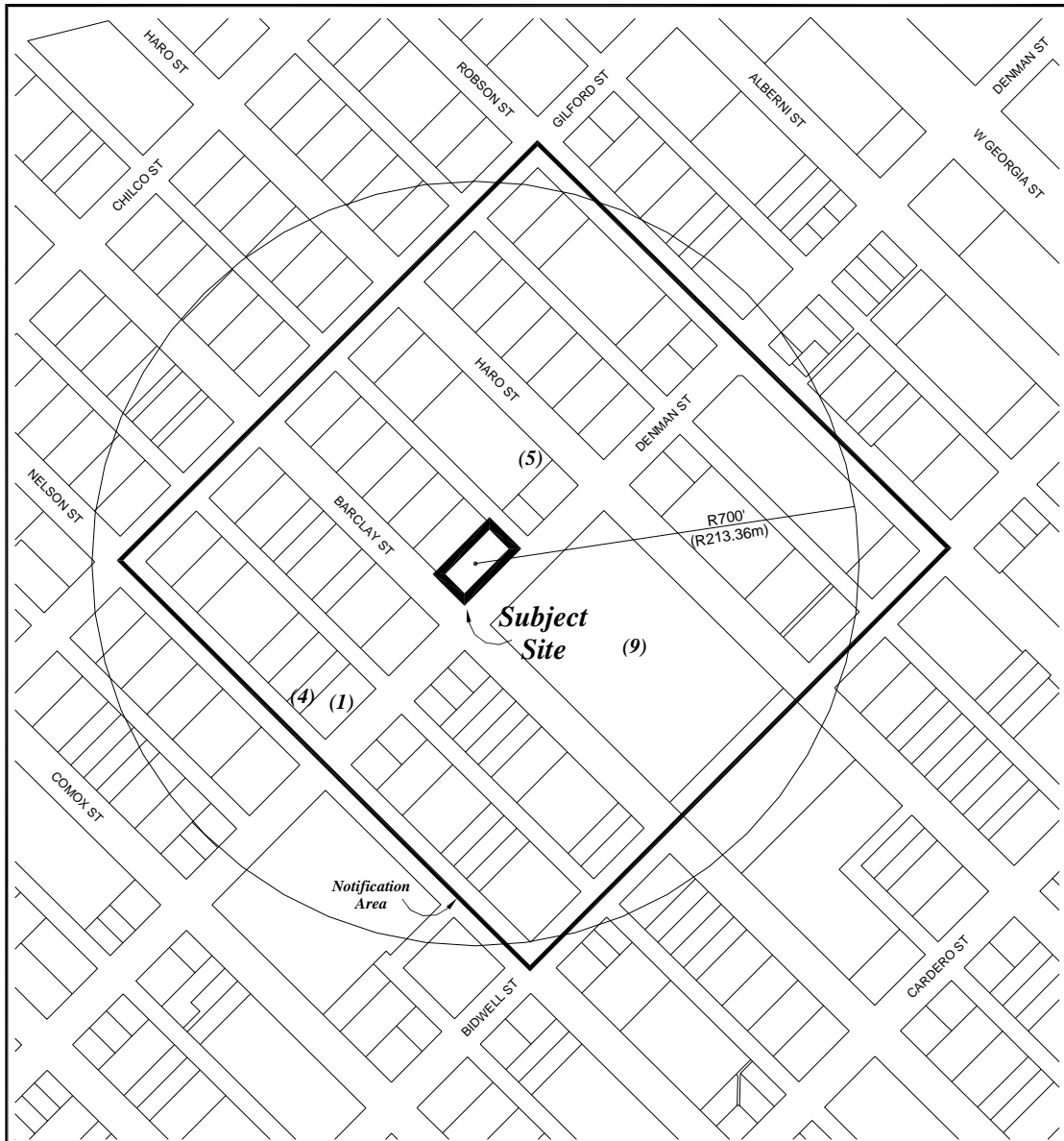
FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The relocation of this Liquor Primary liquor license and the operator's track record would generally result in staff supporting the request. However, staff have put this application forward for Council's consideration due to concerns raised by a number of area resident/business owners, Vancouver School Board, West End Citizens' Action Network, the concerns raised by the Vancouver Police Department and potential for issues/problems associated with approving this type of Liquor Primary establishment in close proximity to residential areas and land use incompatibility issues on Denman Street.

* * * * *



LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges- 961 Denman St. {Dover Arms Pub}
- (2) Government or Private Liquor Stores- N/A
- (3) Social/Private Clubs (If easily visible/distinguishable)- N/A
- (4) Closest Residential Building/Units (Including Subject Site)- 1821 Barclay St. {Cascade Apartments [21 Units]}
- (5) Large Residential Developments - 1816 Haro St. {Huntington Place [100 + Units]}
- (6) Parks- N/A
- (7) Churches- N/A
- (8) Other Social Facilities (Clinics, Rehabs, Hospitals, etc.)- N/A
- (9) Schools- 1755 Barclay St. {King George Secondary}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 1)
911 Denman Street

map: 1 of 1



City of Vancouver - Licenses & Inspections

date: Feb. 2009



Principals:
Douglas S. Kennedy, P.Eng.
Douglas J. Whicker, P.Eng.

