



ADMINISTRATIVE REPORT

Report Date: April 19, 2010
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VanRIMS No.: 08-2000-20
Meeting Date: May 6, 2010

TO: Standing Committee on City Services and Budgets
FROM: Chief Licence Inspector
SUBJECT: 320 Abbott Street
733603 BC Ltd
Liquor Primary Liquor Licence for Outdoor Patio Seating

RECOMMENDATION

THAT Council, having considered the opinion of area residents and business operators of the community as determined by site sign, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in the Administrative Report dated April 19, 2010, entitled "320 Abbott Street, 733603 BC Ltd, Liquor Primary Liquor Licence for Outdoor Patio Seating", endorse the application by 733606 BC Ltd, for a Liquor Primary patio (on City property) at the Met Pub, 320 Abbott Street subject to:

- i. A maximum capacity of five (5) 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 licence agreement with an initial one-year term; and
- vi. Food service to be provided while the patio is open.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

On April 17, 2007, Council approved policy and guidelines that Liquor Primary liquor establishments be permitted to have sidewalk patios on public property subject to the current

Council-approved sidewalk patio guidelines for restaurants and subject to additional restrictions which would apply to liquor primary patios on both public and private property. These restrictions included 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 Street and public consultation.

Outdoor patios on public property (City streets) are permitted through licence 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 licences that are subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

PURPOSE

733603 BC Ltd is requesting a Council resolution endorsing their application for a five seat Liquor Primary Outdoor Patio on City property at 320 Abbott Street.

BACKGROUND

Site History

The applicant has been operating at this location since March 2009. They hold numerous liquor primary and food primary licences within the city.

This application is for the Liquor Establishment Class 3 (pub) which has a capacity of 166 seats. This application would allow the establishment to serve liquor on the outdoor patio.

Application

The applicant is proposing to establish a five person Liquor Primary Outdoor Patio (The Met Pub) at this location with licensed hours from 9:00 a.m. to 11:00 p.m., seven days a week. The patio will be located directly in front of the establishment on the sidewalk facing Abbott Street. Partial height steel walls will define the patio area. Access to and from the patio will be through the existing pub.

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 Licences. All changes/amendments to the liquor licence hours of service are subject to local government support. The LCLB has no specific policy for patios.

Area Surrounding Premises

The subject site is located in Historic Gastown (HA-2) Zoning District and for the purposes of liquor policy, it is considered to be located in the Downtown Primarily Mixed Use Area. The surrounding area is a mixture of retail, office, neighbourhood pubs, cabarets, restaurants, hotel, residential (non-profit, market and non-market), and other commercial uses (refer to Appendix A).

Within a 500' radius of the subject site, there are three (3) Liquor Establishment Class 2 (359 seats), four (4) Liquor Establishment Class 3 (873 seats), one (1) Liquor Establishment Class 4

(302 seats), and one (1) Liquor Establishment Class 5 (520 seats). The combined total of seats for all classes is 2,054 seats. In addition, there are approximately six (6) licensed restaurants (Food Primary Licence) within the area.

RESULTS OF NOTIFICATION

A site sign was erected on the site advising the area residents and businesses 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.

In response, there was one (1) comment from a nearby resident supporting the application for a five person patio.

DISCUSSION

There has been some enforcement history related to the The Met Pub with respect to bass noise issues. The applicant has addressed the bass issues by installing a "limiter" on their sound system to prevent the bass from exceeding the decibel level as outlined in the acoustic report which was submitted by an acoustic engineer. Overall, the Met Pub appears to be a well run facility. Staff generally supports outdoor patio areas subject to comments from the neighbourhood. In this case, a small patio of this size generally would not create negative issues for area residents and business operators. Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

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.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed this application and have no concerns.

The Engineering Service Department has reviewed the application and would like the patio to be reduced to 2.59' in depth as we require a minimum of 8' of useable sidewalk space for pedestrians.

The Vancouver Fire Department has reviewed this application and note that the applicant has received approval for a maximum occupant load of five persons on October 6, 2009. See FI407205.

The Central Area Planning Department has reviewed this application and have no concerns.

The Development Services Department has reviewed this application and advises this site is located in the HA-2 Zoning District (Gastown Historic Area) and the building is listed on the Vancouver Heritage Registry as Municipally Designated (M) Heritage 'C'. Our records show the current approved use of this building to be Hotel and Neighbourhood Public House.

The proposed use of the area at the front of this site for outdoor seating to be used in conjunction with the Neighbourhood Pub (Liquor Establishment Class 3) will require a Development Permit application. The review process for this type of approval will involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, social and policing impacts and noise control.

The Social Development Department has reviewed this application and has no comments.

CONCLUSION

Given the proposed patio location, size, 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. Therefore, staff are RECOMMENDING Council endorse the applicant's request for a five person Liquor Primary patio located at 320 Abbott Street (The Met Pub).

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