February 4, 2009

File: 2879-09A

The Odyssey Night Club
1251 Howe Street
Vancouver, BC
V6Z 1R3

Attention: Michael Levy

Dear Michael:

Re: The Odyssey - Noise Assessment for Extended Hours Liquor Licence at 911 Denman Street

We are pleased to provide you with this acoustical report in support of your licensing application with the City of Vancouver for operation of an extended hours liquor primary establishment at The Odyssey Nightclub, 911 Denman Street, Vancouver. The report was prepared for the purpose of demonstrating compliance with the Vancouver Noise Control Bylaw No. 6555 and the proposed Acoustical Report Guidelines for Extended Hours Liquor Primary Establishments.

General Considerations

The Odyssey is currently located at 1251 Howe Street, but the owners plan to relocate it to 911 Denman Street in downtown Vancouver - see Figure 1. The nightclub is located within a primarily mixed-use area as shown in Schedule F - Map 2 of the City's Bylaw No. 6555 (Figure 2). The Odyssey is on the second floor of the building, and has both a Denman Street and a Barclay Street frontage. See photos.

For this assessment, we have not included a list of the sound system equipment, which we presume is similar to that used at the current Odyssey venue.

The nearest points of reception are the residential building immediately adjacent to the Odyssey premises on Barclay Street, and the residential building opposite on Barclay Street.

Criteria for Liquor Primary Establishments

The City of Vancouver Noise Control By-law 6555, contains the following clauses that are specifically relevant to noise emissions from liquor primary establishments:

- Clause 11 does not permit noise from a commercial premises to exceed (a) 70 dBC during the daytime or (b) 65 dBC during the nighttime, when measured at a noise sensitive point of reception.
- Clause 11A does not permit sound from an extended hours liquor establishment to cause the noise level within a residential living room or bedroom located either in the same building as the commercial establishment or having a shared wall to exceed 55 dBC.
- Clause 11B does not permit noise from an extended hours liquor establishment to exceed the background noise level measured at a noise sensitive point of reception by more than 3 dBA.
- Clause 11C does not permit noise from an extended hours liquor establishment to cause the noise level within a residential living room or bedroom located either in the same building as the commercial establishment or having a shared wall to exceed 45 dBA during the nighttime.
- Clause 11D does not permit noise from an extended hours liquor establishment (a) in a commercial or industrial zone to exceed 80 dBC or (b) in a mixed-use, residential or the downtown eastside zone to exceed 75 dBC when measured at 3m from the exterior wall.
- Clause 11E does not permit sound from an extended hours liquor establishment to exceed the background noise level measured at 3m from the exterior wall by more than 3 dBA.

By-Law 6555 defines a "point of reception" as either the nearest point to the source of noise in a lane or street adjacent to but outside of the property occupied by the recipient, or where no public property exists between the recipient and the source, any point outside the property line from which the noise emanates.

Procedure

The principal locations for assessment purposes are as follows:

- At the nearest noise sensitive point of reception (Clause 11)
- At the residential property on Barclay Street directly opposite the premises (Clause 11)
- 3m from the Denman Street facade (Clause 11D)
- 3m from the Barclay Street facade (Clause 11D)

As the premises is not currently used as a nightclub, a sound system was brought in by the club owner for the purpose of undertaking sound transmission tests between the club and assessment locations indicated above. However, even when operating the sound system to produce its maximum noise output, it was not possible to discern or measure the transmitted sound at the residential property on Barclay Street opposite the club. Therefore, the noise level assessment at this location was based purely on calculation.

To determine the noise reduction of the building envelope, we supplied pink noise to the sound system to produce a high level of noise - 114dBC - inside the building. With the pink noise source on, we measured the sound pressure level at the first three assessment locations listed above. To do this, it was necessary to wait for a break in the traffic flow. Even under these conditions, the source noise was only evident above ambient noise at 500Hz and below. Above this frequency, we assumed that the noise emanating from the building was at least 10dB below ambient.

The noise reduction through the building envelope was calculated by subtracting the outside pink noise level from the internal level. The calculated noise reduction together with the level of noise measured inside the current Odyssey nightclub was used to determine the level of noise that would be present at the assessment locations once the Odyssey is operating at its new premises.

Measurements

Design Source Levels

Nighttime measurements were made inside the current premises for the Odyssey on November 16-17, 2007 to determine the actual noise levels during normal use. The maximum three minute equivalent noise levels recorded throughout the evening period (20:30 hours to 03:00 hours) were 99 dBA and 108 dBC. We have used this as the design source level in our calculations, as shown in Table 1.

	Location	Design Source Level
Loudest 3min Leq (C-weighted)	Centre of Dance Floor	99 dBA and 108 dBC

Table 1 - Design Source Level

Calculations

The levels of outdoor noise for music played at the design source level were predicted by subtracting the calculated noise reduction to each assessment location from the design source level. In order to meet the City of Vancouver Noise Bylaw, the design source level needs to be reduced by 3dB. Consequently, with the building in its current state, the maximum allowable internal noise level should be set to 105dBC. Table 2 shows the predicted levels at the assessment locations for a design source level of 105dBC. The corresponding third octave spectra are shown in Figures 3, 4, 5 and 6.

No assessment has been made of the potential increase in ambient noise levels at noise sensitive dwellings (Clause 11B) or 3m from the building facade (Clause 11E). Noise from nightclubs tends to be dominated by low frequencies, which have less of an impact on the ambient dBA level.

Assessment Location	Resulting Noise Level	Maximum Allowable
Clause 11 - At noise sensitive locations		
At the property line to the adjacent building	65 dBC	65 dBC
At the property line to the building opposite	60 dBC	65 dBC
Clause 11D - 3m from the Facade of the Establishment		
Denman Street (3m from facade)	74 dBC	75 dBC
Barclay Street (3m from facade)	69 dBC	75 dBC

Table 2 - Predicted Sound Levels using Noise Reductions

Conclusions and Discussions

The level of noise that we predict to emanate from the new Odyssey premises for music played at a design source level of 105dBC should prove compliant with the limits set by the City of Vancouver Bylaw No. 6555 - Clauses 11 and 11D.

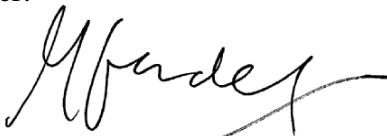
We are aware that the owners of the club plan to modify the premises internally by building two offices which would enclose the two bay windows facing Barclay Street - see Figure 7. This would reduce the noise emissions to this side of the building. However, it would be necessary to increase the sound isolation via both the Barclay Street facade and the Denman Street facade to enable the club to play music at a design source level in excess of 105dBC. Specifically, the sound isolation of the door and window to the balcony facing Barclay Street, and the windows facing Denman Street would need to be significantly increased. In principle, this could be achieved by installing gypsum wallboard or additional glazing over the door/windows, with a significant cavity between the new partition and the existing structure. BKL Consultants can provide specific details to increase the facade sound isolation sufficiently to allow an increase in the design source level if required.

Should you have any questions about this report, please do not hesitate to contact us.

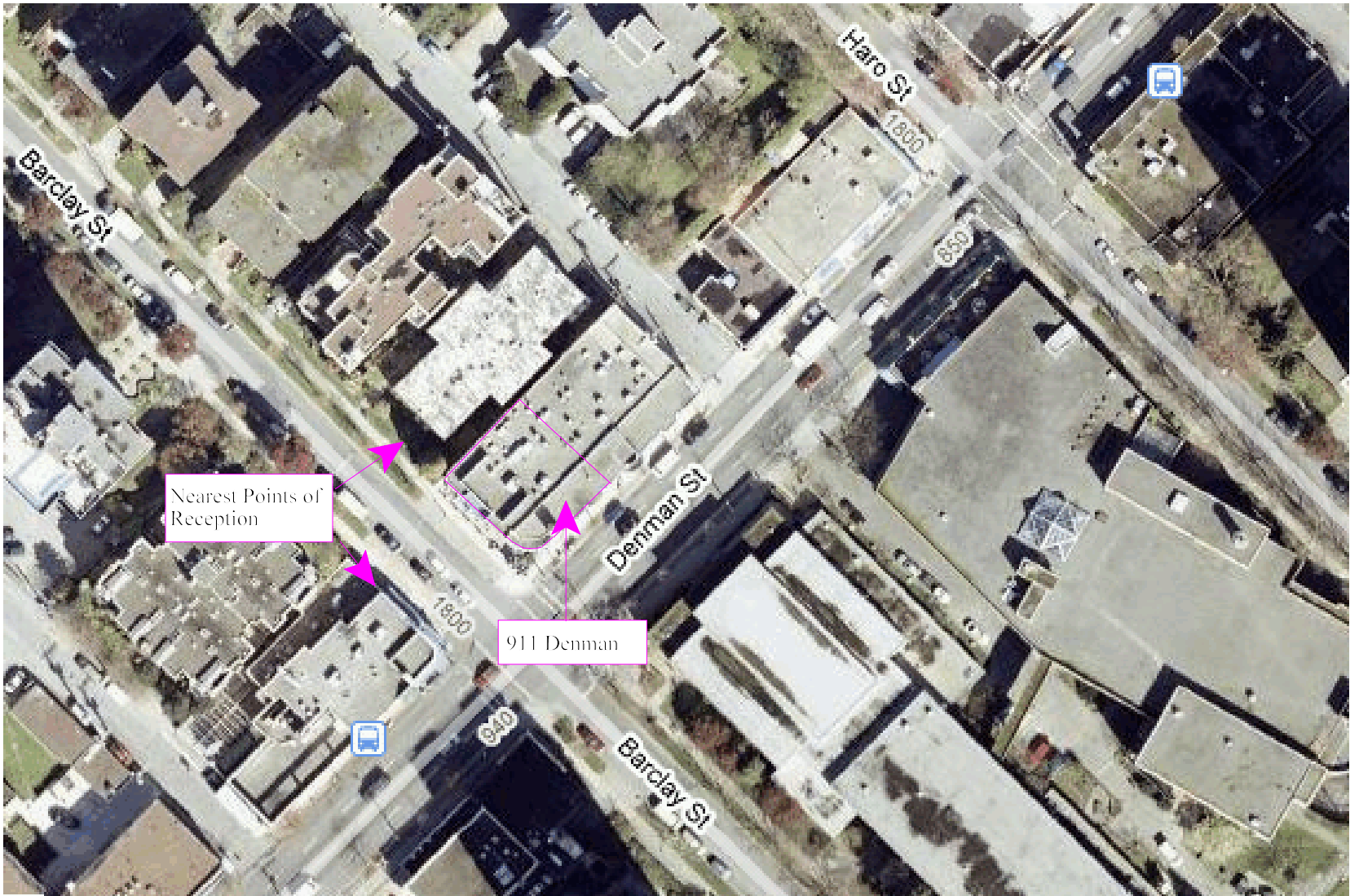
Sincerely,

BKL Consultants Ltd.

per:



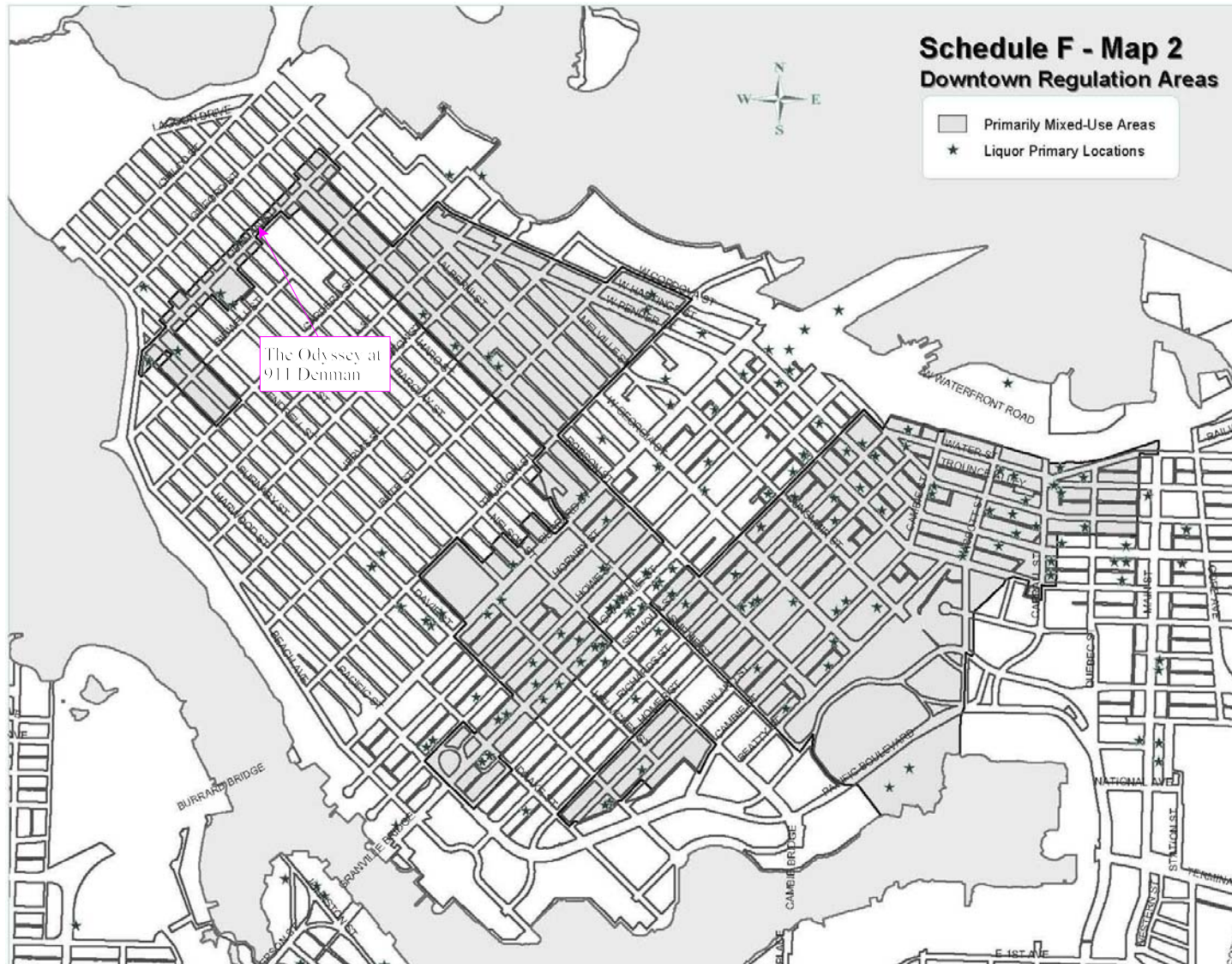
Mark Gaudet, P. Eng.



2879-09A

Figure 1: Location Plan for The Odyssey

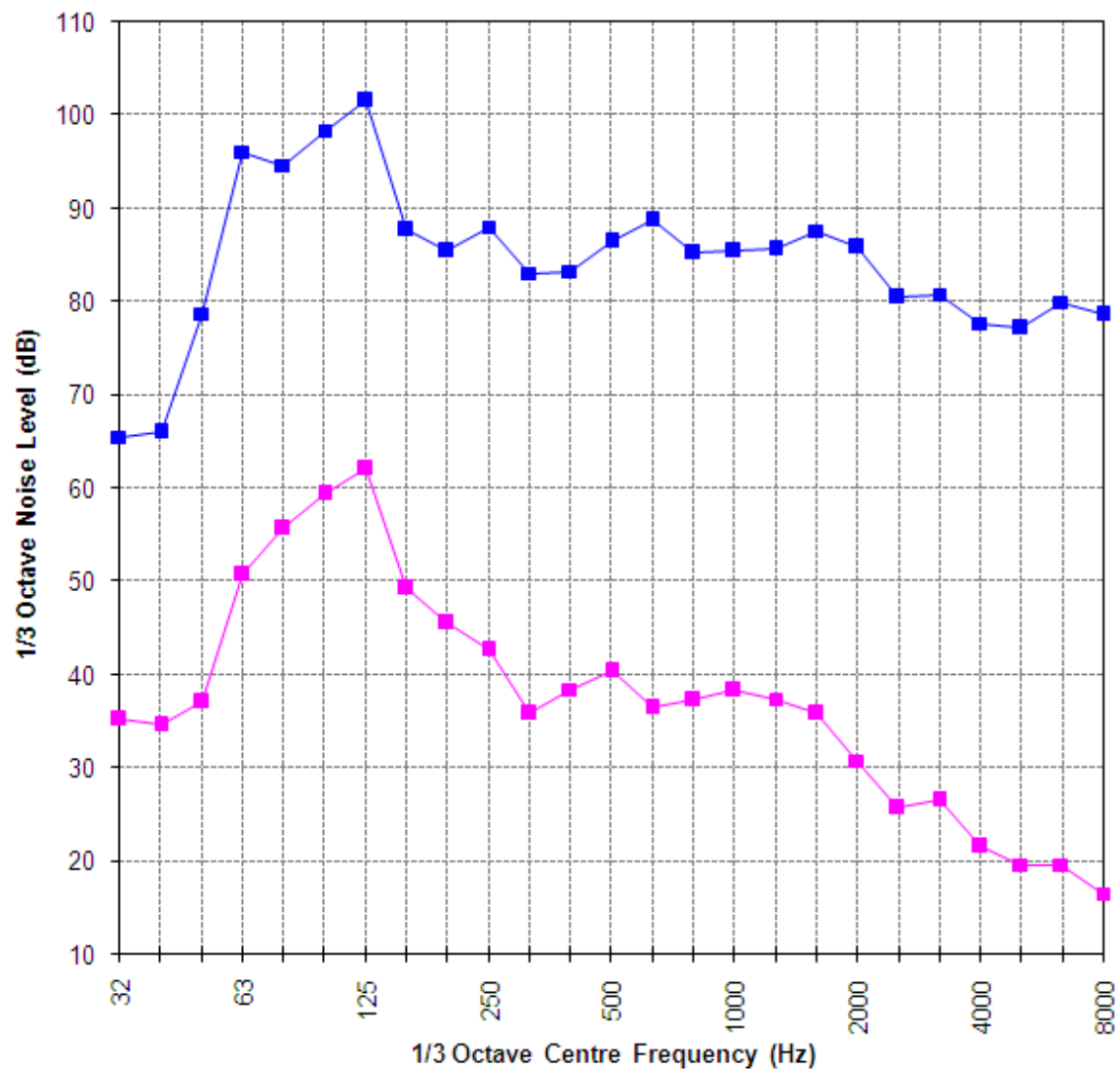
February 2009



2879-09A

Figure 2: Location of The New Odyssey Premises on Schedule F

February 2009



Legend

- 3min Indoor Music Design Level
- Predicted Outdoor Level

Barclay Street, at Point of Reception adjacent to Premises

Predicted Outdoor Noise Level: 65 dB(C)

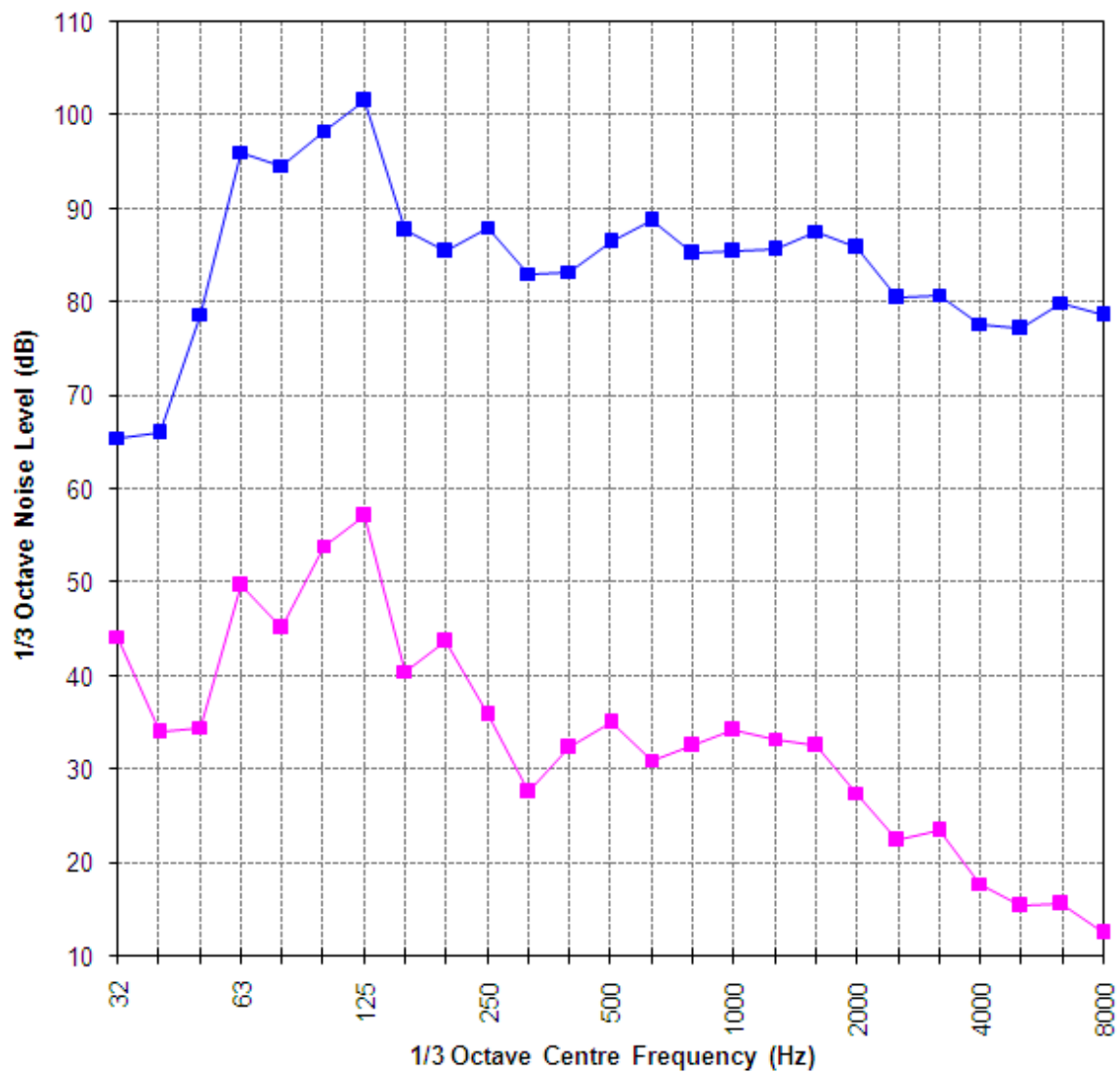
The Odyssey - 911 Denman

Facade Transmission Loss

Figure: 3

File: 2879-09A

February-09



Legend

- 3min Indoor Music Design Level
- Predicted Outdoor Level

Barclay Street, at Point of Reception opposite Premises

Predicted Outdoor Noise Level: 60 dB(C)

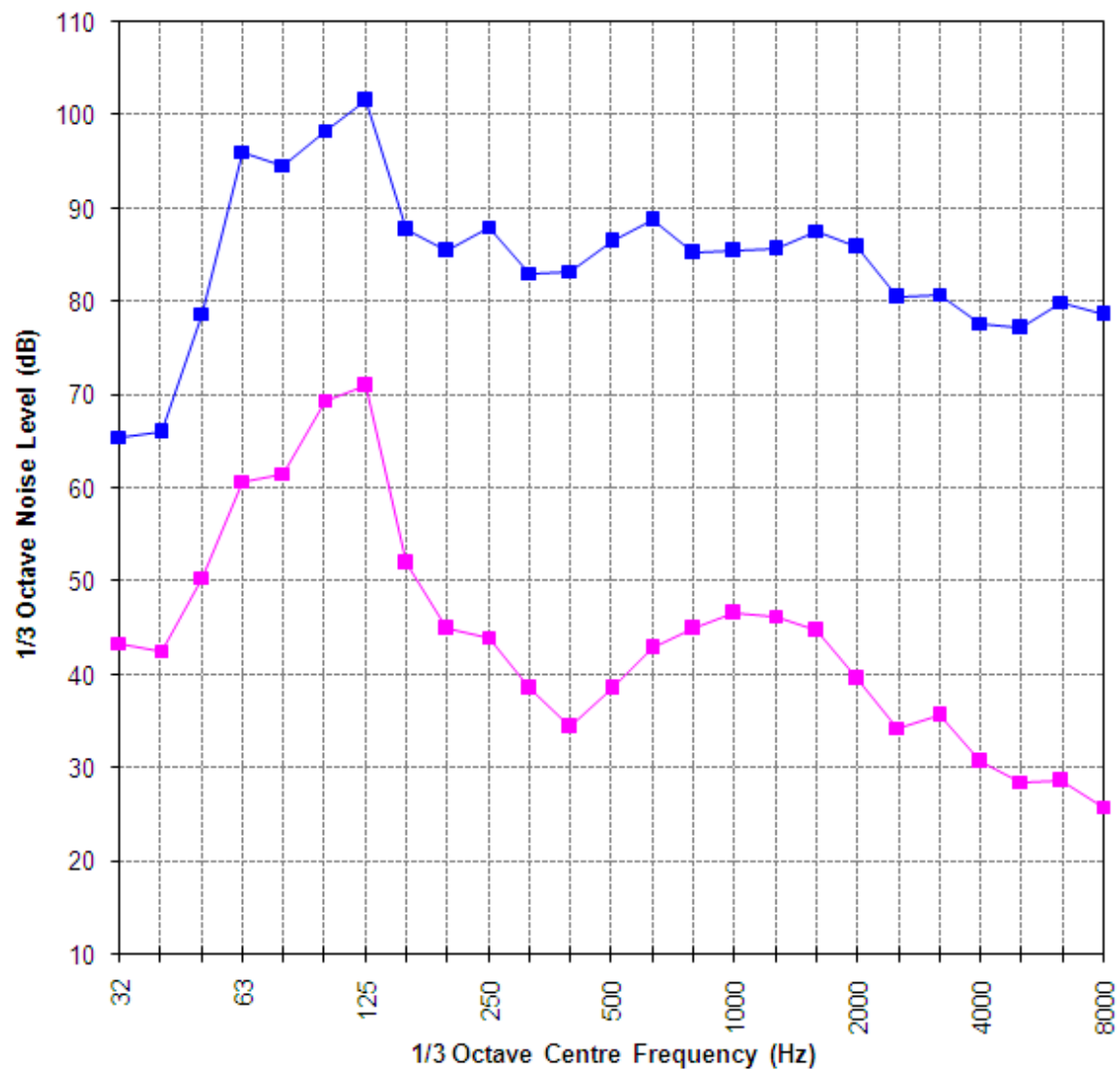
The Odyssey - 911 Denman

Facade Transmission Loss

Figure: 4

File: 2879-09A

February-09



Legend

- 3min Indoor Music Design Level
- Predicted Outdoor Level

Denman Street, 3m from façade

Predicted Outdoor Noise Level: 74 dB(C)

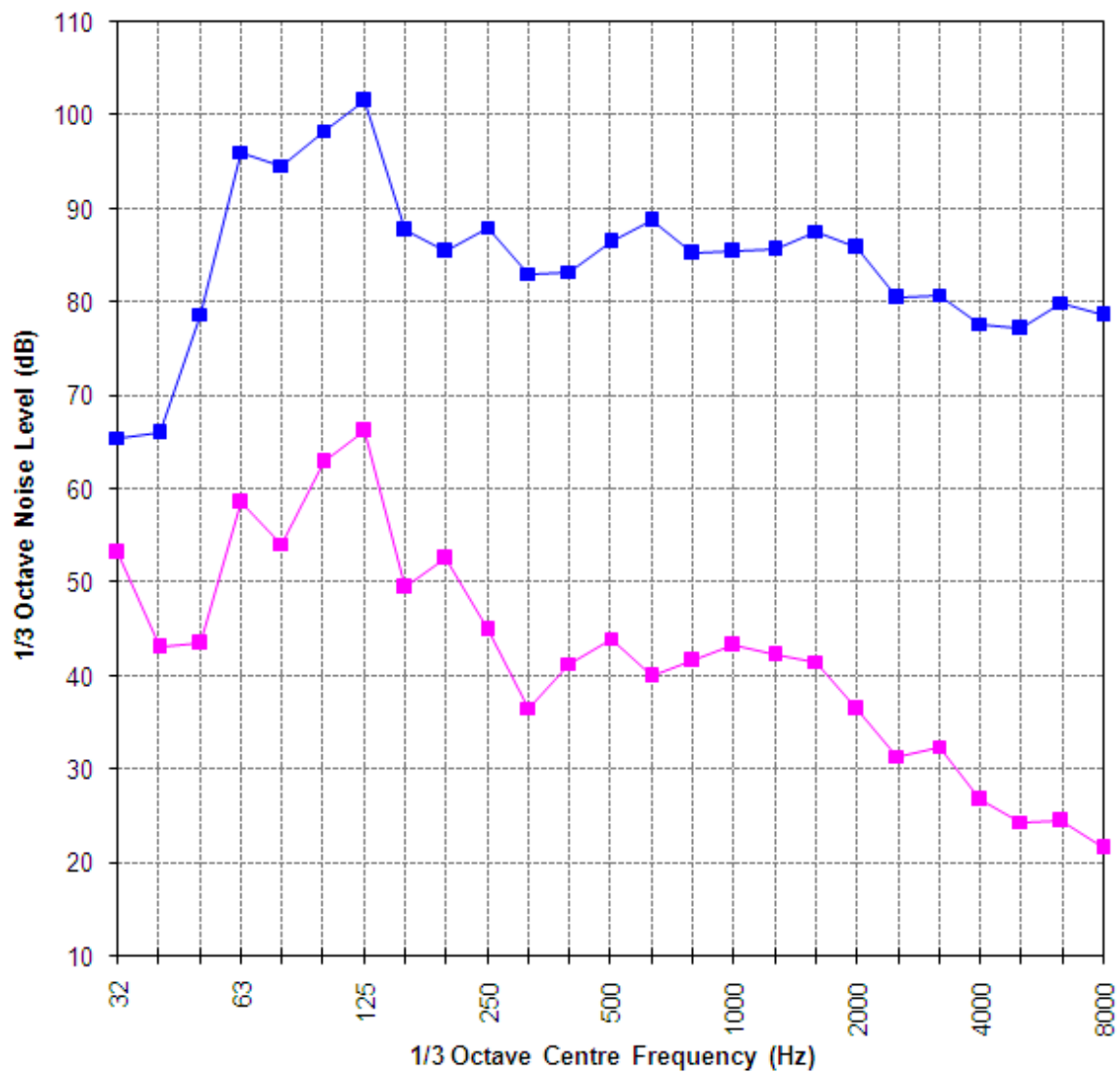
The Odyssey - 911 Denman

Facade Transmission Loss

Figure: 5

File: 2879-09A

February-09



Legend

- 3min Indoor Music Design Level
- Predicted Outdoor Level

Barclay Street, 3m from façade

Predicted Outdoor Noise Level: 69 dB(C)

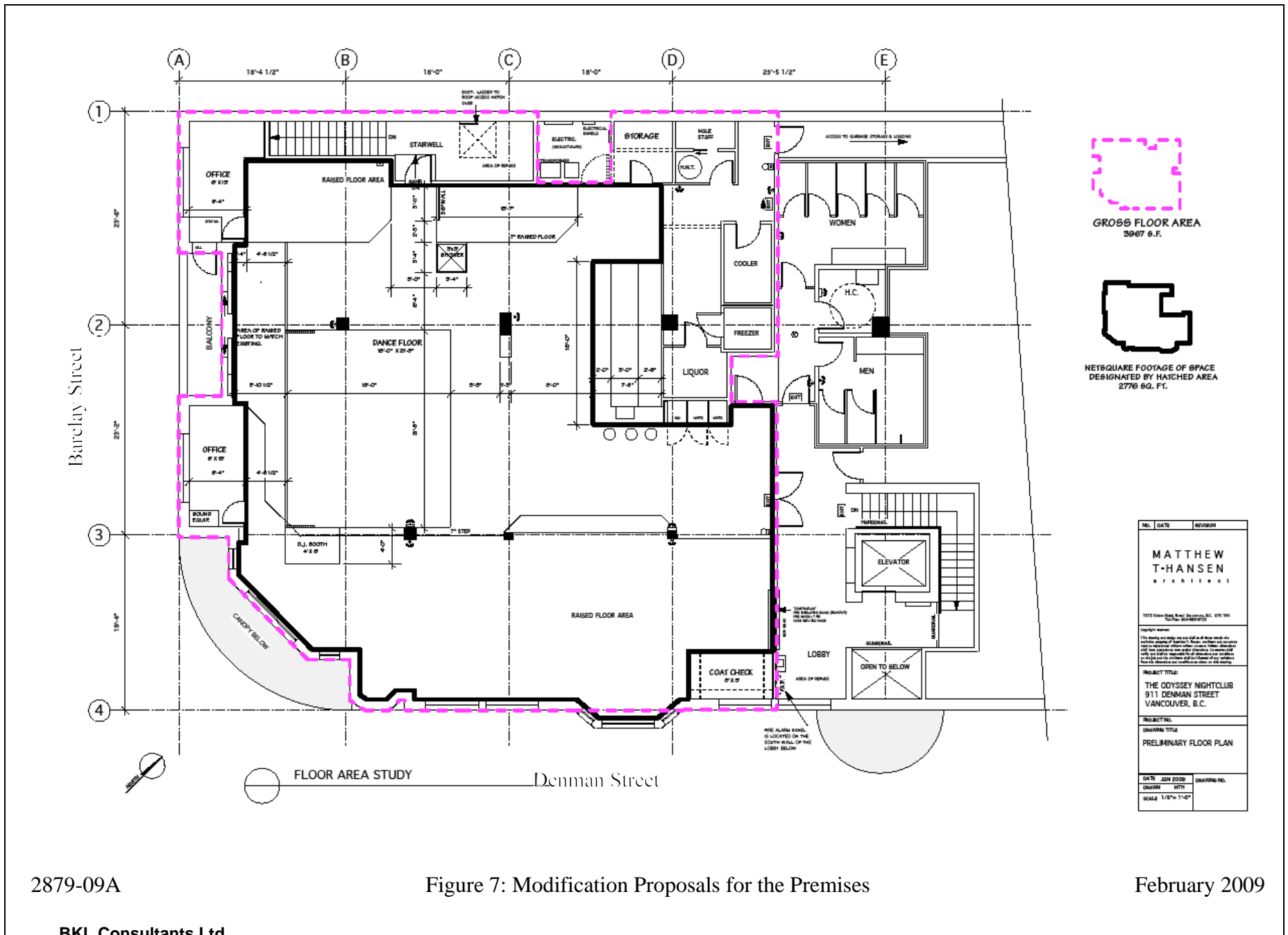
The Odyssey - 911 Denman

Facade Transmission Loss

Figure: 6

File: 2879-09A

February-09



2879-09A

Figure 7: Modification Proposals for the Premises

February 2009



Barclay Street Facade



Denman Street Facade



Adjacent Apartment Building to the west of 911 Denman



Apartment Building to the south of 911 Denman